

HOUSE BILL No. 4648

April 21, 2005, Introduced by Reps. Walker, Moolenaar, Booher, Meyer, Brandenburg, Casperson, Kahn, Garfield, Vander Veen, Amos, Gaffney, Palmer, Tobocman, Gonzales, Nitz, Hune and Emmons and referred to the Committee on Government Operations.

A bill to amend 1943 PA 184, entitled
"Township zoning act,"
(MCL 125.271 to 125.310) by adding section 16j.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16J. (1) AS USED IN THIS SECTION, A "WIND ENERGY SYSTEM"
2 OR "SYSTEM" MEANS A WIND ENERGY CONVERSION SYSTEM.

3 (2) A WIND ENERGY SYSTEM SHALL BE PERMITTED IN ALL ZONING
4 CLASSIFICATIONS SUBJECT TO ALL OF THE FOLLOWING REQUIREMENTS:

5 (A) THE WIND ENERGY SYSTEM SHALL BE BUILT AT A DISTANCE FROM
6 ALL PROPERTY LINES NOT LEASED OR OWNED BY THE OWNER OF THE SYSTEM
7 THAT IS NOT LESS THAN THE HEIGHT OF THE SYSTEM TOWER INCLUDING THE
8 TOP OF THE BLADE IN ITS VERTICAL POSITION.

9 (B) THE MINIMUM VERTICAL CLEARANCE FROM THE BLADE TIP TO THE
10 GROUND SHALL NOT BE LESS THAN 20 FEET.

11 (C) THE SOUND CREATED BY THE SYSTEM SHALL NOT EXCEED 60 DBA AT

1 THE CLOSEST PROPERTY LINE OF PROPERTY NOT SERVED BY THE SYSTEM.

2 (D) THE SYSTEM SHALL COMPLY WITH ALL APPLICABLE STATE
3 CONSTRUCTION AND ELECTRICAL CODES AND AVIATION REGULATIONS.

4 (3) BEFORE A WIND ENERGY SYSTEM IS INSTALLED, THE OWNER OF THE
5 SYSTEM SHALL NOTIFY THE OWNER'S SERVICING ELECTRIC SUPPLIER THAT
6 THE OWNER INTENDS TO INSTALL AN INTERCONNECTED WIND ENERGY SYSTEM
7 GENERATOR.

8 (4) ALL INTERCONNECTED CUSTOMER OWNED WIND ENERGY SYSTEM
9 GENERATORS SHALL COMPLY WITH ALL APPLICABLE MICHIGAN PUBLIC SERVICE
10 COMMISSION AND ELECTRIC SUPPLIER INTERCONNECTION REQUIREMENTS.

11 (5) THE OWNER OF A WIND ENERGY SYSTEM SHALL ESTABLISH AND
12 FOLLOW A REGULAR MAINTENANCE PROGRAM.

13 (6) THE OWNER OF A WIND ENERGY SYSTEM MAY APPLY TO THE
14 TOWNSHIP IN WHICH THE SYSTEM IS LOCATED FOR, AND THE TOWNSHIP MAY
15 GRANT, A VARIANCE FROM THE REQUIREMENTS OF THIS SECTION.

16 (7) AN OWNER OF A WIND ENERGY SYSTEM SHALL NOT BE FOUND TO BE
17 A PUBLIC OR PRIVATE NUISANCE IF THE SYSTEM COMPLIES WITH THE
18 REQUIREMENTS OF THIS SECTION. THIS SUBSECTION APPLIES
19 NOTWITHSTANDING ANY OF THE FOLLOWING:

20 (A) A CHANGE IN OWNERSHIP.

21 (B) TEMPORARY CESSATION OR INTERRUPTION IN PRODUCING
22 ELECTRICITY BY THE SYSTEM.

23 (C) NEW TECHNOLOGY.