

**BENZIE COUNTY, MICHIGAN  
ORDINANCE NO. 2009-004**

**AN ORDINANCE TO AMEND THE BENZIE COUNTY ZONING ORDINANCE BY ADDING NEW DEFINITIONS TO ARTICLE II, DEFINITIONS; TO AMEND SECTION 16.27, WIND ENERGY CONVERSION DEVICES” TO INCLUDE REGULATIONS FOR “RENEWABLE ENERGY DEVICES; AND TO PROVIDE FOR CONFLICTS BETWEEN THIS ORDINANCE AND ANY OTHER ORDINANCE OF THE COUNTY WHICH ARE INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE.**

**THE COUNTY OF BENZIE HEREBY ORDAINS:**

**Section 1 – Amendment of Article II - Definitions.**

Article II – Definitions of the Benzie County Zoning Ordinance is hereby amended to add thereto the following new definitions which will be inserted into the exiting list of definitions in alphabetical order.

**ANEMOMETER TOWER:** A freestanding tower containing instrumentation designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a utility grid or multi-tower community WECS.

**BLADE CLEARANCE:** Minimum distance between the lowest point of the blade or air foils and the ground

**COMMUNITY WIND** is a WECS that is owned by more than one entity, by a co-operative organization or by a public entity. Community wind will be locally-owned and managed. Community wind can include the following:

- Single tower WECS designed to supply some or all of its owners but not to supply energy to the power grid.
- Single tower WECS designed primarily to supply energy to the power grid.
- Multiple, interconnected towers designed to either supply energy to the owners, to the larger community, or the power grid.
- Community wind may also include a DISTRIBUTED WECS, where multiple towers are owned on a community basis as described above but are located on non-contiguous sites.

Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of Community WECS.

**FALL ZONE:** The area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure. The fall zone radius will be assumed to be equal to the tower height. This distance may be reduced if the applicant provides a registered engineer’s certification that the WECS is designed to collapse, fall, curl, or bend within a distance shorter than the tower height, or such certification is provided by the tower manufacturer.

**GROSS DECOMMISSIONING COSTS:** The cost of removal of all towers and turbines, removal of all related infrastructure, removal of all accessory building and access road, and restoration and revegetation of lands changed as a result of WECS construction and operation. These costs will exclude any salvage or re-use revenues associated with the decommissioning process.

**IEC:** The International Electrotechnical Commission (IEC) refers to the organization that prepares and publishes international standards for all electrical, electronic and related technologies. These standards serve as a basis for national standardization and as references when drafting national and international tenders and contracts.

**LEASE UNIT BOUNDARY:** A boundary around property leased for purposes of a Wind Energy System, including adjacent parcels to the parcel on which the Wind Energy System tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road right-of-ways. In cases where a lease unit is present, the lease unit boundary will be considered the property line in determining WECS setbacks.

**LOCAL OWNERSHIP:** At least one of the owners of a WECS has permanent residence in Benzie County or one of the surrounding counties. A WECS capitalized by non-local ownership is considered local if there is an explicit plan to transfer majority ownership to residents of Benzie County or one of the surrounding counties over a period of 10 years. If during the tenth year, the period needed to complete this transfer needs to be extended, the owners may apply to the Zoning Administrator or Planning Commission for an extension.

**ON-SITE SYSTEM (SMALL):** A wind energy conversion system under 200 feet in height and is intended to primarily reduce on-site consumption of utility power.

**ON-SITE SYSTEM (LARGE):** A wind energy conversion system that has a tower height 200 feet or greater and is intended to primarily reduce on-site consumption of utility power.

**ROOF-MOUNTED WECS:** A wind generating facility which generates original power on site for on-site use by the property owner or home-owner, mounted on the principle building's roof and with a maximum height no greater than 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

**SHADOW FLICKER:** Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

**SOUND LEVEL, AMBIENT:** The amount of background noise at a given location prior to the installation of a WECS which may include, but is not limited to, traffic, machinery, lawnmowers, general human activity and the interaction of the wind

with the landscape. Ambient Sound Level is measured on the Decibel – dB(A) – weighted scale as defined by the American National Standards Institute (ANSI).

**SUBSTATION:** Any electrical facility designed to convert electricity produced by wind turbines for interconnection with high voltage transmission lines.

**SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM:** An operations control facility that maintains two-way communications with each wind turbine.

**SURVIVAL SPEED:** The maximum wind speed a turbine and tower is designed to withstand before sustaining damage.

**TOWER HEIGHT:** The vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the WECS.

**THIRD-PARTY, QUALIFIED PROFESSIONAL:** An individual holding the normal educational and experiential credentials to establish expertise in their field.

**UTILITY GRID WIND ENERGY SYSTEM:** Wind generating facilities which generate original power on site to be transferred to a transmission system for distribution to customers. This may include wind towers at multiple locations and accessory uses such as but not limited to a SCADA TOWER, and electric substation. This definition shall not include Community WECS or any individual WECS erected and used primarily for private use.

**WIND ENERGY CONVERSION SYSTEMS OR (WECS):** Shall mean any mechanism designed for the purpose of converting wind energy into electrical energy.

## **Section 2 – Amendment of Section 16.27.**

Section 16.27 of the Benzie County Zoning Ordinance is hereby amended to read as follows:

### **SECTION 16.27 - RENEWABLE ENERGY DEVICES**

The following sections 16.27.1 through 16.27.3 regulate renewable energy devices.

#### **SECTION 16.27.1 - PURPOSE AND INTENT**

Wind energy is an abundant, renewable, and nonpolluting energy resource. When converted to electricity, it reduces our dependence on nonrenewable energy resources, reduces air and water pollution that result from conventional sources, and enhances our energy security. The purpose of this amendment is to foster the development of Benzie County's wind power resource while

preserving our natural resources, rural character, and farmlands as compatible adjoining uses and protecting public health and safety.

## **SECTION 16.27.2 - GENERAL REQUIREMENTS**

A. ACCESS: All ground mounted electrical and control equipment or structures shall be labeled and secured to prevent unauthorized access. All anemometer and WECS towers shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 12 feet above the ground. Lattice-type or guyed towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; The Planning Commission or Zoning Administrator may waive such requirements as it deems necessary.

B. ACCESS ROADS: A private road or drive shall be constructed according to applicable Zoning Ordinance requirements as specified in Sec. 3.3 Fire Hazards and Emergency Vehicle Access, Sec. 3.20 Clear Vision Corners, AND 3.22 Access Management. Such regulations or standards provide for adequate access, egress, and protection of emergency service vehicles and personnel. Further regulations may restrict construction of private drives or roads in environmental areas such as those in identified wetlands or steep slopes such as in Article XXIV Crystal Lake Overlay District. These standards apply to all single-Tower community WECS designed primarily to supply the power grid, multi-tower Community WECS or Utility Grid WECS, and to other WECS in similar areas. Where these standards apply, these roads will conform to the above standards and other regulations or standards for private road construction specified in the Benzie County zoning ordinance.

C. ANEMOMETER REQUIREMENTS: 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. An anemometer shall be permitted for no more than fifteen (15) months in preparation for locating an On-site and single tower Community WECS that is not designed to supply the power grid; and for 3 years for Single-Tower Community WECS designed primarily to supply energy to the power grid, Multi-Tower Community or Utility Grid WECS. These time limitations can be waived by either the Zoning Administrator or Planning Commission if the anemometer also serves as a SCADA for the on-going operation of the WECS.

D. APPEARANCE, COLOR, AND FINISH: The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless an alternative is approved in the building permit. For Multi-Tower Community and Utility Grid WECS, all towers will be a uniform color and finish.

E. BLADE CLEARANCE: For towers 200 feet or greater in height, blade clearance shall conform to the manufacturer's standard. For towers of less than 200 feet in height or for any towers without a manufacturer's standard, blade

clearance shall be no less than 15 feet from ground level and a safe distance from walkways and common areas.

F. BRAKING SYSTEM: All WECS 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.

G. CONSTRUCTION CODES: TOWERS, & INTERCONNECTION STANDARDS: All WECS shall comply with all applicable state construction and electrical codes and local building permit requirements. All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards. All On-site WECS expected to engage in net-metering or some version of a feed-in tariff, Utility Grid WECS, and Community WECS will comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. All Off-grid WECS are exempt from compliance with MPSC and FERC requirements.

H. All WECS shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations, as amended or succeeded.

I. DISCONTINUATION AND DECOMMISSIONING: A WECS shall be considered a discontinued use after 1 year without energy production, unless a plan is developed and submitted to the Benzie County Zoning Administrator or Planning Commission outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to a depth of three feet below ground level within 90 days of the discontinuation of use.

Each Single-Tower Community WECS designed primarily to supply energy to the power grid, Multi-Tower Community WECS or Utility Grid WECS shall have a decommissioning plan outlining the anticipated means and cost of removing the WECS at the end of its serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a third-party qualified professional, such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning.

The owner or operator of a single-tower Community WECS designed to primarily supply energy to the power grid, a multi-tower Community WECS or Utility Grid WECS shall post with the Planning Commission or Zoning Administrator as escrow agent sufficient funds in an amount equal to the gross decommissioning costs. Decommissioning funds may be in the form of a performance bond, surety bond, or other form of financial assurance as may be acceptable to the Planning Commission or Zoning Administrator. If the owner/operator indicates an intention to restart the system, the decommissioning process may be extended at the discretion of the Planning Commission or Zoning Administrator.

J. DISPOSAL OF HAZARDOUS MATERIALS: All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.

K. ENVIRONMENTAL AND PROTECTION: For WECS requiring a Special Land Use Permit, the site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to those specified in Article XXII of the Benzie County Zoning Ordinance, Regulation of Environmentally Sensitive Areas. Other such areas may include but are not limited to: major wildlife and avian migratory corridors, wilderness areas, national parks, and wildlife refuges.

L. GUY WIRES: For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of 8 feet above the ground.

M. ENGINEERING SAFETY: The structural integrity of the WECS shall conform to the design standards of the International Electrotechnical Commission; specifically IEC 61400-1 "Wind Turbine Safety and Design," IEC 61400-2 "Small Wind Turbine Safety," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," as amended or succeeded.

N. LIGHTING: No portion of any WECS shall be lighted except to be in compliance with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations, as amended or succeeded. The minimum FAA lighting standards shall not be exceeded. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to surrounding views.

O. MAINTENANCE FACILITY: A WECS may include a maintenance facility for storing trucks, service equipment, spare parts, lubricants, and other supplies. The maintenance facility may be located on- or off-site. Turbine control and maintenance functions may be in one building.

P. MAXIMUM TOTAL WECS HEIGHT: Mounted WECS, On-site or single tower Community WECS not designed primarily to supply energy to the power grid 95 feet in height or less shall not require a zoning permit. On-site and single tower Community WECS not designed to supply energy to the power grid over 95 feet but under 200 feet in height shall be considered a Use-By-Right. Erection of towers 200 feet or greater in height and/or designed to supply energy to the power grid will require a Special Land Use (SLU) Permit. The decision to require either a minor or major SLU Permit shall be made at the discretion of the Zoning Administrator or Planning Commission.

Q. SOUND LEVELS (MAXIMUM): This section applies only to Mounted WECS, On-site WECS and single-tower Community WECS.

Where an adjacent parcel contains a residential use, school, hospital, or park, the sound produced by a WECS may not exceed the ambient sound level that exists at the property line or lease unit boundary. Where no adjacent parcel contains a residential use, school, hospital, or park, the maximum sound level may be the ambient sound level plus 5 dB(A) on a consistent basis at the property line or lease unit boundary

R. OTHER DESIGN REQUIREMENTS: No WECS shall be used for displaying any advertising except for identification of the turbine manufacturer.

S. POST-CONSTRUCTION PERMITS: Construction Codes, Towers, and Interconnection standards shall comply with all applicable state construction and electrical codes and local building permit requirements.

T. SETBACK FOR ON-SITE WECS AND SINGLE-TOWER COMMUNITY WECS:

From adjoining property lines: 1 times the radius of the fall zone distance from the property line or lease unit boundary.

From Road Rights-of Way, or Other Rights-of-Way (e.g., railroads, utility wires, etc): 1 times the radius of the fall zone.

From environmentally sensitive areas (bird habitats, wetlands, etc.): 1 times the radius of the fall zone. The Planning Commission may adjust the setback upward or downward before approval of the WECS application following consideration of environmental analysis and proposed mitigation effects.

For On-Site WECS or single-tower Community WECS with a tower height 200 feet or over or single-tower Community WECS designed primarily to supply energy to the power grid, the setback will be determined on a case-by-case basis and require a Special Land Use Permit. The setback decision will be based on the considerations listed in Section U. below.

U. SETBACK FOR MULTI-TOWER COMMUNITY WECS AND UTILITY GRID WECS will be equal to three times the height of the turbine from the nearest occupied structure. This distance may be reduced at the discretion of the Zoning Administrator or Planning Commission if the owner/operator can demonstrate within the sound modeling and analysis report that sufficient sound mediation measures will be taken such that the sound level at the property line or lease unit boundary does not exceed 55 DB(A). At no time will a turbine be sited closer to the property line or lease unit boundary than 1 times the radius of the fall zone.

V. SETBACK FOR ANEMOMETER TOWER including guy wires, if applicable, shall be the greater distance of the following:

1. The setback from property lines of the respective zoning district;
2. The setback from the road right-of-way; and
3. A distance equal to the height of the tower from property lines or from the lease unit boundary, which ever is less.

W. SIGNAGE: Utility Grid and Multi-tower Community WECS shall have only one sign, not to exceed two (2) square feet in area posted at the base of the tower [and on a security fence if applicable. The sign shall contain a) Warning of high voltage, b) Manufacturer's and owner/operator's name, and c) Emergency contact numbers.

X. SIGNAL INTERFERENCE: Operation of a WECS shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

Y. SOIL CONDITIONS: A proposal for any wind turbine generator or anemometer tower shall be accompanied by a report of the soils present on the site based on soil borings, and a description of the proposed foundation size, materials, and depth..

Z. SURVIVAL SPEED: Neither the turbine nor tower shall be erected unless the survival speed as certified by the manufacturer is more than 90 mph as stated by the manufacturer.

AA. UTILITIES: Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All aboveground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee published standards to prevent avian mortality.

AB. UTILITY NOTIFICATION: No WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. If a WECS is connected to a public utility for net-metering or feed-in tariff purposes, the owner/operator will need an interconnection agreement with the local utility prior to operation. Off-grid systems shall be exempt from this requirement.

### **SECTION 16.27.3 - PERMIT APPLICATION AND SITE PLAN REVIEW REQUIREMENTS**

A. Table 28.1 specifies the zoning, minor SLUP and Major SLUP permit requirements for all WECS. Site Plan Review will not be initiated until all permits from applicable federal, state, and/or local regulatory bodies as specified in this ordinance have been obtained. This section applies only to those WECS and anemometers requiring either a minor or major special land use permit. In addition to this section, New Article XIV and respective Sections 14.8 in regard to Zoning Permits and parts of Sections 14.2 applying to Minor and Major Special Land Use Permits (SLUP), the applicant shall show compliance with all other applicable standards in the Benzie County Zoning Ordinance, i.e., Article III General Provisions (private driveways and roads), each respective Zoning District within which the project is located, and the general SLUP Application Standards in Old Article XIV. In addition to the requirements specified in those sections, site plans for WECS requiring special land use permits shall include:

1. Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues.
2. Proof of the applicant's public liability insurance for the project.
3. A copy of that portion of the applicant's lease(s) with the land owner(s) granting authority to install the Anemometer Tower and/or Utility Grid Wind Energy System; legal description of the property(ies), Lease Unit(s); and the site plan showing the boundaries of the leases as well as the boundaries of the Lease Unit Boundary.
4. Phases, or parts of construction, along with a construction schedule.
5. The project area boundaries including lease unit boundaries.
6. The location, grades, average cross section and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
7. Any new infrastructure above ground related to the project not specified in Section 14 of the Ordinance.
8. A copy of Manufacturers' Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.

B. For Utility Grid Wind Energy Systems only:

1. A copy of a sound modeling and analysis report. The site plan also shall show locations of equipment identified as a source of sound, how that equipment is placed, and the sound levels based on the analysis, so that the wind energy system will not exceed the maximum permitted sound levels. The sound modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the commercial operation of the project.
2. A copy of an Environmental Analysis by a third party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

3. A copy of an Avian and Wildlife Impact Analysis by a third party qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
  - a. Sites requiring special scrutiny include wildlife refuges, other areas where birds and/or bats are highly concentrated, such as wooded ridge tops that attract birds and bats, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.
  - b. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted
4. A copy of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.
5. A second site plan, which includes all the information found in Section XIV of this Ordinance, and shows the Discontinuation and Decommissioning plan for the site after completion of the project which includes the following supporting documentation:
  - 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.
  - d. The anticipated manner in which the project will be decommissioned and the site restored.
6. A copy of the Operations and Maintenance Plan.
7. A compliance summary showing how the project will comply with all of the requirements of the relevant federal, state, and/or local regulatory agency requirements.
8. A description of the traffic logistics associated with transportation and construction of the WECS components and equipment including:
  - Construction transport routes

- Intersection reconstruction
- Restoration of roads, curbing, culverts, signage, land features, buildings or other infrastructure.
- Construction timetable
- Description of at least one alternative transport route and the rationale for the one chosen.

9. A description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project. The process must include the option to use an independent mediator or arbitrator and shall include a time limit by which the applicant will act on a complaint. The process shall not preclude the local government from acting on a complaint. During construction and operation, the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

10. The final determination of whether a third-party qualified professional has the necessary neutrality to provide a reliable analysis of the relevant professional area under consideration shall be at the discretion of the Zoning Administrator or the Planning Commission. Every attempt should be made to assure that the qualified professional be a resident of Michigan or an employee of a Michigan firm in order to promote and support the Michigan economy.

11. A copy of a microwave analysis of possible interference with aeronautic and/or communication signals.

Table 16-1

Permit Requirements

No permit required	Mounted WECS. Small on-site WECS with tower height 95 feet or less
Use by Right – Permit required	Small On Site WECS for residential use in all districts. Single tower, single user Community WECS not designed primarily to supply power to the energy grid with a tower over 95 but less than 200 feet in all districts. Anemometer towers under 200 feet in height in all districts.
	Small On-site WECS with tower height over 95 but less than 200 feet for commercial, industrial or agricultural use in districts that allow commercial, industrial, or agricultural land uses.
Minor Special Land Use Permit	Large On-site WECS with tower height 200 feet or over. Single tower, single user Community WECS not designed primarily to supply energy to the power

	grid with a tower 200 feet or higher. Anemometers 200 feet or greater in height.
Major Special Land Use Permit	Single-tower Community WECS designed primarily to supply energy to the power grid. Multi-tower Community WECS.
	Utility Grid WECS

**Section 3. Severability.**

Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

**Section 4. Saving Clause.**

The amendment or repeal by this ordinance of any ordinance or ordinance provision shall have no effect upon prosecutions commenced prior to the effective date of this ordinance or prosecutions based upon actions taken by any person prior to the effective date of this Ordinances. Those prosecutions shall be conducted under the ordinance provisions in effect prior to the effective date of this Ordinance.

**Section 5. Conflict.**

Except as otherwise expressly provided, the provisions of this Ordinance shall control in the event of any inconsistency or conflict between this Ordinance and any other provision of any other Ordinance of the Local Unit.

**Section 6. Publication.**

This Ordinance shall be published by publishing a summary of the Ordinance in a newspaper of general circulation in Benzie County including the designation in the publication of the location in Benzie County where a true copy of the Ordinance can be inspected or obtained, as authorized by State law.

**Section 7. Effective Date.**

This Ordinance shall become effective on the eighth (8<sup>th</sup>) day following the date of publication of the notice of its adoption as provided in Section 6, above, and as certified by the Clerk, below.

At a regular meeting of the Board of Commissioners of Benzie County held on the 20<sup>th</sup> day of October, 2009, Pitcher moved for adoption of the ordinance and Roper supported the motion.

Voting for: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and  
Walterhouse  
Voting against: None  
Absent: None

The chairperson declared the ordinance adopted.

/s/ Donald R. Tanner  
Donald R. Tanner, Chairperson  
Benzie County Board of Commissioners

Publish Date: December 9, 2009  
Effective Date: December 17, 2009

### **Certification**

I, Dawn Olney, Clerk of Benzie County, Michigan, do hereby certify that the foregoing is a true copy of the ordinance adopted by the Benzie County Board of Commissioners at a regular meeting held on October 20, 2009, at 448 Court Place, Beulah, Michigan, and that the Notice of Adoption was published in the Benzie Record Patriot on December 9, 2009.

/s/ Dawn Olney  
Dawn Olney, Clerk