

Chapter 13 - Ordinance Regulating the Siting of Wind Energy Systems

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SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Vermont Ordinance Regulating The Siting of Wind Energy Systems. The purpose of this ordinance is to allow the Town of Vermont to regulate and permit the siting of large wind driven turbines and generators used to produce electric power and ensure any proposed wind energy system complies with applicable provisions of PSC 128, Wisconsin Administrative Code as amended, and this section. This section provides the standards and procedures for issuance of conditional use permits for wind energy systems, as defined in s. 66.0403(1)(m), Wis. Stats.

SECTION II – AUTHORITY

The Town Board of the Town of Vermont, Dane County, Wisconsin, has the specific authority under s. 66.0113, Wis. Stats., and s. 66.0401 to adopt this ordinance.

SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, provides the authority for the town to regulate and permit the siting of large wind drive turbine and generators used to produce electric power.

SECTION IV – DEFINITIONS

- A. **“Wind Energy System”** has the meaning given in s. 66.0403(1)(m), Wis. Stats.
- B. **“Application for Approval”** means an application for approval of a wind energy system under rules promulgated by the Commission under s. 196.378 (4g) (c) 1.
- C. **“Commission”** means the Wisconsin Public Service Commission.

SECTION V – REGULATIONS AND PERMITTING

- A. No restriction shall be placed, either directly or in effect, on the installation of used of a wind energy system, unless the restriction satisfies one of the following conditions:
 - (a) Serves to preserve or protect the public health or safety.
 - (b) Does not significantly increase the cost of the system or significantly decrease its efficiency.
 - (c) Allows for an alternative system of comparable cost and efficiency.
- B. Wind energy systems are a conditional use in any district in the Town of Vermont. The Town will apply Wis. Stats. S. 66.0401(4) and PSC Ch 128 Wisconsin

Administrative Code as amended, in the evaluation of such requests, and hereby incorporates by reference said sections.

- C. To the extent not inconsistent with state law, the procedures for consideration of conditional uses set forth in Dane County Ordinances s. 10.255(2), or any successor subsection, shall be followed.
- D. The permit application shall include a description of the electrical distribution system the applicant intends to use in conjunction with the wind energy system, including contractual commitments of third-parties necessary to the distribution plan. No application shall be considered complete until the applicant demonstrates a complete distribution system to facilities able to accept the entire maximum load of the wind energy system.
- E. Small scale wind energy systems, not requiring approval under section 196.491 Wis. Stats., and used for creating electricity to be used on the property, are not regulated by this ordinance.
- F. The application for approval shall be submitted to the Town Clerk, with seven (7) paper copies, together with a PDF copy and a filing fee equal to the then applicable filing fee for conditional use permits.
- G. The applicant shall offer the compensation to property owners authorized by PSC 128.33(3) & (3m) and shall file annual reports pursuant to PSC 128.33(5).

SECTION VI – RELATIONSHIP TO OTHER LAWS

The adoption of this ordinance incorporating County Zoning regulation, is intended to make both County and Town Ordinances compatible and applicable to the conditional use permit for the property where the wind energy system is to be sited.

SECTION VII – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION VIII – EFFECTIVE DATE

This ordinance is effective upon publication or posting. If at any time during the life of this ordinance rules promulgated by the Commission under s. 196.378(4g)(c)1 are ruled invalid or otherwise repealed, the portions of those rules incorporated by reference into this ordinance shall remain in full effect under this ordinance until such time as new rules are promulgated by the Commission or this ordinance is declared invalid or repealed. The Town Clerk shall properly post or publish this ordinance as required by law.

Dated this _____ day of _____, 2013.

Barb Grenlie, Chair
Kathy Smith, Treasurer
Don McKay, Supervisor
Kevin Kuntz, Supervisor

Marc Robertson, Clerk
Larry Ziemer, Supervisor
Todd Culliton, Supervisor