

**CITY OF MADISON  
OFFICE OF THE CITY ATTORNEY  
Room 401, CCB  
266-4511**

Date:

**MEMORANDUM**

TO: Jeanne Hoffman, Facilities and Sustainability Manager

FROM: Katherine C. Noonan, Assistant City Attorney

RE: File No. 11077, Re: Solar and Wind Energy Systems Ordinance

**Wis. Stat. §236.292, Certain restrictions void**, reads as follows:

- (1) All restrictions on platted land that interfere with the development of the ice age trail under s. 23.17 are void.
- (2) All restrictions on platted land that prevent or unduly restrict the construction and operation of solar energy systems, as defined in s. 13.48(2) 1.g., or a wind energy system, as defined in s. 66.0403(1)(m) are void.

A similar provision is in the proposed ordinance on solar and wind energy systems. If it is removed from the proposed ordinance, a restriction of this type will not violate a City ordinance, however, it still will violate state law, Wis. Stat. §236.292, as set out above. Whether removed from the ordinance or not, a property owner could bring an action to invalidate such a restriction that is applied to him/her. A forfeiture action by the City is not possible if the provision is removed from the proposed ordinance.