

HOUSE BILL No. 4649

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

A bill to amend 1943 PA 183, entitled
"County zoning act,"
(MCL 125.201 to 125.240) 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 THAT
7 IS NOT LESS THAN THE HEIGHT OF THE SYSTEM TOWER INCLUDING THE TOP OF
8 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 60 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) BEFORE A WIND ENERGY SYSTEM IS INSTALLED, THE OWNER OF THE
8 SYSTEM SHALL NOTIFY THE OWNER'S SERVICING ELECTRIC SUPPLIER THAT THE
9 OWNER INTENDS TO INSTALL AN INTERCONNECTED WIND ENERGY SYSTEM
10 GENERATOR.

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

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

16 (6) THE OWNER OF A WIND ENERGY SYSTEM MAY APPLY TO THE COUNTY
17 IN WHICH THE SYSTEM IS LOCATED FOR, AND THE COUNTY MAY GRANT, A
18 VARIANCE FROM THE REQUIREMENTS OF THIS SECTION.

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

23 (A) A CHANGE IN OWNERSHIP.

24 (B) TEMPORARY CESSATION OR INTERRUPTION IN PRODUCING
25 ELECTRICITY BY THE SYSTEM.

26 (C) NEW TECHNOLOGY.