

**TOWN OF FRIENDSHIP
FOND DU LAC COUNTY, WISCONSIN**

**ORDINANCE TO ESTABLISH A TEMPORARY MORATORIUM ON THE
DEVELOPMENT OF WIND ENERGY SYSTEMS IN THE
TOWN OF FRIENDSHIP**

The Town of Friendship, Fond du Lac County, Wisconsin, hereby adopts an Ordinance establishing a temporary moratorium on the development of wind energy systems as follows:

Section 1. Legislative Findings.

- a. The Public Service Commission of Wisconsin recently adopted regulations governing the siting process and performance standards for wind energy systems, which are found at PSC 128.
- b. The regulations in PSC 128 were set to become effective on March 1, 2011.
- c. On March 1, 2011, the Joint Committee for the Review of Administrative Rules met and voted to suspend PSC 128 under Wis. Stat., § 227.26.
- d. Section 66.0401 of the Wisconsin Statutes regulates wind energy system siting.
- e. Section 66.0401 states that a town may not impose a restriction on a wind energy system that is more stringent than the standards contained in the Public Service Commission's regulations.
- f. Without any Public Service Commission regulations in effect, it is impossible for the Town to determine the extent of its authority to regulate wind energy systems and prepare an ordinance regulating them.
- g. Without an ordinance, the Town has no authority to regulate wind energy system setbacks, noise levels, shadow flicker requirements, signal interference limits, stray voltage limits, or construction and operation standards.
- h. Residents of the Town of Friendship have expressed a desire for the Town to exercise local control on issues relating to wind energy systems and obtain a fee for wind energy development.
- i. The Town must wait for the Public Service Commission to pass new wind energy system regulations before it can adopt a wind energy system siting ordinance. And until that time, a moratorium on the development of wind energy systems in the Town is necessary to prevent wind energy systems from being constructed without local control.

- h. Time is of the essence in adoption of this moratorium.
- i. This moratorium serves to preserve and protect the public health and safety.

Section 2. Authority. This Ordinance is adopted pursuant to Wis. Stat., §§ 60.10(2)(c), 60.22(3), 60.50, 60.61, 61.34, 62.17, 62.23, 66.0401 and 236.45. This Ordinance is also adopted pursuant to the Town's police powers, which are being exercised for the purpose of protecting the public health, safety, and general welfare in the Town of Friendship.

Section 3. Temporary Moratorium on Acceptance of Applications, Construction, or Expansion of Wind Energy Systems. The Town does hereby declare a moratorium on the acceptance of applications for wind energy systems, the constructions of wind energy systems, and the expansion of wind energy systems, whether the applications are for building permits, driveway permits, or any other type of permit, or land division approval, that may be required to construct and operate wind energy systems in the Town. All applications submitted shall be returned without being considered.

Section 4. Term of Moratorium. This moratorium shall be in effect until the first day of the fourth month after the Public Service Commission adopts wind siting regulations under Wis. Stat., § 66.0401. The Town reserves the right to lift this moratorium prior to that date if the Town adopts an ordinance regulating wind energy systems, or if the Town otherwise chooses to lift the moratorium. The Town reserves the right to extend this moratorium if it finds that an extension is necessary.

Section 5. 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 6. Scope. This temporary moratorium applies throughout the Town of Friendship.

Section 7. Interpretation and Severability. This Ordinance shall be liberally construed to accomplish its intended purposes. If a court of competent jurisdiction determines that any section or provision is invalid or illegal, the court is authorized to substitute reasonable language in order to preserve the intended purposes of this ordinance. If any section or provision of this Ordinance is adjudged to be invalid or illegal by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 8. Definitions. For purposes of this Ordinance "wind energy system" shall have the same definition as that set forth in Wis. Stat., § 66.0403(1)(m).

Section 9. Effective Date. This Ordinance shall take effect upon adoption and publication as provided by law.

Adopted this 11 day of August, 2011.

TOWN OF FRIENDSHIP

By: 
Chuck McCourt, Town Chairperson

Attest:


Lori Hofmann, Town Clerk