

AMENDMENT #1 TO
ORDINANCE NO. 2010-2
TOWN OF LAND O LAKES
VILAS COUNTY, WISCONSIN

AN ORDINANCE TO IMPOSE A TEMPORARY STAY ON CONSTRUCTION
OF WIND ENERGY SYSTEMS IN THE TOWN OF LAND O LAKES

Adopted January 13, 2010

RECITALS - Paragraph #7, second sentence which now reads:

“The Town Plan Commission recommended adoption of a 12-month temporary stay on the construction of wind energy systems.”

will be amended to read:

“The Town Plan Commission recommends to the Town Board to extend the Temporary Stay on Construction of Wind Energy Systems for a period of not less than 6 months after receipt of State recommendations.”

SECTION 2. Duration – which now reads:

“This temporary stay shall expire at 11:59 p.m. one year from date of Town Board adoption.”

will be amended to read:

“This temporary stay shall expire not less than 6 months after receipt of State recommendations.”

The above ordinance amendment was duly adopted by the Town Board of the Town of Land O’ Lakes at a special town board meeting held on JAN 13 2011 by a vote of 3 in favor, 0 opposed and 0 not voting.

TOWN OF LAND O’ LAKES

By *Daniel G Balog*
Daniel G Balog, Town Chairman

Attest: *Flossie Knoth*
Flossie Knoth, Town Clerk

Approved: 1/13/11
Posted: 1/13/11



ORDINANCE No. 2010-2
TOWN OF LAND O' LAKES
VILAS COUNTY, WISCONSIN

**AN ORDINANCE TO IMPOSE A TEMPORARY STAY ON CONSTRUCTION
OF WIND ENERGY SYSTEMS IN THE TOWN OF LAND O' LAKES**

RECITALS

1. A "wind energy system" is an electricity generating facility consisting of one or more wind turbines under common ownership or operating control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity. A "wind turbine" is a wind energy conversion system, which converts wind energy into electricity through the use of a wind turbine generator.
2. There may be an interest in establishing wind energy systems in the Town of Land O' Lakes.
3. There exist potential health and safety issues related to the construction of wind energy systems including, but not limited to, electrical connections, electric and magnetic fields, tower failure (falling turbines), tower climbing, falling ice, blade throw, flicker or shadow flicker, and noise. Therefore this moratorium provides time to examine the State Public Service Commission guidelines and standards.
4. The Town currently lacks regulations to adequately establish public health and safety standards and a review and permitting process for wind energy systems.
5. The Town Board has the authority to adopt zoning regulations under Wis. Stat. § 62.23, and has the authority to adopt regulations for public health and safety reasons pursuant to Wis. Stat. § 61.34.
6. The Town is beginning the process of developing and adopting an ordinance that will provide a review and permitting process and health and safety standards for wind energy systems, and intends to adopt an ordinance that complies with Wis. Stat. § 66.0401.
7. On November 19, 2009, the Town Plan Commission conducted a public hearing, preceded by publication of a Class 2 notice, regarding what process the Town should use to study and develop a wind energy system ordinance, and whether the Town should maintain a temporary stay on the construction of wind energy systems while the Town is developing and adopting a wind energy system ordinance. The Town Plan Commission recommended adoption of a 12-month temporary stay on the construction of wind energy systems. However, we would accept applications for a variance before the 12-month period.

8. A temporary stay on the construction of wind energy systems will provide the Town with the opportunity to develop and adopt an appropriate ordinance. If there is no temporary stay, wind energy projects lacking adequate public health and safety protections may be built before the Town can enact appropriate permanent regulations, because landowners or others may rush their wind energy projects in order to gain approval or proceed with construction before the Town can adopt its permanent regulations.
9. The Town Board believes that the adoption of a temporary stay will promote the public health and safety of people in the Town.

NOW THEREFORE, based on the above recitals and pursuant to Article XI of the Wisconsin Constitution, sections 61.34 and 62.23 of the Wisconsin Statutes, and any and all other sources of authority that authorize the adoption of this ordinance, the Town Board of the Town of Land O' Lakes, Vilas County, Wisconsin, does hereby ordain as follows:

SECTION 1. Temporary Wind Energy System Stay.

There is hereby established a temporary stay on the construction of wind energy systems in the Town. During the temporary stay provided by this ordinance it shall be unlawful to install or construct any wind energy system or part thereof, and the Town shall not accept or process any applications relating to the proposed construction of any wind energy system.

SECTION 2. Duration

This temporary stay shall expire at 11:59 p.m. one year from date of Town Board adoption.

SECTION 3. 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 4. Scope.

The temporary stay provided by this Ordinance shall apply throughout the Town.

SECTION 5. Severability.

If any section or part of this Ordinance is adjudged to be unconstitutional, unlawful, or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 6. Effective Date.

This Ordinance shall become effective upon adoption and publication or posting, as provided by law.

The above and foregoing Ordinance was duly adopted by the Town Board of the Town of Land O' Lakes at a meeting held on JANUARY 13, ~~2009~~₂₀₁₀ by a vote of 3 in favor, 0 opposed and 0 not voting.

TOWN OF LAND O' LAKES

By *Daniel Balog*
Daniel Balog, Town Chairman

By *Flossie Knoth*
Flossie Knoth, Town Clerk

Approved: JANUARY 13, 2010
Posted: JANUARY 18, 2010
Published: _____

