

RILEY TOWNSHIP – ST. CLAIR COUNTY

ORDINANCE # 61-2024

UTILITY BATTERY ENERGY STORAGE SYSTEMS (BESS) MORATORIUM

An ordinance to impose a moratorium on the issuance of permits, licenses or approvals for, or any construction of, Utility Battery Energy Storage Systems (BESS).

Section 1: Definitions.

- A. “Battery” means a single cell, stack, core, building block, or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purpose of this moratorium, batteries utilized in consumer products are excluded from these requirements.
- B. Utility “Battery Energy Storage System (BESS)” means an energy storage system that can store and deploy generated energy, a single cell or a group of batteries that charge (i.e., collect energy) and store electrical energy from the grid or energy generation facility and then discharge that energy at a later time to provide electricity or other grid services when needed, including but not limited to, the power grid, electrical, power, and/or energy companies, corporations, facilities and/or commercial and/or industrial entities. BESS generally consist of (but not limited to) batteries, battery storage containers, on-site switchyard, inverters, associated interconnection transmission line, and supervisory control and data acquisition system. Systems typically used to provide standby or emergency power and/or an uninterruptable power supply, load shedding, load sharing, stand-alone 12-volt car batteries, electric vehicles or similar capabilities relating to the energy consumed by an on-site use shall not be considered a BESS for purposes of this ordinance.

Section 2: Purpose and Findings. The purpose of this moratorium is to provide sufficient time for Riley Township to fully explore, analyze, research, and make informed decisions regarding BESS. In support of this Ordinance, the Riley Township Board has determined the following:

- A. The Township Board has become aware that developers may be interested in constructing BESS in the Township.
- B. The integration of these BESS within the Township emphasizes the need for suitable regulations and controls.
- C. The Township Board is authorized to establish reasonable requirements and regulations to govern and control BESS within the Township to protect the public health, safety and welfare of the Township residents and their property.
- D. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary to allow the Township time to fully explore, analyze, research, and develop any proposed regulations regarding the integration of BESS within the Township.
- E. A moratorium should be imposed upon the issuance of any and all permits, licenses, and approvals for any property in the Township for the establishment and use of BESS for eighteen (18) months.

Section 3: Moratorium. A moratorium is hereby imposed upon the issuance of any and all permits, licenses, or approvals for any property in the Township for the establishment and use of BESS, so long as this Ordinance is in effect.

Section 4: Term of Moratorium, Renewal. The moratorium imposed by this Ordinance remains in effect eighteen (18) months following the effective date of this Ordinance, unless repealed sooner.

Section 5: Validity and Severability. Should any portion of this Ordinance be found invalid for any reason; such holding will not affect the validity of the remaining portions of this Ordinance.

Section 6: Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 7: Effective Date. This Ordinance shall take effective seven (7) days following publication.

Motion made by Mark Baranowski, seconded by Duane Hagle to adopt the foregoing resolution.

UPON ROLL CALL VOTE, the following voted: Aye: Behem, Rushing, Titus, Baranowski, Hagle;
Nay: None

The Supervisor declared the motion carried and the resolution duly adopted on the 9th day of January, 2024.

CERTIFICATE

I, DAWN BEHEM, the duly elected, qualified, clerk of Riley Township, St. Clair County, Michigan, do hereby certify that the above ordinance was adopted at a regular meeting of the of Riley Township Board of Trustees held on January 9th, 2024 and is a true and corrected copy of the original resolution on file and of record.

In testimony whereof, I hereunto set my hand this 10th day of January, 2024.

_____ Dawn Behem, Riley Township Clerk