

ORDINANCE NO. 2007-02
TOWN OF UNION
ROCK COUNTY, WISCONSIN

**AN ORDINANCE TO IMPOSE A TEMPORARY STAY ON CONSTRUCTION
OF LARGE WIND ENERGY SYSTEMS IN THE TOWN OF UNION**

RECITALS

1. A “wind energy system” is an electricity generating facility consisting of one or more wind turbines under common ownership or operating control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customer(s). A “wind turbine” is a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator. A “large wind energy system” is a wind energy system with turbines exceeding 170 feet in height and 100 kilowatts in nameplate capacity.
2. There is an interest in establishing large wind energy systems in the Town of Union.
3. There exist potential health and safety issues related to the construction of large wind energy systems including, but not limited to, electrical connections, electric and magnetic fields, tower failure (falling turbines), tower climbing, falling ice, blade throw, flicker or shadow flicker, and noise.
4. The Town currently lacks regulations to adequately establish public health and safety standards and a review and permitting process for large wind energy systems.
5. The Town Board has been authorized under Wis. Stat. § 60.10(2)(c) to exercise powers conferred on Village Boards, and also has the authority to adopt zoning regulations under Wis. Stat. §§ 60.61 and 60.62 and 61.35.
6. The Town is beginning the process of developing and adopting an ordinance that will provide a review and permitting process and health and safety standards for large wind energy systems, and intends to adopt an ordinance that complies with Wis. Stat. § 66.0401.
7. On July 26, 2007, the Town Plan Commission conducted a public hearing, preceded by publication of a Class 2 notice, regarding what process the Town should use to study and develop a large wind energy system ordinance, and

whether the Town should maintain a temporary stay on the construction of large wind energy systems while the Town is developing and adopting a large wind energy system ordinance. The Town Plan Commission recommended the following process and timeline for developing and adopting an ordinance: (1) the Town should publish and provide on its web-site information about the Town's authority to regulate wind energy systems and the Town's intent to develop appropriate regulations with substantial public input, and inform the public that the Town is seeking volunteers to serve on a special advisory commission to study and make recommendations to the Town Plan Commission and Town Board; (2) approximately 1 month later the Plan Commission should conduct a public hearing regarding local regulation of wind energy systems, and recommend people to be appointed to an advisory commission; (3) the Town Board should appoint an advisory commission and direct the commission to study and make written recommendations to the Town Plan Commission and Town Board regarding what regulations the Town should adopt to regulate large wind energy systems, and should direct the Plan Commission to complete such work in approximately 5 months; (4) after receiving the advisory commission's report and recommendations, the Plan Commission should conduct a public hearing and hold a working session with legal counsel to begin drafting an ordinance; (5) legal counsel should prepare an ordinance for final consideration by the Plan Commission; (6) the Plan Commission should consider the draft ordinance and make final recommendations to the Town Board; (7) after receiving the Plan Commission's recommendation, the Town Board should conduct a public hearing and adopt an ordinance. Under the Town's zoning ordinance, the Plan Commission and Town Board are each required to conduct public hearings before adopting zoning ordinances. The Plan Commission has determined that this process will take approximately 12 months, and has recommended that a 12month temporary stay be adopted on the construction of large wind energy systems.

8. A temporary stay on the construction of large wind energy systems will provide the Town with the opportunity to develop and adopt the ordinance. If there is no temporary stay, wind energy projects lacking adequate public health and safety protections may be built before the Town can enact appropriate permanent regulations, because landowners or others may rush their wind energy projects in order to gain approval or proceed with construction before the Town can adopt its permanent regulations.
9. The Town Board has conducted a public hearing on this matter and agrees with the Plan Commission's recommendations regarding the process that should be

followed to develop an ordinance, and believes that the adoption of a temporary stay will promote the public health and safety of people in the Town.

NOW THEREFORE, based on the above recitals and pursuant to Article XI, section 1 of the Wisconsin Constitution, sections 60.22(3), 61.34, 60.61 and 60.62 of the Wisconsin Statutes, and any and all other sources of authority that authorize the adoption of this ordinance, the Town Board of the Town of Union, Rock County, Wisconsin, does hereby ordain as follows:

SECTION 1. Temporary Wind Energy System Stay.

There is hereby established a temporary stay on the construction of large wind energy systems in the Town. During the temporary stay provided by this ordinance it shall be unlawful to install or construct any large wind energy system or part thereof, and the Town shall not accept or process any applications relating to the proposed construction of any large wind energy system.

SECTION 2. Duration.

This temporary stay shall expire at 11:59 p.m. on August 2, 2008.

SECTION 3. Inconsistent Ordinances Voided.

All ordinances or provisions of ordinances inconsistent with or contravening the provisions of this Ordinance are hereby temporarily voided and shall have no legal force or effect during the period that this Ordinance is in effect.

SECTION 4. Scope.

The temporary stay provided by this Ordinance shall apply throughout the Town.

SECTION 5. Severability.

If any section or part of this Ordinance is adjudged to be unconstitutional, unlawful, or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 6. Effective Date.

This Ordinance shall become effective upon adoption and publication or posting, as provided by law.

The above and foregoing Ordinance was duly adopted by the Town Board of the Town of Union at a special meeting held on August 2, 2007 by a vote of ____ in favor, ____ opposed and ____ not voting.

TOWN OF UNION

By _____
Kendall Schneider, Town Chair

By _____
Regina Ylvisaker, Town Clerk

Approved: _____
Posted: _____
Published: _____