

- K. Any turbine that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the Owner of the turbine that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from receipt of the Notice. The Zoning Administrator shall withdraw the Notice and notify the Owner of such withdrawal if the Owner provides information that demonstrated the turbine has not been abandoned.

If the wind turbine is determined to be abandoned, the Owner shall remove the wind generator and the tower at the Owner's sole expense within three (3) months of receipt of the Notice of Abandonment. If the Owner fails to remove the wind generator and tower, the Zoning Administrator shall submit a recommendation to the Township Board to pursue legal action to have the wind generator and tower removed at the Owner's expense.

NOTE:

The construction of a LWES is preceded by an investigation of on-site wind characteristics to assess suitability for power generation. This typically involves wind monitoring over several months with the installation of a MET Tower, which due to its height, would necessitate an application for and receipt of special zoning approval. Prospective applicants be apprised that Clark Township has initially adopted basic regulations for LWES to assist developers in site assessment and up-front planning to minimize potential problems. Upon granting a Conditional Use for a MET Tower, the Clark Township Planning Commission will commence work to complete this portion of the ordinance within seven (7) months. Topics to be addressed may include, but are not limited to, road use and restoration plan, design site plan, aircraft protection, blasting plan, avian and wildlife impact, microwave and electromagnetic interference, shadow flicker analysis, noise and testing parameters, lightning and stray voltage assessment, security and emergency response plan, emergency shutdown plan, decommission and site restoration plan and bonding/financial guarantee agreement, etc. At the same time progress within the wind industry is continuous with increasingly higher generating capacity available in individual wind turbines. More time is required to assess the impact of these industrial-sized systems on the health and safety of people residing, pursuing recreation and working in their vicinity.

Presently, due to industry evolution and unconfirmed scientific studies, Clark Township decides to err on the side of caution. Options presently available to reduce LWES noise emissions involve reducing the sound power at the source or increasing the distance between source and receiver.