

**TOWN OF DECATUR**  
**ORDINANCE NO. 28**

AN ORDINANCE CREATING CHAPTER 28 OF SAID CODE OF ORDINANCES TO  
PROVIDE FOR THE REGULATION OF WIND ENERGY SYSTEMS.

RECITALS

- A. Section 66.0401 of the Wisconsin Statutes limits and defines the ability of political subdivisions to regulate wind energy systems.
- B. The Wisconsin Public Service Commission has created regulations under said statutes which further limit and define the ability of political subdivisions to regulate wind energy systems.
- C. Title 4, Chapter 11, of the Green County Zoning Regulations is titled the "Wind Energy System Siting Ordinance" and said Ordinance sets forth Green County's regulation of wind energy systems.
- D. It is the desire of the Town Board to exercise such authority as it is permitted to exercise under Wisconsin law to regulate wind energy systems and to adopt and expand on Green County's Wind Energy System Siting Ordinance.

**NOW, THEREFORE**, the Town Board of the Town of Decatur, County of Green, State of Wisconsin, ordains as follows:

**SECTION I:** Chapter 28 of the Town of Decatur Code of Ordinances, to be captioned "Wind Energy Systems," is created as follows:

**SECTION 1. INTRODUCTION AND DEFINITIONS**

**1.1 Authority**

The Town Board of Decatur has created this Chapter of the Municipal Code of the Town of Decatur, Green County, Wisconsin, under the authority granted to it pursuant to Wisconsin Statutes Section 66.0401.

**1.2 Purpose**

The purpose of this Chapter is to, within the limited authority granted to the Town Board as a political subdivision, restrict the installation and use of Wind Energy Systems within the Town of Decatur, establish procedures for regulation of Wind Energy Systems within the Town of Decatur, and preserve and protect the public health and safety within the Town of Decatur.

**1.3 Intent**

It is the general intent of this Chapter to regulate, within the limited authority granted to the Town Board by the Sections 66.0401 and 66.0403 of the Wisconsin Statutes, the installation and use of Wind Energy Systems within the Town of Decatur. The Town of Decatur hereby adopts the terms of Green County's Wind Energy System Siting Ordinance and expands on the same as set forth below.

#### 1.4 Abrogation and Lesser Restrictions

It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, or permits adopted or issued pursuant to law. If any specific provision of this Chapter is found to be a greater restriction than a specific restriction created by Wisconsin Code Chapter PSC 128 – Wind Energy Systems, authorized by Wisconsin Statute Section 196.378(4g)(b), then the lesser restriction of Wisconsin Code Chapter PSC 128 shall apply.

#### 1.5 Interpretation

The provisions of this Chapter shall be liberally construed in favor of the Town and public health and safety and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

#### 1.6 Severability

Should any provision in this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

### SECTION 2. TOWN REQUIREMENTS

#### 2.1 Notice Required

No Owner may construct a Wind Energy System within the Town of Decatur or expand an existing or previously approved Wind Energy System within the Town of Decatur without first providing Notice to the Town Board.

#### 2.2 Notice

- (A) No less than 30 days before filing an Application with the State of Wisconsin or Green County regarding any Wind Energy System, the Owner shall use a commercially reasonable method to provide written notice of the planned Wind Energy System to the Town Clerk of the Town of Decatur.
- (B) The Notice shall contain the following information:
  - (1) A complete description of the Wind Energy System, including the number and size of the planned wind turbines;
  - (2) A map showing the planned location of all Wind Energy System Facilities;


- (3) Contact information for the Owner;
- (4) A list of all potential permits or approvals the Owner anticipates may be necessary for construction of the Wind Energy System; and
- (5) Whether the Owner requests the Town of Decatur to be a part of a joint review process and the name of each city, village, town, or county that may participate in the joint review process (in which case the Town Clerk and Town chairperson shall coordinate with officials from participating parties).

### SECTION 3. PENALTIES AND ENFORCEMENT

Any person who violates any of the requirements set forth in this Chapter shall be deemed in violation of this Chapter and the Town Board may initiate action in any court of competent jurisdiction to impose a forfeiture and/or enjoin the violation. Any person shall, upon conviction of any such violation, forfeit not less than \$200 nor more than \$5000 for each day the violation continues, together with the costs of prosecution, and, in default of payment, shall be imprisoned in the county jail until such forfeiture is paid, but not to exceed 90 (ninety) days.

**SECTION II.** This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

Dated this 20 day of August, 2019.

  
Allen Schneider, Town Chair

## SUMMARY OF ORDINANCE FOR PUBLICATION

PLEASE TAKE NOTICE THAT the Town Board of the Town of Decatur, Green County, Wisconsin, has adopted Ordinance No. 28 on August 20, 2019, creating Chapter 28 of the Town of Decatur Municipal Code.

Said Ordinance results in the assumption of the powers permitted under Wisconsin law for political subdivisions to regulate wind energy systems.

The full text of the Ordinance may be obtained from the Town Clerk, Angie Geiwitz, by calling her at 608-897-4965, by viewing it on the Town's web site at townofdecatur.com or by viewing the Ordinance at the Decatur Community Center at 1408 14th St Brookhead, where it is posted.  
WI 53520

## CERTIFICATION

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Decatur on the 20 day of August, 2019, and that on the 14 day of August, 201, a summary of this ordinance, set forth above, consistent with Wis. Stat. § 60.80 (5), was published in \_\_\_\_\_, the official newspaper of the Town of Decatur.

Angie Geiwitz  
Angie Geiwitz, Town Clerk

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public, Green County, Wisconsin  
My Commission is permanent  
or expires: \_\_\_\_\_