

AMENDMENT

36A-11

EFF: 9-14-06

CHAPTER XXIII

ZONING BOARD OF APPEALS

SECTION 23.01 CREATION, MEMBERSHIP, TERM OF OFFICE,  
OFFICERS, RULES.

- (a) There is hereby created a Zoning Board of Appeals consisting of five (5) members: the first member of such Zoning Board of Appeals shall be a member of the Planning Commission; the second member shall be a member of the Township Board appointed by the Township Board; and the remaining three (3) members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township; provided that no elected officer of the Township nor any employee of the Township Board shall serve simultaneously as one of the three (3) members or as an employee of the Township Zoning Board of Appeals.
- (b) Initially, two (2) members of the Zoning Board shall be appointed for a term of three (3) years; two (2) members shall be appointed for a term of two (2) years; and one (1) member shall be appointed for a term of one (1) year. Thereafter, each member, when appointed, shall have a term of three (3) years.
- (c) The Zoning Board of Appeals shall elect one (1) of its members as its ~~chairman~~ chairperson and one (1) of its members as secretary, and shall prescribe rules for the conduct of its affairs. The member of the Township Board who is a member of the Zoning Board of Appeals shall not serve as the Chairman of the Zoning Board of Appeals. Copies of the rules shall be made available to the public at the Office of the Township Clerk.
- (d) The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member

has the same voting rights as a regular member of the Zoning Board of Appeals.

SECTION 23.02 POWERS AND DUTIES

The Zoning Board of Appeals shall have all the powers and duties prescribed by law and by this chapter which are more particularly specified as follows:

- (a) Interpretation - Decide any question involving the interpretation of any provisions of this Ordinance, including determination of the exact location of any district boundary of the Zoning Map if there is uncertainty with respect thereto.
- (b) Variances - Grant variances from the terms and provisions of this Ordinance as provided in this Chapter.
- (c) Appeals - Hear and decide appeals of decisions made by the Building Inspector in the enforcement of this Ordinance.

SECTION 23.03 COMPENSATION

Each member shall receive a reasonable sum as determined by the Township Board for his/her services in attending each regular or special meeting of said Zoning Board of Appeals. Sums to pay said compensation and the expenses of the Zoning Board of Appeals shall be provided annually in advance by the Township Board.

SECTION 23.04 REMOVAL

Members of the Zoning Board of Appeals may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.

SECTION 23.05 MEETINGS - RECORDS

Meetings of the Zoning Board of Appeals shall be held at the call of the ~~Chairman~~ Chairperson and at such other times as the Zoning Board, in the rules of procedure, may specify. The ~~Chairman~~ Chairperson, or in his/her absence the acting ~~Chairman~~ Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and which shall be a public record.

SECTION 23.06 PROCEDURE

- (a) The presence of three (3) members shall constitute a quorum, but the concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirements, decision or determination of any administrative official or to decide in favor of the applicant in any matter upon which it is required to pass under this Ordinance or to effect any variation in such Ordinance.
- (b) Applications or appeals shall be taken within such time as shall be prescribed by the Zoning Board of Appeals, by general rule, by filing with the Building Inspector and with the Zoning Board of Appeals a notice of application or appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record from which the application or appeal was taken.
- (c) ~~When an application or appeal has been filed in proper form and with the required data, the Secretary of the Board shall place said application or appeal on the calendar for hearing at the next meeting of the Board and cause notices stating the time, place and object of the hearing to be served. Such notices shall be served personally or by first class mail within a reasonable time prior to such hearing upon the applicant or appellant, the Building Inspector and the owners of property of record within three hundred (300) feet of the premises in question; which notices, if by mail, shall be addressed to the respective property owners of record at the address given in the last assessment roll. In the event any property immediately adjacent to said premises shall be part of a different governmental subdivision, the owner of any such property shall, nevertheless, receive notice and shall be entitled to be heard. Following receipt of a written request concerning a request for a variance, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and a notice that a request for a variance has been received shall be published in a newspaper which circulates in the township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet of the property, regardless of whether the property or occupant is located within the zoning jurisdiction. The notice shall be given not less than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall:~~

1. Describe the nature of the variance request.
  2. Indicate the property which is the subject of the variance request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  3. State when and where the variance request will be considered.
  4. Indicate when and where written comments will be received concerning the variance request.
- (d) Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person requesting the interpretation not less than fifteen (15) days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within three (300) feet of the boundary of the property in question and to the occupants of all structures within three hundred (300) feet of the property, regardless of whether the property or occupant is located within the zoning jurisdiction of the boundary of the property in question. If a occupant's name is not know, the term "occupant" may be used.
- ~~(d)~~(e) Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice, as it deems proper, to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing.
- ~~(e)~~(f) Upon the hearing, any party may be heard in person or by agent or attorney.

~~(f)~~(g) The Zoning Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as, in its opinion, ought to be made in the premises and, to that end, shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.

~~(g)~~(h) ~~Any person having an interest affected by any such decision shall have the right to appeal to the Circuit Court on questions of law and fact. The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the Circuit Court for Bay County, as provided in Public Act 110 of 2006. An appeal to the Circuit Court for Bay County shall be filed within thirty (30) days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision.~~

~~(h)~~(i) Each appeal or application for variance shall be accompanied by a filing fee according to the fee schedule adopted by the Township Board which shall be deposited by the Building Inspector with the Township Treasurer.

#### SECTION 23.07 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with him/her, that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court on application, on notice to the Building Inspector, and on due cause shown.

#### SECTION 23.08 CONDITIONS OF APPROVAL

In authorizing a variance or exception, the Zoning Board may, in addition to the conditions of approval called for in this Ordinance, attach thereto such other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest, including the right to authorize such variance or exception for a limited period of time.

SECTION 23.09

TIME LIMIT ON VARIANCES

Any variance or exception granted by the Zoning Board of Appeals shall automatically become null and void after a period of twelve (12) months from the date granted unless the applicant shall have taken substantial steps toward effecting the variance within said period; provided, however, that the Zoning Board of Appeals may extend such period for a further period of time not exceeding one (1) year upon application and without further notice.

SECTION 23.10

VARIANCES PERMITTED

Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power to vary or modify any of the provisions hereof so that the spirit of the Ordinance shall be observed, public safety promoted, and substantial justice done. The Zoning Board of Appeals may grant such variances only upon finding that all of the following conditions exist:

- (a) Where it is found that, by reason of the exceptional narrowness, shallowness or shape of a specific parcel or property or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship, provided that the Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which would, without undue hardship, be included as part of the lot.
- (b) Where it is found that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this Ordinance and a request is made to vary such regulations so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.
- (c) Where it is found that the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation in this Ordinance.

SECTION 23.11

VARIANCES PROHIBITED

No variance granted under this Ordinance shall permit a use not otherwise permitted within the zoning district wherein the subject property is located. No variance in the provisions or requirements of this Ordinance shall be effected by the Zoning Board of Appeals unless it finds, from reasonable evidence, that such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and welfare and, further, that at least two (2) of the following facts and conditions exist:

- (a) That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone;
- (b) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance; or
- (c) That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this Zoning Ordinance.

SECTION 23.12                      SPECIAL CONDITIONS

In considering any applications, the Zoning Board of Appeals shall review the case within the intent of the Ordinance. Before granting a variance, the Zoning Board of Appeals shall determine whether the variance would be unduly hazardous or a nuisance to the surrounding neighborhood by reason of noise, atmospheric pollution, vibration, glare, fire potential, parking, traffic, aesthetic effect, devaluation of property values, or psychological effects. For such purpose, the Zoning Board may require the appellant to enlist experts, technicians and consultants. The Zoning Board may impose such additional requirements and conditions necessary to preserve the intent of this Ordinance as provided in Section 23.08.

## CHAPTER XXIV

### SEVERABILITY CONFLICT WITH OTHER ORDINANCES AND CODIFICATION

#### SECTION 24.01 SEVERABILITY

The provisions of this Ordinance are severable and it is the intention of the Hampton Charter Township Board to confer the whole or any part of the powers herein provided. If any of the provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of the court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Township Board that this Ordinance would have been adopted had such unconstitutional provisions not be included therein.

#### SECTION 24.02 CONFLICT WITH OTHER ORDINANCES

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this Ordinance conflicts with any other part, it shall be administratively appealed to the Township Board for a final determination of intent. The remainder of the Ordinance shall have the full force and effect and be liberally construed in favor of preservation of public health, safety, and welfare.

#### SECTION 24.03 CODIFICATION

It is the intention of the Township Board that the provisions of this Ordinance shall become and be made a part of a Hampton Charter Township Development Code; and that sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and typographical errors which do not affect the intent may be corrected by the Township Board without need of public hearing by filing a corrected or codified copy of same with the Township Clerk and publishing such changes in a newspaper of general distribution within the Township within fifteen (15) days of such authorization.

CHAPTER XXV

MISCELLANEOUS PROVISIONS

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SECTION 25.01 ADMINISTRATIVE LIABILITY

No officer, agent, employee, or member of the Planning Commission, Township Board, or Zoning Board of Appeals shall render himself/herself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his/her duties and responsibilities pursuant to this Ordinance.

SECTION 25.02 REPEAL

This former Zoning Ordinance of the Township, effective April 28, 1979, and all amendments thereto, are hereby repealed; provided, however, that the same shall remain in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of any penalty or liability thereunder. All other ordinances and parts of ordinances, or amendments thereto, of the Township of Hampton in conflict with the provisions of this Ordinance, except those ordinances and parts of ordinances or amendments thereto which are more restrictive than this Ordinance, are hereby repealed.

**CHAPTER XXVI**

**PENALTIES**

SECTION 26.01 VIOLATIONS AND PENALTIES

Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Building Inspector. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance. A record of the disposition of complaints shall be filed. Any owner or agent and any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith or with any of the requirements thereof or who shall erect, structurally alter, enlarge, rebuild or move any building or buildings or any structure, or who shall put into use any lot or land in violation of any statement or plan submitted hereunder, or shall refuse reasonable opportunity to inspect any premises, shall be liable to a fine of not more than five hundred dollars (\$500) or to imprisonment for not more than ninety (90) days in the Bay County Jail, or both. Each and every day such violation continues shall be deemed a separate and distinct violation.

The owner of any building or structure, lot or land, or part thereof, where anything in violation of this Ordinance shall be placed or shall exist, or any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who assists in the commission of such violation shall each be guilty of a separate violation and, upon conviction thereof, shall each be liable to the fine or imprisonment, or both, as specified in this Section.

SECTION 26.02 VIOLATIONS DECLARED NUISANCES

Any building or structure erected, altered, enlarged, rebuilt, or moved, or any use carried on in violation of any provisions of this Ordinance is hereby declared to be a nuisance per se. Any court of competent jurisdiction may order such nuisance abated and the owner guilty of maintaining a nuisance per se.

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SECTION 26.03

PROCEDURE

The Township Board, the Zoning Board of Appeals, the duly authorized Attorney for the Township, the Prosecuting Attorney for Bay County, or any owners or occupants of any real estate within the Township may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.



CHAPTER XXVII

REGULATIONS FOR SMALL WIND

CHAPTER XXVII is added in its entirety:

SECTION 27.01 PURPOSE AND INTENT

The purpose of this Chapter is to establish siting guidelines for small wind energy turbines in Hampton Charter Township that:

- 1) Promotes the development of a clean renewable energy resource,
- 2) Establishes safe, effective, and efficient use of small wind energy turbines,
- 3) Minimizes potential adverse impacts between land uses, and
- 4) Establishes standards and procedures for the siting, design, engineering, installation, operation, and maintenance of small wind energy turbines.

SECTION 27.02 PERMITTED USES

A Building-Mounted Wind Turbine (Building Mounted) and a Small Tower Wind Turbine (Small Tower) shall be considered a permitted use in all zoning districts and shall not be erected, constructed, installed, or modified as provided in this Ordinance unless a building permit has been issued to the Owner(s) or Operator(s).

All Building Mounted and Small Tower turbines are subject to the following minimum requirements:

A. Siting and Design Requirements:

1. Visual Appearance

- (a) A Building Mounted or Small Tower turbine, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the Building Mounted or Small Tower turbine.
- (b) A Building Mounted or Small Tower turbine shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.

- (c) Building Mounted or Small Tower turbine shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.
2. Ground Clearance: The lowest extension of any blade or other exposed moving component of a Building Mounted or Small Tower turbine shall be at least twenty (20) feet above the ground (at the highest point of the natural grade within thirty (30) feet of the base of the tower) and, in addition, at least twenty (20) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the Building Mounted or Small Tower turbine.
3. Noise: Noise emanating from the operation of a Building Mounted or Small Tower turbine shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a Building Mounted(s) or Small Tower turbine shall not exceed, at any time, the lowest ambient noise level plus 5 dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.
4. Vibration: Vibrations shall not be produced which are humanly perceptible beyond the property on which a Building Mounted or Small Tower turbine is located.
5. Guy Wires: Guy wires shall not be permitted as part of the Building Mounted or Small Tower turbine.
6. **Building Mounted Tribunes.** In addition to the Siting and Design Requirements listed previously, the Building Mounted turbine shall also be subject to the following:
- (a) Height: The height of a Building Mounted turbine shall not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
- (b) Setback: The setback of the Building Mounted turbine shall be a minimum of forty (40) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the Building Mounted turbine is affixed by any extension to the side, roof, or

other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of forty (40) feet. The setback shall be measured from the furthest outward extension of all moving parts.

(c) Location: The Building Mounted turbine shall not be affixed to the wall on the side of a structure facing a road.

(d) Quantity:

i. In the Agricultural (A) district, no more than one (1) Building Mounted turbine is allowed to be affixed to each principal building and accessory building.

ii. For one-family homes, two-family homes, and multiple-family dwellings in any zoning district except the Agricultural (A) district, no more than one (1) Building Mounted turbine shall be installed on any parcel of property.

iii. In all other zoning districts except the Agricultural (A) district, no more than three (3) Building Mounted turbines shall be installed on any parcel of property.

(e) Separation: If more than one Building Mounted turbine is installed, a distance equal to the height of the highest Building Mounted turbine must be maintained between the base of each Building Mounted turbine.

7. **Small Tower Turbines:** In addition to the Siting and Design Requirements listed previously, the Small Tower turbine shall also be subject to the following:

(a) Height: The Total Height of a Small Tower turbine shall be equal to the distance from the location of the Small Tower turbine to the nearest property line, or up to one hundred (100) feet, whichever is smaller.

(b) Location: Small Tower turbines shall only be located in a rear yard of a property that has an occupied building.

(c) Occupied Building Setback: The setback from all occupied buildings on the applicant's parcel shall be a minimum of twenty (20) feet measured from the

base of the Tower.

- (d) Other Setbacks: The setback shall be equal to the Total Height of the Small Tower turbine, as measured from the base of the Tower, from the property line, public right-of-way, public easement, or overhead public utility lines. This setback may be reduced if the applicant provides a registered engineer's certification that the wind turbine is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the wind turbine.
- (e) Quantity:
- i. In the Agricultural (A) district, no more than five (5) Small Tower turbines shall be installed on any parcel of property.
- ii. For one-family homes, two-family homes, and multiple-family dwellings in any zoning district except the Agricultural (A) district, no more than one (1) Small Tower turbine shall be installed on any parcel of property.
- iii. In all other zoning districts except the Agricultural (A) district, no more than three (3) Small Tower turbines shall be installed on any parcel of property.
- (f) Separation: If more than one Small Tower turbine is installed on a parcel of property, a distance equal to the height of the highest Small Tower turbine must be maintained between the bases of each Small Tower turbine.
- (g) Electrical System: All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.
- (h) Rotor Diameter: A Small Tower turbine may have a rotor diameter that does not exceed fifteen (15) feet.

### **SECTION 27.03 ANEMOMETERS**

The following is permitted in all zoning districts as a temporary use, in compliance with the provisions contained herein, and the

applicable small wind turbine regulations.

- A. The construction, installation, or modification of an anemometer tower shall require a building permit and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.
- B. An anemometer shall be subject to the minimum requirements for height, setback, separation, location, safety requirements, and decommissioning that correspond to the size of the WET that is proposed to be constructed on the site.
- C. An anemometer shall be permitted for no more than thirteen (13) months for a Building Mounted or a Small Tower wind turbine.

#### **SECTION 27.04 PERMIT APPLICATION REQUIREMENTS**

- A. Name of property owner(s), address, and parcel number.
- B. A site plan shall include maps (drawn to scale) showing the proposed location of all components and ancillary equipment of the Building Mounted or Small Tower turbines, property lines, physical dimensions of the property, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures.
- C. The proposed type and height of the Building Mounted or Small Tower turbine to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
- D. Documented compliance with the noise requirements set forth in this Ordinance.
- E. Documented compliance with applicable local, state and federal regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
- F. Proof of applicant's liability insurance.
- G. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.

H. Other relevant information as may be reasonably requested.

I. Signature of the Applicant.

J. In addition to the Permit Application Requirements previously listed, the Application shall also include the total proposed number of Building Mounted turbines, if applicable, or in the case of a Small Tower turbine, a description of the methods that will be used to perform maintenance on the Small Tower turbine and the procedures for lowering or removing the Small Tower turbine in order to conduct maintenance.

#### **SECTION 27.05 SAFETY REQUIREMENTS**

A. If the Building Mounted or Small Tower turbine is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.

B. The Building Mounted or Small Tower turbine shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.

C. A Clearly visible warning sign regarding voltage shall be placed at the base of the Building Mounted or Small Tower turbine.

D. The structural integrity of the Building Mounted or Small Tower turbine shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design" and/or IEC 61400-2, "Small Wind Turbine Safety", IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.

#### **SECTION 27.06 SIGNAL INTERFERENCE**

The Building Mounted or Small Tower turbine shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

#### **SECTION 27.07 DECOMMISSIONING**

A. The Building Mounted or Small Tower turbine Owner(s) or Operator(s) shall complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the owner(s) or assigns of the Building Mounted or Small Tower

turbine, and for a good cause, the Hampton Charter Township Board of Trustees may grant a reasonable extension of time. The Building Mounted or Small Tower turbine will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months as evidenced by the appearance of missing turbine parts, poor aesthetics, or a deteriorated condition. All decommissioning expenses are the responsibility of the Owner(s) or Operator(s).

B. If the Building Mounted or Small Tower turbine Owner(s) or Operator(s) fails to complete decommissioning within the period prescribed above, the Hampton Charter Township Board of Trustees may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises.

C. In addition to the Decommissioning Requirements listed previously, the Small Tower turbine shall also be subject to the following:

1. Decommissioning shall include the removal of each Small Tower turbine, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade.
2. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the facility 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, unless the property owner(s) requests in writing that the land surface areas not be restored.