

# MONTGOMERY COUNTY BOARD OF COMMISSIONERS

## Ordinance 2018-26

### An Ordinance Amending Permit Requirements for Wind Energy Conversion Systems

Whereas, Chapter 155 of the Montgomery County Code regulates Wind Energy Conversion Systems in Montgomery County; and

Whereas, Section 155.10 provides for the requirements and procedures for issuance of permits for Wind Energy Conversion Systems; and

Whereas, Section 155.10 requires that prior to issuance of a permit, the applicant must have entered into three (3) agreements with the Board of Commissioners, namely an Economic Development Agreement, a Road Use Agreement, and a Decommissioning Agreement; and

Whereas, Section 155.10 does not impose a time limitation on these agreements; and

Whereas, the Board of Commissioners finds that because materials terms and conditions of these agreements may change over time and that the passage of time, changing economic conditions, new economic development, changing road plans and conditions and other changes may make the terms and conditions unreasonable or insufficient to protect the citizens of Montgomery County or to carry out the purposes of Chapter 155, there should be a limit to the effectiveness of these agreements as it relates to the issuance of permits; and

201804713 ORDIC \$0.00  
09/10/2018 10:50:00A 3 PGS  
JENNIFER BENTLEY  
Montgomery County Recorder IN  
Recorded as Presented



Whereas, in order to protect the County and its citizens, the Board finds that no Wind Energy Conversion System permit should be issued if any of these required agreements were executed more than two (2) years prior to the date of the permit application.

IT IS, THEREFORE, ORDAINED that Section 155.10(A) of Chapter 155 is hereby amended to read as follows:

**§155.10 WECS BUILDING PERMITS**

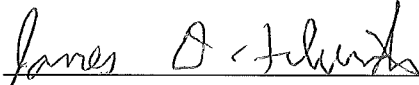
**(A) *Building Permit Required.*** No WECS Tower or Substation shall be constructed or substantially modified unless the Applicant or Operator first obtains a WECS Building Permit from the Building Commissioner, pursuant to Chapter 150 of this Code and the requirements of this Chapter. The Building Commissioner may not issue a permit if the Economic Development Agreement, Road Use Agreement or Decommissioning Agreement entered into by and between the Board of Commissioners and the applicant was executed more than two (2) years prior to the date of the permit application.

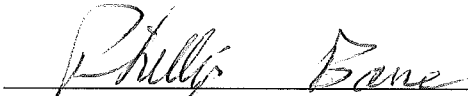
IT IS FURTHER ORDAINED that all other provisions of Chapter 155 which are not expressly amended by this ordinance will remain in full force and effect and that if any provision of this amendment is determined to be unenforceable all other provisions of the amendment and the Chapter will remain enforceable.


IT IS FURTHER ORDAINED that this ordinance will be effective upon adoption.

Adopted this 10<sup>th</sup> day of September, 2018.

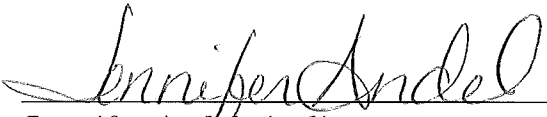
A Majority of the Montgomery County  
Board of Commissioners

  
James D. Fulwider, President

  
Phil Bane, Vice President

  
John Frey, Member

ATTEST:

  
Jennifer Andel, Auditor