

**GARFIELD TOWNSHIP
TOWNSHIP BOARD**

**RESOLUTION TO ADOPT AN ORDINANCE TO IMPOSE A MORATORIUM ON THE
ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR, OR FOR ANY
CONSTRUCTION OF, WIND ENERGY CONVERSION SYSTEMS**

At a regular meeting of the Township Board for the Township of Garfield, Bay County,
Michigan, held on the 13th day of August, 2018, at _____ p.m.

PRESENT: _____

ABSENT: _____

The following preamble and resolution were offered by _____
and seconded by _____.

WHEREAS, the Michigan Zoning Enabling Act, 2006 P.A. 110, being MCL 125.3101 *et seq.*, authorizes Garfield Township (the "Township") to adopt reasonable regulations to control the establishment and use of Wind Energy Conversion Systems; and

WHEREAS, the Township wishes to direct the Planning Commission to consider regulations applicable to Wind Energy Conversion Systems in the Township and make a recommendation to the Township Board as to proposed amendments to the Zoning Ordinance; and

WHEREAS, the Township finds that it is necessary and reasonable to establish a moratorium upon the issuance of any and all permits, licenses and approvals for any property subject to or under the jurisdiction of the Township's Zoning Ordinance for the establishment and use of Wind Energy Conversion Systems for six (6) months or until the Township amends its Zoning Ordinance regulating Wind Energy Conversion Systems and such amendments take effect, whichever occurs first; and

WHEREAS, the Township finds that adopting such a moratorium is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, the Township Board of the Township of Garfield resolves as follows:

1. The Township adopts Ordinance No. ____, An Ordinance to Impose a Moratorium on the Issuance of Permits, Licenses, or Approvals for, or for Any Construction of, Wind Energy Conversion Systems (the “Ordinance,” attached as **Exhibit A**).

2. The Ordinance shall be filed with the Township Clerk.

3. The Township Clerk shall publish notice of adoption of the Ordinance (in substantially the form of **Exhibit B**) in a newspaper of general circulation in the Township.

4. Additionally, the Township Board hereby petitions the Township Planning Commission to initiate amendments to the Zoning Ordinance to regulate Wind Energy Conversion Systems, which should include (but not be limited to) appropriate regulations concerning location, height, setback, landscaping, site plan review, shadow flicker, noise, security, and decommissioning. The Township Board requests that the Planning Commission thereafter make a recommendation to the Township Board regarding such proposed amendments in accordance with the procedures set forth in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

4. Any prior resolution that conflicts with this Resolution is repealed upon the effective date of the Ordinance, but only to the extent necessary to give this Resolution and the Ordinance full force and effect.

A vote on the above Resolution was taken and was as follows:

ADOPTED:

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
) ss.
COUNTY OF BAY)

I, the undersigned, the duly qualified and acting Township Clerk of the Township of Garfield, Michigan, CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board of said Township at a regular meeting held on the 13th day of August, 2018.

Connie Fantozzi, Township Clerk

EXHIBIT A

**GARFIELD TOWNSHIP
TOWNSHIP BOARD**

ORDINANCE NO. 2018-___

**AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS,
LICENSES, OR APPROVALS FOR, OR FOR ANY CONSTRUCTION OF, WIND
ENERGY CONVERSION SYSTEMS**

Section 1: Definition. Wind Energy Conversion 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 terms “windmill,” “wind turbine,” or “wind generator”.

Section 2. Purpose and Findings. The purpose of this moratorium is to provide sufficient time for the Township Planning Commission to fully explore, analyze, research and make recommendations to the Garfield Township Board regarding potential zoning regulations applicable to Wind Energy Conversion Systems. In support of this Ordinance, the Garfield Township Board has determined the following:

A. The Township has become aware of an increase of Wind Energy Conversion Systems in the region, which is a more recent and emerging land use. It is clear that applications for these Wind Energy Conversion Systems may be proliferating, and that applications for the construction and location of Wind Energy Conversion Systems may be imminent.

B. The integration of these Wind Energy Conversion Systems within the Township's existing land uses requires suitable regulations and controls for the protection for the health, safety and welfare of all of the Township's residents.

C. Pursuant to the Michigan Zoning Enabling Act, 2006 P.A. 110, being MCL 125.3101 *et seq.*, the Township has adopted a Zoning Ordinance.

D. The Township wishes to consider whether amendments to its Zoning Ordinance to regulate the establishment and use of Wind Energy Conversion Systems is necessary in order to better protect the public health, safety, and welfare of Township residents.

E. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary in order to allow the Township Planning Commission time to fully explore, analyze, research and develop proposed zoning amendments and make recommendations to the Garfield Township Board regarding potential amendments to the Township's Zoning Ordinance applicable to Wind Energy Conversion Systems.

F. 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 Township's Zoning Ordinance for the establishment and use of Wind Energy Conversion Systems for six (6) months or until the Township amends its Zoning Ordinance regulating Wind Energy Conversion Systems and such amendments take effect, 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 Township's Zoning Ordinance for the establishment or use of Wind Energy Conversion Systems, so long as this ordinance is in effect.

Section 4: Term of Moratorium; Renewal. The moratorium imposed by this ordinance shall remain in effect for six (6) months following the effective date of this Ordinance, or until Wind Energy Conversion System regulatory amendments to the Township's Zoning Ordinance become effective, whichever occurs first. Before this moratorium expires, the Township may by resolution extend the moratorium for up to six (6) months to allow sufficient time to complete amendments to its Zoning Ordinance, if necessary. If an extension is adopted, the Township will publish notice of the extension.

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. However, this Ordinance shall not be construed as a repeal or an amendment to the Township Zoning Ordinance; rather, it is a temporary moratorium until such time as this Ordinance expires or amendments to the Township Zoning Ordinance regulating Wind Energy Conversion Systems take effect, whichever occurs first.

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

EXHIBIT B

GARFIELD TOWNSHIP TOWNSHIP BOARD

NOTICE OF ORDINANCE ADOPTION: AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR, OR FOR ANY CONSTRUCTION OF, WIND ENERGY CONVERSION SYSTEMS

On August 13, 2018, Garfield Township (the “Township”) adopted Ordinance No. ____, An Ordinance to Impose a Moratorium on the Issuance of Permits, Licenses, or Approvals for, or for Any Construction of, Wind Energy Conversion Systems (the “Ordinance”). The following is a summary of the Ordinance. A true copy of the Ordinance is available at the Office of the Township Clerk, 1138 W. Erickson Road, Linwood, MI 48634.

Section 1. Definition. This section defines “Wind Energy Conversion System.”

Section 2. Purpose and Findings. This section describes the purpose and findings of the Ordinance made by the Township Board. This section further states that imposing a moratorium, on a limited temporary basis, is reasonable and necessary in order to allow time for the Township Planning Commission to fully explore, analyze, research and make recommendations to the Garfield Township Board regarding potential zoning regulations applicable to Wind Energy Conversion Systems.

Section 3. Moratorium. This section imposes a moratorium upon the issuance of any and all permits, licenses or approvals for, or for any construction of, any Wind Energy Conversion Systems on any property under the jurisdiction of the Township's Zoning Ordinance, so long as this Ordinance is in effect.

Section 4: Term of Moratorium; Renewal. The moratorium imposed by this Ordinance shall remain in effect for six (6) months following the effective date of this Ordinance, or until amendments to the Township Zoning Ordinance regulating Wind Energy Conversion Systems take effect, whichever occurs first. Before the moratorium imposed by this Ordinance expires, the Township Board may, by resolution, extend the moratorium for an additional six (6) months, or some lesser period of time as the Township Board deems appropriate.

Section 5. Validity and Severability. This section provides that if any portion of this Ordinance is 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. This section provides that any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give the Ordinance full force and effect. Notwithstanding, this section further provides that the Ordinance should not be construed as a repeal or an amendment to the Township Zoning Ordinance; rather, the Ordinance is a temporary moratorium until such time as the Ordinance expires or amendments to the

Township Zoning Ordinance regulating Wind Energy Conversion Systems take effect, whichever occurs first.

Section 7: Effective Date. This section provides that the Ordinance shall become effective immediately following publication.

29935:00001:3794986-1