

Wind Energy Development Decommissioning and Enforcement Regulations Across Michigan (Commercial Developments)

Community	Current Standard	
<p style="text-align: center;">Shiawassee County (Current)</p>	<p>I) The commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life, inoperability of individual WECS turbine or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Extensions may be granted upon request to the Planning Commission prior to that expiration of the one (1) year requirement for decommissioning. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County that:</p> <ol style="list-style-type: none"> 1) The financial resources for decommissioning shall be in the form of a surety bond or letter of credit shall be deposited in an escrow account with an escrow agent acceptable to Shiawassee County. 2) The County shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Escrow funds may be used for administrative fees and costs associated with decommissioning. 3) The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning. 4) The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. <p>II) An approved SUP for a commercial WECS shall expire if construction of the WECS has not commenced within 36-months from the date of issuance.</p> <p>III) Amendment Site Location Following Special Use Permit and Final Site Plan Approval. The Zoning Administrator may approve changes in location of commercial WECS and Wind Test Facilities as minor site plan modifications so long as such site location is not altered more than one hundred (100) feet and the improvement remains on the same parcel.</p>	
<p style="text-align: center;">Akron Township (Adopted 2009)</p>	<p>Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours. A report of all complaints and resolutions to complaints shall be filed with the township on an annual basis.</p>	<p>The applicant shall submit a decommissioning plan. The plan shall include:</p> <ol style="list-style-type: none"> a) the anticipated life of the project, b) the estimated decommissioning costs net of salvage value in current dollars, c) the method of ensuring that funds will be available for decommissioning and restoration, and d) the anticipated manner in which the project will be decommissioned and the site restored. e) A provision to give notice to the Township one year in advance of decommissioning. <p>A performance bond equal to the cost of decommissioning is required.</p>

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Banks Township, Antrim County (Amended 2010)	<p>Any wind turbine generator or anemometer tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The Planning Commission shall conduct a hearing following notice to determine whether it is abandoned. If the Planning Commission determines it is abandoned, the owner of such wind turbine generator or anemometer tower shall remove the same within ninety (90) days of receipt of notice from the Township regarding its determination of such abandonment. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of three (3) feet below the final grade and site vegetation shall be restored. Failure to remove an abandoned wind turbine generator or anemometer tower within the ninety (90) day period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense. The Planning Commission may require the applicant to file a bond equal to the reasonable cost of removing the wind turbine generator or anemometer tower and attendant accessory structures as a condition of a special use permit given pursuant to this section.</p>

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Bridgehampton Twp., Sanilac County (As posted on http://www.bridgehamptontownship.net/ 6.12.17)	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours. A report of all complaints and resolutions to complaints shall be filed with the township on an annual basis.</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Decommissioning: The applicant shall submit a plan describing the intended disposition of the alternative energy project at the end of its useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. Any tower/turbine left unused or inoperable for over 12 months would be deemed to be inactive. The land must be returned to its original state. Concrete bases must be removed six feet below ground level with appropriate drainage and filled with like soil that was removed. The applicant shall post a performance bond or equivalent financial instrument for decommissioning and removal which shall be effective at all times while the equipment is present on the land. The performance bond shall be in favor of Bridgehampton Township and shall be in the amount equal to a half million dollars (\$500,000.00) per wind turbine with annual increases for the rate of inflation calculated using the Consumer Price Index – All Urban Consumers published by the Bureau of Labor Statistics (BLS) or its equivalent if the BLS ceases publication of that rate of inflation. Failure of the applicant to post or keep the bond at any time shall be a violation of this Ordinance, special use permit and/or site plan. Any charges for decommissioning above the value of the bond or otherwise paid by the applicant, owner, or parent company, shall be the responsibility of the leaseholder.</p> </td> </tr> </table>	<p>Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours. A report of all complaints and resolutions to complaints shall be filed with the township on an annual basis.</p>	<p>Decommissioning: The applicant shall submit a plan describing the intended disposition of the alternative energy project at the end of its useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. Any tower/turbine left unused or inoperable for over 12 months would be deemed to be inactive. The land must be returned to its original state. Concrete bases must be removed six feet below ground level with appropriate drainage and filled with like soil that was removed. The applicant shall post a performance bond or equivalent financial instrument for decommissioning and removal which shall be effective at all times while the equipment is present on the land. The performance bond shall be in favor of Bridgehampton Township and shall be in the amount equal to a half million dollars (\$500,000.00) per wind turbine with annual increases for the rate of inflation calculated using the Consumer Price Index – All Urban Consumers published by the Bureau of Labor Statistics (BLS) or its equivalent if the BLS ceases publication of that rate of inflation. Failure of the applicant to post or keep the bond at any time shall be a violation of this Ordinance, special use permit and/or site plan. Any charges for decommissioning above the value of the bond or otherwise paid by the applicant, owner, or parent company, shall be the responsibility of the leaseholder.</p>
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Centerville Township, Leelanau County (Amended 2015)	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Revocation: The Township Board shall have the authority to revoke any special use permit if (a) it was granted in part because of a material misrepresentation by the applicant or an agent of the applicant; or (b) the holder of the special use permit violates any term of the special use permit, including any condition, or any applicable requirement of the ordinance. In either event, the Township shall give written notice to the holder of the special use permit, by ordinary mail to the last address provided to the Township by the holder of the special use permit. If the subject of the notice is a violation of a term or condition of the special use permit or the ordinance, the permit holder shall have 30 days from the date of the notice to correct the violation, unless the time period is extended at the sole discretion of the Township Supervisor. If the violation is not corrected in time, or if the subject of the notice was a material misrepresentation by the applicant or its agent, the Township Board may revoke the special use permit with cause after a hearing. The Township Board shall establish notice requirements and such other conditions for the hearing as the Township Board deems appropriate, including but not limited to the subpoena of persons and/or documents. The holder of the special use permit shall reimburse the Township for its costs, including expert consultant and attorney fees, associated with or resulting from a revocation proceeding. This paragraph shall not prevent the Township from seeking any appropriate relief in any other venue, including but not limited to civil infraction proceedings, criminal proceedings, or proceedings in civil court.</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Enforcement and Penalties: The enforcement of the Ordinance shall be the responsibility of the Centerville Township Zoning Administrator, unless otherwise specified in the ordinance or designated by the Township. An owner/operator, landowner, firm, association, corporation or representative agent of any wind energy system that is found by Centerville Township, or its designee, to be in violation of the special use permit, or to be abandoned, inoperable, or unsafe as defined in this Ordinance, or to have a serious adverse impact as defined in this Ordinance: 1) Shall provide abatement by shut down, repair, or removal of the wind energy system upon written notification from the Zoning Administrator (or other Township designee). 2) Is a civil infraction, the penalty for which shall be \$500 per occurrence. For violations that continue after a written demand for correction by the Township, each day shall be considered a separate occurrence. 3) May be subject to revocation of the special use permit for excessive and continued violations. 4) May be required to reimburse Centerville Township for cost(s) and expenses of obtaining other relief including a temporary or permanent injunction; such reimbursement may include costs and reasonable attorney fees.</p> </td> </tr> </table>	<p>Revocation: The Township Board shall have the authority to revoke any special use permit if (a) it was granted in part because of a material misrepresentation by the applicant or an agent of the applicant; or (b) the holder of the special use permit violates any term of the special use permit, including any condition, or any applicable requirement of the ordinance. 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City of Ionia, Ionia County (Amended 2010)	<p>Decommissioning: If a Special Land Use Permit is granted pursuant to this Section, the Planning Commission may require a security in the form of a cash deposit, surety bond, or irrevocable letter of credit in a form, amount, and duration with a financial institution deemed acceptable to the City, which shall be furnished by the applicant to the City in order to ensure full compliance with this Section and any conditions of approval.</p>

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<p style="text-align: center;">City of Walker, Kent County (Adopted 2009)</p>	<p>A Decommissioning plan that will be carried out at the end of the M-WET's or L-WET's useful life, which shall be submitted as a Participating Landowner Agreement, regarding equipment removal upon termination of the lease.</p> <ol style="list-style-type: none"> 1) As part of the Participating Landowner Agreement, an independent and certified professional engineer shall estimate the total cost of Decommissioning ("Decommissioning Costs") with no regard to salvage value of the equipment, and the cost of Decommissioning net salvage value of the equipment. 2) When determining this amount, the City may also require an annual escalator or increase based on the Federal Consumer Price Index (or equivalent or its successor). Said estimates shall be submitted to the City after the first year of operation and every fifth year thereafter. 3) M-WET and L-WET Owner(s) shall post and maintain Decommissioning Funds in an amount equal to one hundred percent (100%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or state chartered lending institution chosen by the Owner(s) and participating landowner(s) posting the financial security. The bonding company or lending institution shall be authorized to conduct such business as approved by City. 4) Decommissioning Funds shall be in the form of a performance bond made out to the City. 5) A condition of the bond shall be notification by the bond company to the City when the bond is about to expire or be terminated. 6) Failure to keep the bond in effect while an M-WET or L-WET is in place will be a violation of the special exception use permit. If a lapse in the bond occurs, the City may take action, up to and including requiring the cessation of operations of the WET until the bond is reposted. 7) The Owner(s)/Applicant(s) shall be responsible to record, at its sole expense, a copy of the approved Participating Landowner Agreement with 	<p>Decommissioning:</p> <ol style="list-style-type: none"> 1) The M-WET or L-WET owner/applicant shall complete Decommissioning within 12 months after the end of the WETs useful life. The term "end of useful life" is defined as zero electricity generation for a period of 12 consecutive months from a particular WET. 2) Decommissioning shall include the removal and disposal of each MWET or L-WET, accessory buildings and structures, electrical components, and all foundations to a minimum depth of 60 inches. 3) All access drives to the M-WET or L-WET shall be removed, cleared, and graded by the Owner/Applicant, unless the property owner(s) requests, in writing, a desire to maintain the access drives. All access drives shall remain private and the City shall have no duty to undertake any maintenance or repair of such drives. 4) The WET site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the Owner/Applicant of the M-WET or L-WET or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion. 5) All Decommissioning expenses are the responsibility of the Owner/Applicant. 6) The Planning Commission may grant an extension of the Decommissioning period based upon a reasonable and explanatory request by the Owner. Such extension period shall not exceed one calendar year. 7) The performance bond agent shall release the Decommissioning Funds noted in Subsection 16 (t) when the Owner/Applicant has demonstrated in writing, and the City concurs in writing, that Decommissioning has been satisfactorily completed. 8) If the M-WET or L-WET Owner/Applicant fails to complete the act of Decommissioning within the period described in this Section, then, consistent with the Participating Landowners' Agreement, the City may proceed as follows: <ol style="list-style-type: none"> I) The City of Walker may proceed to collect against the performance bond and request a release of the Decommissioning Funds. II) The Commission shall designate a contractor to complete the Decommissioning. III) All decommissioning expenses shall be charged to the performance bond of the Owner/Applicant, or its successors or assigns or such other means available at law or equity. IV) All outstanding Decommissioning expenses shall become a lien against the premises. V) Nothing herein shall limit the right of the City to pursue all means of enforcement otherwise available at law for a violation of this Section including, without limitation, seeking injunctive relief.

Wind Energy Development Decommissioning and Enforcement Regulations Across Michigan (Commercial Developments)

Community	Current Standard	
<p style="text-align: center;">Shiawassee County (Current)</p>	<p>I) The commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life, inoperability of individual WECS turbine or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Extensions may be granted upon request to the Planning Commission prior to that expiration of the one (1) year requirement for decommissioning. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County that:</p> <ol style="list-style-type: none"> 1) The financial resources for decommissioning shall be in the form of a surety bond or letter of credit shall be deposited in an escrow account with an escrow agent acceptable to Shiawassee County. 2) The County shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Escrow funds may be used for administrative fees and costs associated with decommissioning. 3) The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning. 4) The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. <p>II) An approved SUP for a commercial WECS shall expire if construction of the WECS has not commenced within 36-months from the date of issuance.</p> <p>III) Amendment Site Location Following Special Use Permit and Final Site Plan Approval. The Zoning Administrator may approve changes in location of commercial WECS and Wind Test Facilities as minor site plan modifications so long as such site location is not altered more than one hundred (100) feet and the improvement remains on the same parcel.</p>	
<p style="text-align: center;">Claybanks Township, Oceana County (Adopted 2014)</p>	<p>Complaint Resolution:</p> <ol style="list-style-type: none"> 1) Serious Violations: Except as otherwise provided in this Section, the owner/operator of the Wind Energy Harvest Site shall respond within five business days to any complaint or complaints deemed by the Township Zoning Administrator to require immediate attention due to actual or probable endangering of persons or property. Testing, if required, and paid for by the Owner/operator, will commence within ten (10) working days of verification of the validity of the complaint. The owner/operator shall provide a mitigation plan within five (5) working days of being notified of the violation, which shall be implemented as quickly as needed to mitigate or avoid the actual or probable damage. Any costs attributable to mitigation or elimination of serious violations shall be borne by the owner/operator. 2) Other Violations: Except as otherwise provided in this Section, if the Township Zoning Administrator determines that a violation of the Ordinance or the special land use permit has occurred, and the violation is determined neither to be an emergency nor a serious violation as determined above, the Township Zoning Administrator shall provide written notice to the owner/operator alleged to be in violation of this Ordinance or special land use permit. The Township Zoning Administrator and the involved parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within thirty (30) days of the written notice of violation. The Owner/operator shall pay for any necessary testing if the Owner/operator is subsequently determined to be in non-compliance. The Owner/operator is responsible for mitigating the problem within thirty (30) days from the final determination of any cause attributed to the operation of the WTG. At the discretion of the Township Zoning Administrator, mitigation involving significant construction or physical modification may have up to ninety (90) days to be completed. 3) If a complaint is not mitigated to the satisfaction of both the affected party or parties and the Township Zoning Administrator, nothing in this ordinance 	<p>Decommissioning:</p> <ol style="list-style-type: none"> 1) Should any wind turbine generator discontinue producing power for a minimum of one (1) year, the owner/operator shall be required to provide a status report to the Township Board. A review of the status report by the Township Board may result in a request for the affected wind turbine generator(s) or the entire Wind Energy Harvest Site to be decommissioned. Failure to comply with a decommissioning request may result in the issuance of a stop operation order by the Township Zoning Administrator, and revocation of the special land use permit in accordance with Section 1006. 2) The owner /operator shall post and maintain decommissioning funds in an amount equal to the net costs of decommissioning the Wind Energy Harvest Site; at no point shall decommissioning funds be less than one hundred percent (100%) of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or State-chartered lending institution chosen by the owner/operator and participating landowners posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the State and is approved by the Township Attorney. No work can begin on the Wind Energy Harvest Site before the decommissioning bond is issued and accepted. 3) The Township Clerk shall be notified within thirty (30) days of any changes in the status of a Wind Energy Harvest Site, including cessation of use, a change in its ownership, or a change in the terms of the underlying lease to the subject property.

Wind Energy Development Decommissioning and Enforcement Regulations Across Michigan (Commercial Developments)

Community	Current Standard
Shiawassee County (Current)	<p>I) The commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life, inoperability of individual WECS turbine or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Extensions may be granted upon request to the Planning Commission prior to that expiration of the one (1) year requirement for decommissioning. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County that:</p> <p>1) The financial resources for decommissioning shall be in the form of a surety bond or letter of credit shall be deposited in an escrow account with an escrow agent acceptable to Shiawassee County.</p> <p>2) The County shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Escrow funds may be used for administrative fees and costs associated with decommissioning.</p> <p>3) The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.</p> <p>4) The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.</p> <p>II) An approved SUP for a commercial WECS shall expire if construction of the WECS has not commenced within 36-months from the date of issuance.</p> <p>III) Amendment Site Location Following Special Use Permit and Final Site Plan Approval. The Zoning Administrator may approve changes in location of commercial WECS and Wind Test Facilities as minor site plan modifications so long as such site location is not altered more than one hundred (100) feet and the improvement remains on the same parcel.</p>
Cleveland Township, Leelanau County (Adopted 2015)	<p style="text-align: center;">Abandoned or Unsafe Structures:</p> <p>1) Any anemometer or wind energy system that is inoperative for a continuous period of three-hundred-sixty-five (365) days shall be considered abandoned.</p> <p>2) The owner of any anemometer or wind energy system that is abandoned or in violation of the Requirements in this Section 4.23 shall rectify the violation or remove the tower from the property within ninety (90) days of the receipt of a notice of abandonment or violation from the Cleveland Township Zoning Administrator.</p> <p>3) The landowner shall restore the site to its condition prior to location of any anemometer or wind energy system or associated structures, related devices and their foundations on site and this shall be accomplished at the expense of the current land owner(s).</p>

Wind Energy Development Decommissioning and Enforcement Regulations Across Michigan (Commercial Developments)

Community	Current Standard	
<p style="text-align: center;">Shiawassee County (Current)</p>	<p>I) The commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life, inoperability of individual WECS turbine or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Extensions may be granted upon request to the Planning Commission prior to that expiration of the one (1) year requirement for decommissioning. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County that:</p> <ol style="list-style-type: none"> 1) The financial resources for decommissioning shall be in the form of a surety bond or letter of credit shall be deposited in an escrow account with an escrow agent acceptable to Shiawassee County. 2) The County shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Escrow funds may be used for administrative fees and costs associated with decommissioning. 3) The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning. 4) The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. <p>II) An approved SUP for a commercial WECS shall expire if construction of the WECS has not commenced within 36-months from the date of issuance.</p> <p>III) Amendment Site Location Following Special Use Permit and Final Site Plan Approval. The Zoning Administrator may approve changes in location of commercial WECS and Wind Test Facilities as minor site plan modifications so long as such site location is not altered more than one hundred (100) feet and the improvement remains on the same parcel.</p>	
<p style="text-align: center;">Clinton County (Adopted 2011)</p>	<p>Non-Compliance: with the standards, requirements and limitations of the Ordinance shall constitute a violation and subject to enforcement pursuant to Article 3, Section 308.</p> <ol style="list-style-type: none"> 1) The County shall require the owner(s)/ operators of the Utility Scale WES, MET Tower or WEGF to deposit funds in the amount sufficient to pay for a sound decibel level test conducted by an acoustic technician or professional engineer to determine compliance with the requirements of this Ordinance. Such compliance tests shall be at the request of the County. 2) The owner(s)/operators shall provide to the County a yearly compliance report that at a minimum addresses compliance with the shadow flicker and noise regulations of this Ordinance. The compliance report shall be well-documented, including measurements and location where measurements are taken. Such compliance report shall meet, where applicable, ANSI standards and methodology for the measurement of sound, light or shadow. 3) Complaints generated concerning noise and shadow flicker shall be submitted to the County in writing and follow typical process and procedure under Section 308 of the Ordinance. If it is found that there may be a violation the County may draw upon deposited funds to determine compliance with the provisions herein. 4) If a Utility Scale WES or WEGF is in violation of the Ordinance noise and/or shadow flicker requirements, the owner(s) shall take immediate action to bring the violation into compliance which may include ceasing operation of the structure until the violation are corrected. 	<p>Decommissioning and Removal:</p> <ol style="list-style-type: none"> 1) The applicant shall submit a decommissioning plan to describe the anticipated life of the project, estimated cost, net of salvage value, methods of ensuring that funds will be available for decommissioning and restoration efforts including reclamation. 2) Any Utility Scale WES, MET Tower or WEGF that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of such a structure shall provide a written explanation of the in operation and a timeline of no longer than sixty (60) days to bring the facility back into compliance or removal of the structure within ninety (90) days of receipt of written notice from the County. 3) When a Utility Scale WES, MET Tower or WEGF is decommissioned all items must be removed from the property including components up to five (5) feet below grade. Reclamation includes the planting of grasses or cover crops. 4) Any material left under the 5 foot requirement shall be documented by a registered survey at the County register of deeds. 5) The owner may be exempt from removing certain items including but not limited to the entrance or roadway on the property, if the County grants written permission. 6) Failure to provide explanation within sixty (60) days as described above or apply for the necessary demolition permits within ninety (90) days of written abandonment notice from the County shall result in the following: -Within a period of thirty (30) days after the applicable grace period expires, the County may begin the process of removing the Utility Scale WES, MET Tower or WEGF structure(s) and all associated equipment at the owners expense. The County may then sell any salvageable material and deduct any monies generated from said sales from the balance of the required security bond.

Wind Energy Development Decommissioning and Enforcement Regulations Across Michigan (Commercial Developments)

Community	Current Standard	
Shiawassee County (Current)	<p>I) The commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life, inoperability of individual WECS turbine or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Extensions may be granted upon request to the Planning Commission prior to that expiration of the one (1) year requirement for decommissioning. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County that:</p> <p>1) The financial resources for decommissioning shall be in the form of a surety bond or letter of credit shall be deposited in an escrow account with an escrow agent acceptable to Shiawassee County.</p> <p>2) The County shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Escrow funds may be used for administrative fees and costs associated with decommissioning.</p> <p>3) The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.</p> <p>4) The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.</p> <p>II) An approved SUP for a commercial WECS shall expire if construction of the WECS has not commenced within 36-months from the date of issuance.</p> <p>III) Amendment Site Location Following Special Use Permit and Final Site Plan Approval. The Zoning Administrator may approve changes in location of commercial WECS and Wind Test Facilities as minor site plan modifications so long as such site location is not altered more than one hundred (100) feet and the improvement remains on the same parcel.</p>	
Emmet County (Adopted 2015)	<p>Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude Emmet County from acting on a complaint.</p>	<p>Removal of Abandoned or Unsafe WES: Any WES that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Any WES found to be unsafe or not in compliance with the standards related to noise or shadow flicker shall be found in violation of the permit. The owner of any WES that is abandoned or in violation of the permit shall remove the same within twelve (12) months of receipt of notice from the County. In addition, the owner shall restore the site of the WES to its original condition prior to the development of the WES, subject to reasonable wear and tear. Any associated foundation shall be removed to grade. Failure to remove abandoned WES within the 12 month period provided in this subsection shall be grounds for the County to remove the WES at the owners expense. The Planning Commission shall require the applicant to provide a performance guarantee equal to the reasonable cost of removing the WES and attendant accessory structures as a condition of a permit given pursuant to this section.</p>
Fenton Charter Township, Genesee County (Adopted 2009)	<p>Complaint Resolution Plan: A Planning Commission approved process to resolve complaints from nearby residents concerning the construction or operation of the project.</p> <p>Performance Bond: Performance Bond, pursuant to Section 8.09 of this Ordinance shall be provided for the applicant making repairs to public roads damaged by the construction of the wind energy system.</p>	<p>Decommissioning Plan; A Planning Commission approved decommissioning plan indicating: 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored.</p>

Wind Energy Development Decommissioning and Enforcement Regulations Across Michigan (Commercial Developments)

Community	Current Standard	
<p style="text-align: center;">Shiawassee County (Current)</p>	<p>I) The commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life, inoperability of individual WECS turbine or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Extensions may be granted upon request to the Planning Commission prior to that expiration of the one (1) year requirement for decommissioning. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County that:</p> <p>1) The financial resources for decommissioning shall be in the form of a surety bond or letter of credit shall be deposited in an escrow account with an escrow agent acceptable to Shiawassee County.</p> <p>2) The County shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Escrow funds may be used for administrative fees and costs associated with decommissioning.</p> <p>3) The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.</p> <p>4) The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.</p> <p>II) An approved SUP for a commercial WECS shall expire if construction of the WECS has not commenced within 36-months from the date of issuance.</p> <p>III) Amendment Site Location Following Special Use Permit and Final Site Plan Approval. The Zoning Administrator may approve changes in location of commercial WECS and Wind Test Facilities as minor site plan modifications so long as such site location is not altered more than one hundred (100) feet and the improvement remains on the same parcel.</p>	
<p style="text-align: center;">Gratiot County (Adopted 2009)</p>	<p>Performance Bond: The applicant shall post a performance bond or equivalent financial instrument for decommissioning. The bond shall be in favor of Gratiot County and may be provided jointly as a single instrument for multipole Townships within a single wind farm, provided that any such single instrument shall be an amount of at least \$1 million and shall contain a replenishment obligation.</p>	<p>Decommissioning: The applicant shall submit a plan describing the intended disposition of the alternative energy project at the end of its useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. Within 12 months of any tower or turbine not operating, the applicant/ owner must submit a plan to the Township concerning the status of the wind power project and steps that shall be taken to either decommission the tower or turbine, or to achieve renewed Commercial Operation. Any tower/turbine left unused or inoperable for over 24 months would be deemed to be disposed of by developer/ applicant. The land must be returned to its original state. Concrete bases will be removed four feet below ground level with appropriate drainage and filled with like soil that was removed.</p>

Wind Energy Development Decommissioning and Enforcement Regulations Across Michigan (Commercial Developments)

Community	Current Standard	
Shiawassee County (Current)	<p>I) The commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life, inoperability of individual WECS turbine or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Extensions may be granted upon request to the Planning Commission prior to that expiration of the one (1) year requirement for decommissioning. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County that:</p> <p>1) The financial resources for decommissioning shall be in the form of a surety bond or letter of credit shall be deposited in an escrow account with an escrow agent acceptable to Shiawassee County.</p> <p>2) The County shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Escrow funds may be used for administrative fees and costs associated with decommissioning.</p> <p>3) The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.</p> <p>4) The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.</p> <p>II) An approved SUP for a commercial WECS shall expire if construction of the WECS has not commenced within 36-months from the date of issuance.</p> <p>III) Amendment Site Location Following Special Use Permit and Final Site Plan Approval. The Zoning Administrator may approve changes in location of commercial WECS and Wind Test Facilities as minor site plan modifications so long as such site location is not altered more than one hundred (100) feet and the improvement remains on the same parcel.</p>	
Huron County (Amended 2015)	<p>Complaint Resolution: The Michigan Zoning Enabling Act allows a local unit of government to enact through ordinance regulations to achieve specific land management objectives and avert or solve specific land use problems; see MCL 125.3201(3). The Thumb area has been designated as a primary wind zone area and as a result it is anticipated that Huron County will experience substantial growth in wind energy facilities. In light of the foregoing, the County has developed a process for the resolution of complaints unique to wind energy systems. A description of a complaint resolution process shall be established by an applicant of a wind energy facility permit as part of its initial application for zoning approval. The process is intended to facilitate resolution of complaints concerning the construction or operation of the wind energy facility from nearby residents and/or property owners. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. A complaint resolution process approved through a wind energy facility permit shall be prepared utilizing, at a minimum, guidelines which are established by resolution of the Board of Commissioners after recommendation by the Planning Commission; and, said process shall not preclude the county from pursuing any and all appropriate legal action on a complaint.</p>	<p>Decommissioning: The applicant shall submit a plan describing the intended disposition of the Wind Energy Facilities and/or individual wind turbines at the end of their useful life, and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. A performance bond or equivalent financial instrument shall be posted in an amount determined by the County (to be utilized in the event the decommissioning plan needs to be enforced with respect to tower removal, site restoration, etc.). The bond shall be in favor of Huron County, and may be provided jointly as a single instrument for multiple townships within a single wind farm, provided that any such single instrument shall be in an amount of at least \$1 million and shall contain a replenishment obligation. The replenishment obligation shall be satisfied with other additional documentation determined by the County, if the bond is not replenishable. The County reserves the right to review the decommissioning plan every 5 years, and revise requirements as necessary.</p> <p>False Report of Official Complaint: Any person who intentionally makes a false complaint or intentionally causes a false report of a complaint or violation of Article X to the official in charge of enforcing the Wind Energy Facility Overlay Zoning Ordinance, knowing the report is false, is guilty of a civil infraction, and upon a finding of responsibility is subject to a fine of up to \$500.00 for each violation and all costs associated with the investigation and prosecution thereof.</p>

Wind Energy Development Decommissioning and Enforcement Regulations Across Michigan (Commercial Developments)

Community	Current Standard	
Shiawassee County (Current)	<p>I) The commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life, inoperability of individual WECS turbine or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Extensions may be granted upon request to the Planning Commission prior to that expiration of the one (1) year requirement for decommissioning. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County that:</p> <p>1) The financial resources for decommissioning shall be in the form of a surety bond or letter of credit shall be deposited in an escrow account with an escrow agent acceptable to Shiawassee County.</p> <p>2) The County shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Escrow funds may be used for administrative fees and costs associated with decommissioning.</p> <p>3) The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.</p> <p>4) The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.</p> <p>II) An approved SUP for a commercial WECS shall expire if construction of the WECS has not commenced within 36-months from the date of issuance.</p> <p>III) Amendment Site Location Following Special Use Permit and Final Site Plan Approval. The Zoning Administrator may approve changes in location of commercial WECS and Wind Test Facilities as minor site plan modifications so long as such site location is not altered more than one hundred (100) feet and the improvement remains on the same parcel.</p>	
Lowell Township, Kent County (Adopted 2008)	<p>Performance Guarantee: If a Special Use is approved pursuant to this section, The Planning Commission may require a security in the form of a cash deposit, surety bond, or irrevocable letter of credit in a form, amount, time duration and with a financial institution deemed acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and any conditions of approval.</p>	<p>Decommissioning Plan: The applicant shall provide a written description of the anticipated life of the system and facility; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and restoration of the site; and removal and restoration procedures and schedules that will be employed if the WES become obsolete or abandoned.</p>
Oliver Township, Huron County (2016 Draft)	<p>Complaint Resolution: 1) The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. 2) The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. 3) The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain a telephone number during business hours where nearby residents can reach a project representative.</p>	<p>Decommissioning: The applicant shall submit a decommissioning plan including: 1) The anticipated life of the project. 2) The estimated decommissioning costs net of salvage value in current dollars. 3) The method of ensuring that funds will be available for decommissioning and restoration. 4) The anticipated manner in which the project will be decommissioned and the site restored.</p>

Wind Energy Development Decommissioning and Enforcement Regulations Across Michigan (Commercial Developments)

Community	Current Standard
<p>Shiawassee County (Current)</p>	<p>I) The commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life, inoperability of individual WECS turbine or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Extensions may be granted upon request to the Planning Commission prior to that expiration of the one (1) year requirement for decommissioning. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County that:</p> <ol style="list-style-type: none"> 1) The financial resources for decommissioning shall be in the form of a surety bond or letter of credit shall be deposited in an escrow account with an escrow agent acceptable to Shiawassee County. 2) The County shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Escrow funds may be used for administrative fees and costs associated with decommissioning. 3) The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning. 4) The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. <p>II) An approved SUP for a commercial WECS shall expire if construction of the WECS has not commenced within 36-months from the date of issuance.</p> <p>III) Amendment Site Location Following Special Use Permit and Final Site Plan Approval. The Zoning Administrator may approve changes in location of commercial WECS and Wind Test Facilities as minor site plan modifications so long as such site location is not altered more than one hundred (100) feet and the improvement remains on the same parcel.</p>
<p>Osceola Township, Osceola County (Adopted 2011)</p>	<p>Decommissioning:</p> <ol style="list-style-type: none"> 1) All conversion systems must be maintained and kept in good working order or shall be removed by the property owner or lessee. Any wind turbine that has not produced electrical energy for 12 consecutive months shall be deemed to be abandoned. In the case of pooled parcels, it shall be the obligation of the pooled owners in accordance with their pro rated share to remove the abandoned wind turbine. To ensure that abandoned turbines are removed, a bond shall be required at the time of construction. 2) A condition of the bond shall be notification by the bond company to the Township Zoning Administrator when the bond is about to expire or be terminated. 3) The property owner, pooled owners, or developer shall provide the Township Zoning Administrator with a copy of the yearly maintenance inspection. 4) Failure to keep the bond in effect while a wind turbine generator or weather testing tower is in place will be a violation of the special land use approval. If a lapse in the bond occurs, the Township will use all available remedies including possible enforcement action and revocation of the special land use approval.

Wind Energy Development Decommissioning and Enforcement Regulations Across Michigan (Commercial Developments)

Community	Current Standard	
<p style="text-align: center;">Shiawassee County (Current)</p>	<p>I) The commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life, inoperability of individual WECS turbine or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Extensions may be granted upon request to the Planning Commission prior to that expiration of the one (1) year requirement for decommissioning. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County that:</p> <p>1) The financial resources for decommissioning shall be in the form of a surety bond or letter of credit shall be deposited in an escrow account with an escrow agent acceptable to Shiawassee County.</p> <p>2) The County shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Escrow funds may be used for administrative fees and costs associated with decommissioning.</p> <p>3) The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.</p> <p>4) The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.</p> <p>II) An approved SUP for a commercial WECS shall expire if construction of the WECS has not commenced within 36-months from the date of issuance.</p> <p>III) Amendment Site Location Following Special Use Permit and Final Site Plan Approval. The Zoning Administrator may approve changes in location of commercial WECS and Wind Test Facilities as minor site plan modifications so long as such site location is not altered more than one hundred (100) feet and the improvement remains on the same parcel.</p>	
<p style="text-align: center;">Otsego County LARGE TURBINES (Amended 2016)</p>	<p>Performance Guarantee:</p> <p>1) In connection with the approval of a WTG – Large the Planning Commission shall require the owner of WTG – Large to furnish the county with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the county in an amount equal to the estimated costs associated with removal of the WTG – Large and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of ten (10) feet below the natural ground level at that location.</p> <p>2) A detailed cost estimate for the removal of the tower shall be provided with the application and shall be based on Means Construction Estimating Guide or similar accepted pricing schedule and shall not include credit for the salvageable value of any materials.</p> <p>3) The amount of the performance guarantee shall be reviewed every five (5) years at the time of the Planning Commission review of the WTG – Large as noted in Section 21.47.5.7. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index, but not less than three and one-half percent (3½%) per year.</p> <p>4) If the performance bond is used to cover costs associated with inspections as noted in Section 21.47.5.4(b), the owner of the WTG – Large shall immediately insure that the full bond amount is available. Failure by the owner of the WTG – Large to insure that the full bond amount is available shall be a violation of this ordinance.</p>	<p>Decommissioning:</p> <p>1) A permit to operate a WTG shall be valid for twenty (20) years with review of the operation by the County Planning Commission at a public hearing every five years.</p> <p>2) WTG – Large that are not operated for a continuous period of twelve (12) months shall be removed by the owner of the WTG – Large within ninety (90) days of receipt of a notice from the County requiring such removal. For purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the blades of the WTG – Large remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the WTG – Large is no longer connected to the public utility electricity G – Large owner fails to remove the WTG – Large as required by this section the County shall have the authority to remove the WTG – Large and shall utilize the performance bond to cover the costs of such removal. If the performance bond is not sufficient to cover the cost of the removal or the performance bond has expired or is not available, the County shall institute an action in a court of competent jurisdiction for the collection of the cost for removal.</p>

Wind Energy Development Decommissioning and Enforcement Regulations Across Michigan (Commercial Developments)

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Shiawassee County (Current)	<p>I) The commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life, inoperability of individual WECS turbine or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Extensions may be granted upon request to the Planning Commission prior to that expiration of the one (1) year requirement for decommissioning. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County that:</p> <p>1) The financial resources for decommissioning shall be in the form of a surety bond or letter of credit shall be deposited in an escrow account with an escrow agent acceptable to Shiawassee County.</p> <p>2) The County shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Escrow funds may be used for administrative fees and costs associated with decommissioning.</p> <p>3) The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.</p> <p>4) The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.</p> <p>II) An approved SUP for a commercial WECS shall expire if construction of the WECS has not commenced within 36-months from the date of issuance.</p> <p>III) Amendment Site Location Following Special Use Permit and Final Site Plan Approval. The Zoning Administrator may approve changes in location of commercial WECS and Wind Test Facilities as minor site plan modifications so long as such site location is not altered more than one hundred (100) feet and the improvement remains on the same parcel.</p>	
White River Township, Muskegon County (2017 Draft)	<p>Abandonment: Any WECS or Testing Facilities which is not used for six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property. All above and below ground materials must be removed. The ground must be restored to its original condition within 60 days of abandonment.</p>	<p>Security: If a special use is approved pursuant to this section, the Township Board shall require security in the form of a cash deposit, surety bond, or irrevocable letter of credit (in a form, amount, time duration and with a financial institution deemed acceptable to the Township), which will be furnished by the applicant to the Township in order to ensure full compliance with this section and any conditions of approval. When determining the amount of such required security, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a special use has been approved but before construction commences upon a WECS or WECS Testing Facility. At a minimum, the financial security shall be in an amount determined by the Township to be sufficient to have the WECS or Testing Facility fully removed (and all components properly disposed of and the land returned to its original state) should such structure or structures become abandoned, dangerous or obsolete, or not in compliance with this ordinance or the special use approval. Such financial security shall be kept in full force and effect during the entire time while a WECS or WECS Testing Facility exists or is in place. Such financial security shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then-owner of the WECS or WECS Testing Facility) for at least 30 years from the date of the special use approval. Failure to keep such financial security in full force and effect at all times while a WECS or WECS Testing Facility exists or is in place shall constitute a material and significant violation of a special use approval and this ordinance, and will subject the applicant to all available remedies to the Township, including possible enforcement action and revocation of the special use approval.</p>

<p>Centerville Township, Leelanau County (Amended 2015)</p>	<p>Removal Cost Guarantee: The cost of removal and site restoration is the full responsibility of the applicant and/or owner/operator. In order to provide the greatest possible financial assurance that there will be sufficient funds to remove the wind energy system and to restore the site, the following steps shall be followed:</p> <ol style="list-style-type: none"> 1) For each wind energy system, the applicant/owner/operator shall determine an amount of money equal to the estimated removal and restoration cost. The Planning Commission shall require independent verification of the adequacy of this amount. 2) This money shall be deposited in an escrow account specified by Centerville Township, which may be an interest-bearing account. There shall be no alternative to such an account. A surety bond, letter of credit, or other financial promise shall not be accepted. 3) Withdrawals will be made from this account, solely by Centerville Township or its designee, only to pay for removal and site restoration of the wind energy system as provided for in this Ordinance. 4) Any money left in the account for each wind energy system after removal and site restoration shall be returned by Centerville Township to the then owner/operator. 	<p>Insufficiency of Removal and Administrative Cost Accounts: During the useful life and operation of the wind energy system, Centerville Township may from time to time determine, in its sole discretion, whether the amounts deposited for removal, site restoration, and administration costs are adequate for these purposes. (Costs of removal, restoration and administration may change due to technology, environmental considerations, inflation, and many other causes.) If the Township determines that these amounts, including any interest earned to date, are not adequate, the Township shall require the owner/operator to make additional deposits to the accounts to cure such inadequacy. The Township shall consider the wind energy system in violation of the Ordinance if the owner/operator fails to cure the inadequacy within sixty (60) days of notification.</p>
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<p>Centerville Township, Leelanau County (Amended 2015)</p>	<p>Removal and Site Restoration: Within ninety (90) days of receipt of written notification from the Township, the owner/operator shall begin to remove any wind energy system or anemometer tower 1) If the owner/operator determines the system is at the end of its useful life, or 2) If the Township determines the system is subject for removal because it is unsafe or abandoned, or 3) If the Township determines the special use permit is expired or has been revoked. I) Failure to begin to remove a wind energy system or anemometer tower within the 90-day period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense. II) All equipment associated with the wind energy system or anemometer tower including all materials above and below ground shall be removed, and the site shall be restored to a condition that reflects the specific character of the site including topography, vegetation, soils, drainage, and any unique environmental features. The restoration shall include: road repair, if any, and all re-grading, soil stabilization, and re-vegetation necessary to return the subject property to a stable condition consistent with conditions existing prior to establishment of the wind energy system. The restoration process shall comply with all state, county, or local erosion control, soil stabilization and/or runoff requirements or ordinances and shall be completed within one year.</p>	<p>Complaint Resolution: 1) Any individual, group of individuals or reasonably identifiable entity may file a signed and dated written complaint with the owner/operator of the wind energy system. Any complaints received directly by Centerville Township Zoning Administrator shall be referred to the owner/operator. 2) The owner/operator of the wind energy system shall report to Centerville Township Zoning Administrator all complaints received concerning any aspect of the wind energy system construction or operation as follows: I) Complaints received by the applicant/owner/operator shall be reported to Centerville Township Zoning Administrator or its designee within five business days, except that complaints regarding unsafe wind energy systems and serious violations of this ordinance as defined in this ordinance shall be reported to Centerville Township Zoning Administrator or its designee the following business day. II) The applicant/owner/operator shall document each complaint by maintaining a record including at least the following information: Name of the wind energy system and the owner/operator; Name of complainant, address, phone number; A copy of the written complaint; Specific property description (if applicable) affected by complaint; Nature of complaint (including weather conditions if germane); Name of person receiving complaint, date received; Date reported to Centerville Township Zoning Administrator; Initial response, final resolution and date of resolution; 3) The applicant/owner/operator shall maintain a chronological log of complaints received, summarizing the above information. A copy of this log, and a summary of the log by type of complaint, shall be sent on or before January 15, March 15, July 15, and October 15 to Centerville Township Zoning Administrator, covering the previous calendar quarter. An annual summary shall accompany the January 15 submission. 4) All complaints regarding unsafe wind energy systems and serious violations of this ordinance as defined in this ordinance shall be investigated on site. The complainant and a Township designee shall be invited to the investigatory meeting(s). 5) The Township may designate a person to seek a complaint resolution that is acceptable to the complainant, the Township and the owner/operator. If such a resolution cannot be obtained, the Township may take action as authorized by the enforcement section of the Ordinance. 6) The Township may at any time determine that a complaint shall be subject to enforcement and penalties as defined in this ordinance.</p>
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<p>Centerville Township, Leelanau County (Amended 2015)</p>	<p>Road Repair Costs: Any damage to a public road within Centerville Township resulting from the construction, maintenance or operation of a wind energy system shall be repaired at the applicant/owner/operator's expense. For each wind energy system:</p> <ol style="list-style-type: none"> 1) The applicant/owner/operator, Centerville Township and the Leelanau County Road Commission shall agree upon and document construction routes and public road conditions before construction begins. 2) The applicant/owner/operator shall provide security in an amount to be agreed upon by the applicant/owner/operator and Centerville Township with guidance from applicable experts, including the Leelanau County Road Commission, to be used by the Township and/or the Leelanau County Road Commission to pay for the repair of damage to public roads. 3) Failure of the applicant/owner/operator to provide these funds shall result in termination of the Permit. 	<p>Abandoned, Inoperable and Unsafe Wind Energy Systems and Adverse Impacts:</p> <ol style="list-style-type: none"> 1) Abandoned: Any wind energy system or anemometer tower that is not operated for a continuous period of nine (9) months shall be considered abandoned and subject for removal. 2) Unsafe: Any wind energy system or anemometer tower that is found to present an imminent physical threat of danger to life or a significant threat of damage to property shall be shut down immediately and removed or repaired or otherwise made safe. A Michigan professional engineer shall certify its safety prior to resumption of operation. The owner/operator shall notify the Centerville Township Zoning Administrator or the Township's designee within twenty-four (24) hours of an occurrence of tower collapse, turbine failure, fire, thrown blade or hub, collector or feeder line failure, or injury.
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**Centerville
Township,
Leelanau
County
(Amended
2015)**

Private Turbine Decommissioning:

- 1) The SSM-WET or STM-WET owner/applicant shall complete Decommissioning within 12 months after the end of the WETs useful life. The term "end of useful life" is defined as zero electricity generation for a period of 12 consecutive months from a particular WET.
- 2) All Decommissioning expenses are the responsibility of the Owner/Applicant.
- 3) The Planning Commission may grant an extension of the Decommissioning period based upon request of the Owner/Applicant. Such extension period shall not exceed one calendar year.
- 4) If the SSM-WET or STM-WET Owner/Applicant fails to complete the act of Decommissioning within the period described in this Section, the SSM-WET or STM-WET shall thereafter be deemed a public nuisance and subject to abatement as provided by law.
- 5) For STM-WETs, following removal of all items noted in (e) above, the site shall be graded and stabilized to prevent soil erosion in a manner consistent with the post-WET use of the property.