

## PORTLAND TOWNSHIP

### ORDINANCE NO. 100-6-10-A

#### AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES OR APPROVALS FOR WIND ENERGY SYSTEMS

#### PORTLAND TOWNSHIP ORDAINS:

**Section 1: Definition.** Wind Energy System. Equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system. Also refers to the term “wind turbine” or “wind generator”.

**Section 2. Findings.** In accordance with Acts 1945 P.A. 246 and 2006 P.A. 110, as amended, Portland Township has determined that:

1. When Portland Township adopted its Zoning Ordinance and its Code of Ordinances, the widespread establishment and use of Wind Energy Systems was not contemplated.
2. Pursuant to Act 1945 P.A. 246, being MCL 41.181 *et seq.*, and the Michigan Zoning Enabling Act, 2006 P.A. 110, being MCL 125.3101 *et seq.*, Portland Township has the authority to establish reasonable regulations to control the establishment and use of Wind Energy Systems in order to protect the public health, safety and welfare, including persons and property.
3. The Township desires to consider the best way to implement appropriate and reasonable regulations applicable to the establishment and use of Wind Energy Systems in order to protect the public health, safety, and welfare of Portland Township residents.
4. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary in order to allow time for review of and potential amendments to Portland Township's Code of Ordinances and Zoning Ordinance.
5. A moratorium should be imposed upon the issuance of any and all permits, licenses and approvals for any property subject to or under the jurisdiction of the Portland Township Zoning Ordinance for the establishment and use of Wind Energy Systems for six (6) months or until an amendment to the Portland Township Zoning Ordinance and/or Code of Ordinances, whichever occurs first.

**Section 3: Moratorium.** A moratorium is hereby imposed upon the issuance of any and all permits, licenses or approvals for any property subject to or under the jurisdiction of the Portland Township Zoning Ordinance for the establishment or use of Wind Energy Systems, so long as this ordinance is in effect.

**Section 4: Term of Ordinance.** The moratorium imposed by this ordinance shall remain in effect for (1) six (6) months following the effective date of this ordinance or (2) until amendments to Portland Township's Zoning Ordinance and/or Code of Ordinances become effective, whichever occurs first. Prior to the expiration of the six month moratorium, Portland Township may extend the moratorium for an additional three (3) months to allow sufficient time to complete amendments to the ordinances.

**Section 5: Validity and Severability.** Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

**Section 6: Repealer Clause.** Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 7: Effective Date.** This ordinance shall become effective immediately following publication.