

GARDEN TOWNSHIP

ORDINANCE NO. 2024-4

AN ORDINANCE TO AMEND THE INTERIM ZONING ORDINANCE TO REGULATE UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEMS

The Township of Garden ordains:

Section 1. Amendment of Section 101 of the Interim Zoning Ordinance.

The following definitions are added to Section 101 of the Interim Zoning Ordinance and shall be inserted into Section 101 in alphabetical order:

BATTERY MANAGEMENT SYSTEM: An electronic regulator that manages a utility-scale battery energy storage system by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and capable of shutting down the system before operating outside safe parameters.

UTILITY-SCALE BATTERY ENERGY STORAGE FACILITIES: One or more devices, assembled together, capable of storing energy in order to supply electrical energy, including battery cells used for absorbing, storing, and discharging electrical energy in a utility-scale battery energy storage system with a battery management system.

UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEM (“UBESS”): A physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a battery management system.

Section 2. Addition of New Section 801 to the Interim Zoning Ordinance.

A new Section 801 is added to the Interim Zoning Ordinance and reads in its entirety as follows:

Section 801 UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEMS

A. General Provisions. All UBESS are subject to the following requirements:

1. All UBESS must comply with all applicable provisions of the Interim Zoning Ordinance and all county, state, and federal laws, regulations, and safety requirements for UBESS, including applicable building codes, applicable industry standards, and NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems.”
2. Property enrolled in the Michigan Farmland Preservation Program, Part 361 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, more commonly known as Public Act 116, must receive approval from the Michigan Department of Agriculture to locate a UBESS on the property.

3. If an applicant, operator, or landowner of a UBESS fails to comply with Township ordinances, the Township, in addition to any other remedy provided by ordinance, may revoke any approvals after giving the applicant notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

B. Conditional Use Permit Application Requirements. In addition to the conditional-use application requirements of Sections 701–701-4, an applicant for a conditional use permit for a UBESS must provide the Township with the following:

1. Application fee in an amount set by resolution or fee schedule approved by the Township Board.
2. A cash deposit for an escrow account in an amount set by resolution or fee schedule approved by the Township Board. The escrow account is used to cover all costs and expenses associated with the special land use review and/or approval process, which costs can include, but are not limited to, review fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates will be required during the review and/or approval process for the application. At any point during the review process, the Township may require that the applicant place additional monies into escrow with the Township if the existing escrowed funds on account with the Township will be insufficient, in the determination of the Township, to cover any remaining costs or expenses with the review and/or approval process. If additional funds are required by the Township to be placed in escrow and the applicant refuses to do so within 14 days after receiving notice, the Township will cease the zoning review and/or approval process until and unless the applicant makes the required escrow deposit. Any escrow amounts in excess of actual cost will be returned to the applicant. An itemized billing of all expenses will be provided to the applicant upon request.
3. A list of all parcel numbers that the UBESS will use; documentation establishing ownership of each parcel; and any and all lease or option agreements, easements, or purchase agreements for the subject parcels, together with any attachments to such agreements or easements.
4. An operations agreement setting forth the parameters of the operation, the name and contact information of the certified operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
5. A Federal Employer Identification Number for the current owner/operator is required at the time of application.
6. A written emergency response plan detailing the applicant's plan for responding to emergencies, including fire emergencies, and analyzing whether adequate resources exist to respond to fires and other emergencies. If adequate resources

do not exist, the applicant shall identify its plan for providing those resources. The emergency plan shall include identification of potential hazards to adjacent properties, public roadways, and the community in general that may be created, as well as plans for immediate cleanup, long-term monitoring, and continued mitigation efforts following an emergency.

7. A written description of the fire suppression system that will be installed, which shall identify the manufacturer of the fire suppression system and generally describe its operations and capacity to extinguish fires.
8. A written description of specialized training and/or equipment necessary for handling fires and/or other emergencies at the UBESS site. The training plan must include, at a minimum, annual emergency response training for local firefighters and other local emergency personnel at the site of the UBESS.
9. A complete set of photographs, video, and topography maps at two-foot intervals of the entire participating property prior to construction.
10. A copy of any power purchase agreement or other written agreement that the applicant has with an electric utility or any agreement or approval for interconnection between the proposed UBESS and an electric utility or transmission company.
11. A written plan conforming to the requirements of this ordinance for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management.
12. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the UBESS, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the UBESS and restore the subject parcels to as near as possible to the condition the subject parcels were in before being used as a UBESS.
13. A plan for resolving complaints regarding but not limited to noise, glare, maintenance, and drainage from the public or other property owners concerning the construction and operation of the UBESS.
14. Identification of and a plan for managing any hazardous waste.
15. A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation.
16. An attestation that the applicant and owner of the subject property will indemnify and hold the Township and its officials, elected or appointed, harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the UBESS.

17. A copy of the manufacturer's directions, instruction manual, and specification sheets including any unredacted safety manuals and Safety Data Sheets (SDS), for installing, maintaining, and using the UBESS.
18. A ground cover vegetation establishment and management plan that complies with this ordinance.
19. Proof of environmental compliance, including compliance with:
 - a. Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.);
 - b. Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances;
 - c. Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.);
 - d. Part 303, Wetlands (MCL 324.30301 et. seq.);
 - e. Part 365, Endangered Species Protection (MCL324.36501 et. seq.);
 - f. and any other applicable laws and rules in force at the time the application is considered by the Township.
20. Insurance. Proof of the owner/operator's public liability insurance shall be provided at the time of application. If the applicant is approved, proof of insurance shall be provided to the Township annually thereafter. The policy shall provide for bodily injury and property damage and shall name the Township and each participating property owner as an additional insured. The owner/operator shall insure for liability for the UBESS until removed for at least \$25,000,000.00 per occurrence to protect the owner/operator, Township, and participating property owner. Proof of a current policy is required annually and shall be provided each year to the Township prior to the anniversary date of the Conditional Use Permit.
21. Compliance with the Michigan Uniform Building Code and National Electric Safety Code: Construction of a UBESS shall comply with the most current version of the Michigan Uniform Building Code and National Electrical Code adopted by the enforcing agencies as a condition of any Conditional Use Permit under this Section.
22. Conceptual plan. A graphical computer-generated depiction of how the UBESS will appear from all directions.
23. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

C. Site Plan Requirements. The information, plans, documents, and other items identified as site plan requirements in this Section are substantive requirements for obtaining a Conditional Use Permit for a UBESS. If the Township determines that the substance of any application item is insufficient to protect the public health, safety, and welfare, the Conditional Use Permit shall be denied on that basis. In addition to the requirements for site plans in Sections 502 and 503, a site plan for a UBESS must include all the following:

1. Location of all proposed structures, equipment, transformers, and substations.
2. Location of all existing structures or dwellings on the parcel and location of all existing structures or dwellings on adjacent non-participating property within 1,000 feet of the property lines of any participating properties.
3. Depiction of all setbacks, property lines, fences, signs, greenbelts, screening, drain tiles, easements, flood plains, bodies of water, proposed access routes, and road rights of way.
4. Indication of how and where the UBESS will be connected to the power grid.
5. Plan for any land clearing and grading required for the installation and operation of the system.
6. Plan for ground cover establishment and management.
7. Anticipated construction schedule and completion date. As a condition of any special land use or site plan approval, hours of construction shall be limited to Monday through Friday from 7:00 a.m. to 5:00 p.m. with no construction on Saturday, Sunday, or any federally recognized holiday.
8. Sound modeling study including sound isolines extending from the sound sources to the property lines.
9. Any additional studies requested by the Planning Commission, including but not limited to the following:
 - a. Visual Impact Assessment: A technical analysis by a third party qualified professional approved by the Township at applicant/owner's expense of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscaping and other screening measures), a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project.
 - b. Environmental Analysis: An analysis by a third-party qualified professional approved by the Township at applicant/owner's expense to

identify and assess any potential impacts on the natural environment including, but not limited to, removal of trees, wetlands and other fragile ecosystems, wildlife, endangered and threatened species. If required, the analysis will identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.

- c. Stormwater Study: An analysis by a third-party qualified professional approved by the Township at applicant/owner's expense studying the proposed layout of the UBESS and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a 100-year rain event. Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.
 - d. Glare Study: An analysis by a third-party qualified professional approved by the Township at applicant/owner's expense to determine if glare from the UBESS will be visible from nearby airports, air strips, residences, and roadways. The analysis will consider the changing position of the sun throughout the day and year and its influences on the UBESS.
 - e. Optional Conceptual Layout Plan. Applicants may submit an optional conceptual layout plan for review prior to submission of a formal site plan. The conceptual site plan shall be reviewed by the Planning Commission to allow for discussion and feedback.
10. Approvals from Other Agencies. Final site plan approval may be granted only after the applicant receives all required federal, state and local approvals, including any applicable approval by the state historic preservation office. Applicant shall provide copies of all review letters, final approved plans, and reports issued by any other governing agencies to the Township.
11. The site plan must show the existing topographical grades in two-foot intervals and conditions of all participating property at the time of application.
12. A baseline soil test including Cation Exchange Capacity (CEC) shall be provided to the Township prior to any construction.
13. A written description of how the applicant will address dust control during construction. Such plan shall, at a minimum, consist of water applications at least three times per day unless it has rained in the preceding three hours of the planned application.
14. Water Usage and Cleaning. The applicant shall detail the methodology planned for cleaning the UBESS and associated equipment and structures, frequency, and listing of any and all detergents, surfactants, chemical solutions used for

each cleaning, and sources of water used to facilitate restoration and maintenance.

D. System and Location Requirements.

1. UBESS are to be located only in the Renewable Energy Overlay District as a conditional use.
2. Setbacks. UBESS must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the UBESS:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

3. Lighting. The lighting of the UBESS is limited to the minimum light necessary for safe operation. Towers may be lit only to the minimum extent required by the Federal Aviation Administration.
4. Security Fencing. The Township may require security fencing around all electrical equipment related to the UBESS.
 - a. A containment system shall surround any transformers in case of hazardous waste or oil spills.
 - b. Appropriate warning signs shall be posted at safe intervals at the entrance and around the perimeter of the UBESS.
 - c. Gate posts and corner posts shall have a concrete foundation.
 - d. Gates shall be the same height and constructed of the same material as the fencing. Access, such as Knox box, shall be provided for emergency responders.
 - e. The Township may allow or require a fence design to allow for the passage of wildlife upon a finding that adequate access control and visual screening will be preserved.
 - f. Security fencing is subject to setback requirements. The security fence shall be locked, and a self-locking device shall be used. Lock boxes and keys (may be electronic such as keypad opener, if the passcode is provided to the Township and central dispatch for 911 service) shall be provided at locked entrances for emergency personnel access. Electric

fencing is not permitted. A safety plan shall be in place and updated regularly with the local fire department having jurisdiction over the UBESS.

5. Noise. All sound measurements are to be instantaneous and shall not be averaged. The noise generated by a UBESS shall not exceed the following limits:
 - a. 40 dBA L_{max}, as measured at the property line, between the hours of 7:00 a.m. and 9:00 p.m.
 - b. 35 dBA L_{max}, as measured at the property line, between the hours of 9:00 p.m. and 7:00 a.m.
 - c. The owner/operator of the UBESS shall annually provide for a sound analysis or modeling, conducted by an auditory expert chosen by the Township, at the expense of the applicant.
6. Underground Transmission. All power transmission, communication, or other lines, wires, or conduits from a UBESS to any building or other structure shall be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.
7. Drain Tile Inspections. The UBESS must be maintained in working condition at all times while in operation. The owner/operator shall hire, at its own expense, a third-party contractor approved by the Township to identify and inspect all drain tiles at least once every two years by means of a robotic camera, with the first inspection occurring post construction but before the UBESS is in operation. The owner/operator shall submit proof of the inspection to the Township. The owner/operator shall repair any damage or failure of the drain tile within 60 days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.
8. Fire Suppression. The UBESS shall include a fire suppression system that is specifically designed to immediately suppress and extinguish fires in any part of the UBESS, including electrical equipment and transformers. The owner/operator shall provide documentation establishing the effectiveness of the fire suppression system and the results of a third-party independent inspection (approved by the Township) of the fire suppression system. The fire suppression system shall also be reviewed and approved by local EMS.
9. Drainage. Drainage on the site shall be maintained in a manner consistent with, or improved upon, existing natural drainage patterns. Any disturbance to drainage or water management practices shall be managed within the property and on-site in order to not negatively impact surrounding properties as a result of the development. This shall be maintained for the duration of the operation and shall be able to be returned to pre-existing conditions following

decommissioning. Any existing drainage tiles that are identified on the property shall be shown on the as-built drawings submitted following construction. Prior to the start of construction, any existing drain tile shall be inspected by a third-party contractor approved by the Township, at applicant/owner's expense by robotic camera and the imagery submitted to the Township for baseline documentation on tile condition. Any damage shall be repaired, and a report submitted to the landowner and Township. While the facility is in operation, the owner/operator shall reinspect the drain tiles every two years by robotic camera for any damage and shall repair any damage within 60 days of discovery. The owner/operator shall report the inspection, along with any damage and repair, to the Township within 90 days after each two-year deadline. The Township reserves the right to have the Building Inspector or other agent present at the time of repair.

10. Planting Screen. A planting screen of sufficient length to interfere with the view of the UBESS from any public right-of-way or adjacent property is required and must comply with the following requirements:
 - a. All planting screens shall consist of plants identified in Section 512.
 - b. Plants in a planting screen shall not be located further apart than the distance indicated in Section 512.
 - c. All planting screens shall consist of plants at least forty-eight (48) inches tall when planted.
 - d. All planting screens shall be maintained in healthy condition and at no time shall any plant in a planting screen be less than forty-eight (48) inches tall.
 - e. Substitution of other plant materials in a planting screen shall be permitted only upon specific approval within a conditional use permit and only upon a finding that the proposed planting can be expected to thrive and provide equivalent or greater screening and will not create a nuisance or hazard.
11. Signs. The UBESS shall include at least one sign identifying the owner and providing a 24-hour emergency contact telephone number.
12. Emergency Action Plan and Training. Before the UBESS is operational, the owner/operator shall provide the necessary training, equipment, or agreements specified in the application to the Township or other emergency personnel. All training must be consistent with current industry standards. The emergency plan will be a public record.
13. Decommissioning and/or Abandonment.

- a. If a UBESS is abandoned or otherwise non-operational for a period of six months, the owner/operator shall notify the Township and shall remove the system within six months after the date of abandonment. Removal requires receipt of a demolition permit and full restoration of the site in accordance with the provisions of this Ordinance and to the satisfaction of the Zoning Administrator. Decommissioning shall include the removal of all equipment, buildings, electrical components, foundations, and roads, as well as any other associated facilities. The site shall be filled and covered with topsoil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a UBESS that is never fully completed or operational if construction has been halted for a period of six months.
- b. The decommissioning plan shall be written to provide security to the Township for 125% of the cost to remove and dispose of all batteries, removal of all wiring, footings, and pilings, (regardless of depth), and restoration of the land to its original condition. The value of decommissioning shall be determined by a third-party financial consultant or engineer selected by the Township and paid for by the developer. The decommissioning security shall be paid in cash to the Township. Once the value of decommissioning is determined, it shall be updated on a periodic basis of not less than every 2 years and additional security shall be required based on the average inflation rate of the preceding 2 years according to the Bureau of Labor Statistics' Consumer Price Index. Any interest accrued while the Township holds the security in escrow will be retained by the Township to pay for the costs of administering the conditional use permit and the UBESS.
- c. All abandonment and decommissioning work shall be done when soil is dry as determined by a third-party soil expert approved by the Township at the applicant/owner's expense.
- d. The ground shall be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning. An extension may be granted if a good faith effort has been demonstrated and any delay is not the result of actions or inaction of the owner/operator. A baseline soil test including Cation Exchange Capacity (CEC) shall be conducted and provided to the township in the decommissioning process, and any negative variations from the pre-construction soil test must be remedied.
- e. If land balancing is required, all topsoil will be saved and spread evenly over balanced area according to the existing topography map provided at the time of application.

- f. An annual report shall be provided to the Zoning Administrator showing continuity of operation and shall notify the Zoning Administrator if the use is to cease, prior to decommissioning or abandonment.
- g. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a UBESS exists or is in place shall constitute a material and significant violation of the Conditional Use Permit and this Section, and will subject the UBESS owner/operator (jointly and severally, if more there is more than one owner or operator) to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Conditional Use Permit.
- h. The Township shall have the right to seek injunctive relief to effect or complete decommissioning, as well as the right to seek reimbursement from the owner/operator or landowner for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real property owned by the owner/operator or landowner for the amount of the excess, and to take all steps allowed by law to enforce said lien.
- i. At the time of decommissioning, the Planning Commission may allow deviations from the above decommissioning requirements following notice and a public hearing in accordance with Section 103 of the Zoning Enabling Act.

14. Annual Report. The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:

- a. Current proof of insurance;
- b. Verification of financial security; and
- c. A summary of all complaints, complaint resolutions, and extraordinary events.

Additionally, a representative of the owner/operator shall appear before the Planning Commission annually to report on the UBESS and address questions or concerns from the Planning Commission.

15. Complaint Resolution. The UBESS shall provide a complaint resolution process, as described below:

- a. The site shall have signs posted with contact information to collect complaints related to the UBESS.
- b. A log shall be kept by the owner/operator of all complaints received and shall be available to Township officials for review at the Township's request.

- c. The owner/operator shall respond to complainants within ten (10) business days and shall provide notification to the Zoning Administrator.
- d. Any resolution shall include lawful and reasonable solutions consistent with the Zoning Ordinance, which shall also be provided to the Zoning Administrator.
- e. The owner/operator or its assigns reserve the right to adjudicate any claims made against it, including residential claims, in a court of competent jurisdiction. An annual report shall be submitted to the Zoning Administrator and the Township Board that details all complaints received, the status of complaint resolution, and actions taken to mitigate complaints.

16. Performance Bond; Maintenance and Repair.

- a. At the time of the Conditional Use application, the owner/operator shall submit two (2) third-party contractor bids for the construction of all fencing, landscaping, and drainage improvements associated with the UBESS. A performance bond in the amount of 125% of the higher bid shall be provided to the Township in cash to ensure completion. The Township may use the bond to complete any landscaping, fencing, or drainage infrastructure (including drain tiles). Upon completion and approval after inspection by the Township, any remaining performance bond deposited with the Township will be returned.
- b. Each UBESS, including any required fencing, landscaping, and lighting, shall be kept and maintained in good repair and condition at all times and the site shall be neat, clean, and free of refuse, waste, or unsightly, hazardous, or unsanitary conditions. All equipment damaged beyond repair or use shall be replaced and removed from the project site within seven (7) days and shall be disposed of off-site in accordance with any state or federal requirements. Applicant/owner may request an extension of this seven-day requirement, in writing, which may be granted at the discretion of the Planning Commission.
- c. If the Township Board or Zoning Administrator determines that a UBESS fails to meet the requirements of this Section or the Conditional Use Permit, the Zoning Administrator or Township Board shall provide notice to the owner/operator of the non-compliance, and the owner/operator has 14 days to cure the violation. If the violation is a safety hazard as determined by the Zoning Administrator or Township Board, then the owner and/or operator has 7 days to cure the violation. If the owner and/or operator has not remedied non-compliance issues in the aforementioned time periods, the owner/operator shall immediately shut down the UBESS and shall not operate, start or restart the UBESS

until the issues have been resolved. If the owner/operator fails to bring the operation into compliance, the Township may seek relief at law or equity to abate the nuisance and may also issue a municipal civil infraction citation. Each violation for which the owner/operator are deemed responsible shall result in a \$500.00 fine. Each day shall constitute a new violation.

d. The owner/operator shall keep a maintenance log on the batteries, which shall be available for the Township's review within 48 hours of such request.

17. Extraordinary Events. If the UBESS experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the owner/operator shall notify the Township within 8 hours.

15. Inspections. The Township may inspect a UBESS at any time by providing 24 hours advance notice to the applicant or operator.

16. Transferability. A conditional use permit for a UBESS is transferable to a new owner. The new owner must register its name, Federal Employer Identification Number, and business address 30 days before the transfer date with the Township and shall comply with this Section and all approvals and conditions issued by the Township. In the event of a sale or transfer of ownership and/or operation of the UBESS, the original escrow shall be maintained throughout the entirety of the process and shall not be altered.

17. Environmental Regulations. The UBESS must comply with applicable state or federal environmental regulations.

18. Remedies. If an applicant or operator fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke the conditional use permit and site plan approval after giving the applicant or operator notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

E. Utility-Scale Battery Energy Storage Systems under PA 233. On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to any UBESS with a nameplate capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt hours or more. To the extent these provisions conflict with the provisions in subsections 801(A)-(D), these provisions control as to such UBESS. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to Battery Energy Storage Systems with a nameplate capacity of less than 50 megawatts. All provisions in subsections 801(A)-(D) that do not conflict with this subsection remain in full force and effect.

1. Setbacks. The UBESS must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

2. Installation. The UBESS must comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on the effective date of the amendatory act that added this section or any applicable successor standard.
3. Noise. The UBESS must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
4. Lighting. The UBESS must implement dark sky-friendly lighting solutions.
5. Environmental Regulations. The UBESS must comply with applicable state or federal environmental regulations.
6. Host community agreement. The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the UBESS owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

Section 3. Validity and Severability.

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 4. Repealer.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 5. Effective Date.

This Ordinance takes effect immediately upon adoption pursuant to MCL 125.3404.

Approved this 12th day of December, 2024

Roll call vote: Frank – yes, Tim – yes, Meghan– yes, Jenna – yes, Tom – yes



Jenna Silkworth
Garden Township Planning Commission Secretary

I, Brenda Lee Lester, the Township Clerk of Garden Township, Michigan, do hereby certify that Ordinance No 2024-4 was published in the Escanaba Daily Press on the 15th day of January, 2025.



Brenda Lee Lester
Garden Township Clerk