

# HOUSE BILL No. 4254

February 13, 2007, Introduced by Reps. Walker, David Law, Gillard, Acciavatti, Hildenbrand, Casperson, Brandenburg, Nitz, Marleau, Palmer, Meadows, Gaffney, Pastor, Robertson, Emmons and Garfield and referred to the Committee on Intergovernmental, Urban and Regional Affairs.

A bill to amend 2006 PA 110, entitled  
"Michigan zoning enabling act,"  
(MCL 125.3101 to 125.3702) by adding section 510.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 510. (1) AS USED IN THIS SECTION, A "WIND ENERGY SYSTEM" OR  
2        "SYSTEM" MEANS A WIND ENERGY CONVERSION SYSTEM.

3        (2) A WIND ENERGY SYSTEM SHALL BE PERMITTED AS A SPECIAL OR  
4        CONDITIONAL LAND USE IN ALL ZONING CLASSIFICATIONS SUBJECT TO ALL OF  
5        THE FOLLOWING REQUIREMENTS:

6        (A) THE WIND ENERGY SYSTEM SHALL BE BUILT AT A DISTANCE FROM ALL  
7        PROPERTY LINES NOT LEASED OR OWNED BY THE OWNER OF THE SYSTEM THAT IS  
8        NOT LESS THAN 1.5 TIMES THE HEIGHT OF THE SYSTEM TOWER INCLUDING THE  
9        TOP OF THE BLADE IN ITS VERTICAL POSITION.

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

3 (C) THE SOUND CREATED BY THE SYSTEM SHALL NOT EXCEED 55 DBA AT  
4 THE CLOSEST PROPERTY LINE OF PROPERTY NOT SERVED BY THE SYSTEM.

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

7 (3) A LOCAL UNIT OF GOVERNMENT MAY DESIGNATE UP TO 10% OF THE  
8 LAND UNDER THE JURISDICTION OF THE LOCAL UNIT OF GOVERNMENT AS LAND  
9 NOT AVAILABLE FOR THE LOCATION OF A WIND ENERGY SYSTEM.

10 (4) A LOCAL UNIT OF GOVERNMENT MAY IMPOSE A REASONABLE FEE FOR  
11 THE REVIEW AND APPROVAL OF A SPECIAL OR CONDITIONAL LAND USE UNDER  
12 THIS SECTION.

13 (5) A LOCAL UNIT OF GOVERNMENT MAY REQUIRE FROM THE OWNER OF THE  
14 SYSTEM A BOND OR OTHER SECURITY TO COVER THE COSTS REASONABLY  
15 ASSOCIATED WITH THE INSTALLATION, MAINTENANCE, OR REMOVAL OF A WIND  
16 ENERGY SYSTEM.

17 (6) BEFORE A WIND ENERGY SYSTEM IS INSTALLED, THE OWNER OF THE  
18 SYSTEM SHALL NOTIFY THE OWNER'S SERVICING ELECTRIC SUPPLIER THAT THE  
19 OWNER INTENDS TO INSTALL AN INTERCONNECTED WIND ENERGY SYSTEM  
20 GENERATOR.

21 (7) ALL INTERCONNECTED CUSTOMER OWNED WIND ENERGY SYSTEM  
22 GENERATORS SHALL COMPLY WITH ALL APPLICABLE MICHIGAN PUBLIC SERVICE  
23 COMMISSION AND ELECTRIC SUPPLIER INTERCONNECTION REQUIREMENTS.

24 (8) THE OWNER OF A WIND ENERGY SYSTEM SHALL ESTABLISH AND FOLLOW  
25 A REGULAR MAINTENANCE PROGRAM.

26 (9) EXCEPT FOR SUBSECTION (2)(D), THE OWNER OF A WIND ENERGY  
27 SYSTEM MAY APPLY TO THE LOCAL UNIT OF GOVERNMENT IN WHICH THE SYSTEM

1 IS LOCATED FOR, AND THE LOCAL UNIT OF GOVERNMENT MAY GRANT, A VARIANCE  
2 FROM THE REQUIREMENTS OF THIS SECTION.

3 (10) AN OWNER OF A WIND ENERGY SYSTEM SHALL NOT BE FOUND TO BE A  
4 PUBLIC OR PRIVATE NUISANCE IF THE SYSTEM COMPLIES WITH THE  
5 REQUIREMENTS OF THIS SECTION. THIS SUBSECTION APPLIES NOTWITHSTANDING  
6 ANY OF THE FOLLOWING:

7 (A) A CHANGE IN OWNERSHIP.

8 (B) TEMPORARY CESSATION OR INTERRUPTION IN PRODUCING ELECTRICITY  
9 BY THE SYSTEM.

10 (C) NEW TECHNOLOGY.