

Notice of Ordinance May 10, 2021

An Ordinance to Establish Temporary Moratorium on Development of Wind Energy Systems in the Town of Lincoln, Eau Claire County, Wisconsin was adopted and is therefore put into effect on May 10, 2021.

Summary of Ordinance: (to view the full ordinance, see below)

Findings. Residents of the Town of Lincoln have expressed a desire for the Town to exercise local control on issues relating to wind energy systems and enact an ordinance related to wind energy development in the town. For the Town to exercise local control over wind energy systems, it must enact an ordinance consistent with PSC 128. Without an ordinance related to wind energy development the Town does not have authority to regulate wind energy systems as it pertains to setbacks, noise levels, shadow flicker requirements, signal interference limits, stray voltage limits, construction and operation standards or other matters related to wind energy and the safety, health, and welfare of town residents. The Town of Lincoln does not have an ordinance regulating wind energy systems and, therefore, time is needed to investigate and establish an ordinance regulating wind energy systems consistent with PSC 128. Because the Town of Lincoln does not have planning staff, it must consult with county officials, as well as legal, engineering, or other professionals to draft an ordinance related to wind energy systems. The Town also needs to develop application and compliance forms to administer any wind energy system ordinance it may develop. Time is of the essence in adoption of this moratorium. This moratorium serves to preserve and protect the public health and safety and is in the best interests of the Town of Lincoln.

Temporary Moratorium on Acceptance of Applications, Construction, or Expansion of Wind Energy Systems. The Town does hereby declare a moratorium on the issuance of conditional use permits related to wind energy systems, acceptance of applications for wind energy systems, the construction of wind energy systems, and the expansion of wind energy systems, whether the applications are for building permits, driveway permits, or any other type of permit or land division approval, that may be required to construct and operate wind energy systems in the Town.

Term of Moratorium. This moratorium shall be in effect until six months after the date of its adoption. The Town reserved the right to lift this moratorium prior to that date if the Town adopts an ordinance regulating wind energy system, or if the Town otherwise chooses to lift the moratorium. The Town further reserves the right to extend this moratorium if it finds that an extension of necessary.

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.

Scope. This temporary moratorium applies throughout the Town of Lincoln.

Interpretation and Severability. This Ordinance shall be liberally construed to accomplish its intended purposes. If a court of competent jurisdiction determines that any section or provision is invalid or illegal, the court is authorized to substitute reasonable language in order to preserve the intended purposes of this ordinance. If any section or provision of this Ordinance is adjudged to be invalid or illegal by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Eau Claire county will be notified of the new ordinance. The full ordinance can be viewed on the Town of Lincoln website <https://lincolntownshipwi.com> it will also be posted at the Lincoln Town Hall, and CCU. You may also contact the town clerk for the complete copy.

Sherri McCormick, clerk