

**BUSHNELL TOWNSHIP
MONTCALM COUNTY, MICHIGAN
ORDINANCE NO. 2025-1118**

At a special meeting of the Township Board of Bushnell Township, Montcalm County, Michigan, held at the Township Hall on November 18, 2025, and commencing at 6:00 p.m., member P. Draper moved to adopt the following ordinance, which motion was seconded by Member L. Daly.

**AN ORDINANCE REGULATING THE CONSTRUCTION, OPERATION
AND DECOMMISSIONING OF OFF-SITE BATTERY STORAGE
FACILITIES.**

THE TOWNSHIP OF BUSHNELL ORDAINS:

SECTION 1. TITLE

This Ordinance may be cited as the Bushnell Township Off-Site Battery Storage Facility Ordinance.

SECTION 2. PURPOSE AND INTENT

The purpose of this ordinance is to protect the health, safety and welfare of individuals within the township; provide for the safe and orderly construction, operation and decommissioning of off-site battery energy storage facilities; protect agricultural and recreational activities in the township; protect the environment and natural resources of the township; protect and preserve the township's rural aesthetic; and provide regulations that balance competing interests of property owners and the community at large.

It is the intent of this ordinance to regulate the activities associated with the construction, operation and decommissioning of off-site battery energy storage facilities. Any interpretation to the contrary contradicts the express legislative intent of this ordinance.

SECTION 3. DEFINITIONS

As used in this ordinance:

1. "Battery energy storage system" means one or more devices, that when assembled together, are capable of storing and discharging electricity to a building or to the electrical grid, inclusive of the following: battery cells and enclosures; thermal, battery and energy management system components; inverters; transformers, circuit breakers, and distribution, collection, and feeder wires and conduit.
2. "Off-site battery storage facility" means a battery energy storage system that primarily provides storage for electricity generated for distribution to the electric grid and any access roads, dedicated-use buildings, interconnection or switching facilities, overhead and underground control, communications and radio relay systems, and wires, cables and conduit, and telecommunications equipment.
3. "Parcel" means a parcel or lot as defined by the Land Division Act, PA 288 of 1967 (MCL 560.101 *et seq.*), as amended or a condominium unit as defined by the Condominium Act, PA 59 of 1978 (MCL 559.101 *et seq.*).
4. "Township" means Bushnell Township.
5. "Township permit" means a permit for an off-site battery storage facility issued by the township pursuant to this ordinance.

SECTION 4. GENERAL PROVISIONS

1. The construction, operation, and decommissioning of an off-site battery storage facility must comply with the requirements of this ordinance.
2. The construction or operation of an off-site battery storage facility without a township permit is prohibited.

SECTION 5. TOWNSHIP PERMIT APPLICATION AND PROCEDURES

1. A township permit must be filed with the township clerk utilizing the township approved form. Only complete applications will be accepted.
2. A township permit application must be accompanied by full payment of any application fees or application escrow as required by resolution of the township board.
3. Within 45 days of receiving a complete township permit application, the township clerk shall submit the application to the township board.
4. The township board shall hold a public hearing on a township permit application prior to rendering any final determination. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the township at least 10 days prior to the hearing date.
5. The township board shall approve the issuance of a township permit if the township board finds that the application and proposed construction, operation, and decommissioning of the off-site battery storage facility complies with the requirements of this ordinance and does not present an unreasonable threat to public health or safety. The township board may impose reasonable conditions as terms of a township permit. Conditions imposed shall meet all of the following requirements:
 - a. Be designed to protect the health, safety, and welfare those who will construct, operate, or decommission the off-site battery storage facility, residents and landowners immediately adjacent to the proposed off-site battery storage facility, or the community as a whole.
 - b. Be related to the valid exercise of the police power and purposes which are affected by the proposed off-site battery storage facility.
 - c. Be related to the purpose of this ordinance or requirements set forth in this ordinance for off-site battery storage facilities.
6. Except as otherwise provided in this ordinance, a township permit shall be issued within 30 days of approval of the township permit by the township board. Township permits shall be in writing and signed by the township clerk. A township permit shall expire on the date stated on the permit not to exceed 35 years from the date of issuance. Regardless of township board approval, a township permit is not valid until issued pursuant to this subsection.
7. Applications to modify a township permit or transfer a township permit shall follow the same procedures as an initial application and must be approved by the township board. Unless authorized by the township board, a township permit is unique to the permittee and is non-transferable. A township permit is not renewable.
8. A township permit may be revoked by the township board for the following reasons:
 - a. Fraud or misrepresentation in the township permit application.
 - b. Failure to maintain required decommissioning financial security.
 - c. Failure to maintain required insurance.
9. Prior to the revocation of a township permit, the permit holder must be given written notice of the basis for the revocation and a hearing before the township board.

SECTION 6. TOWNSHIP PERMIT APPLICATION REQUIREMENTS

A township permit application must minimally include the following:

1. The name, address, and phone number of the applicant, any authorized representatives of the applicant, the proposed off-site battery storage facility operator, if known, and the owners of the parcels being utilized as a part of the off-site battery storage facility project.
2. Description of the off-site battery storage facility, including proposed megawatts of storage capacity, proposed full-load generating output capacity, type of battery technology, manufacturer equipment specifications, and any augmentation plan. A final equipment specification sheet shall be submitted to the township following completion of construction.
3. If the applicant is not the fee simple owner, an affidavit or evidence of an agreement establishing that the applicant has the requisite permissions of the fee simple owner to apply for a township permit.
4. A site plan showing the size and location of all proposed buildings, structures, and equipment including but not limited to transformers by type, inverters by type, and battery storage units by type, required setbacks, parcel lines, access roads, signage, fences, vegetation, drainage systems, easements, public rights-of-way, dwelling units located within 1,000 feet of a off-site battery storage facility components, private roads, floodplains, bodies of water, lighting, proposed access routes, gen-tie and collection lines, screening, elevations, and environmentally sensitive areas. The site plan must be drawn to scale and indicate how the off-site battery storage facility will be connected to the electric grid.
5. A grading plan and a stormwater management plan. The applicant shall demonstrate consultation with the county drain commissioner regarding the grading plan and stormwater management plan.
6. A list of governmental permits the applicant requires for the construction, operation, or decommissioning of the off-site battery storage facility and an anticipated timeline for obtaining such permits.
7. Renderings depicting views of the off-site battery storage facility, including one view from the public right-of-way.
8. Planned security measures to prevent unauthorized access.
9. A transportation plan to be utilized during the construction of the off-site battery storage facility and anticipated construction timeline.
10. An emergency and fire response plan and demonstrated consultation with local emergency responders.
11. A proposed agreement to decommission the off-site batter storage facility that includes removal all structures, fencing, equipment, foundations, footings, any debris, and restoration of the land and ground cover vegetation within a specified period of the use being discontinued, together with an engineer's estimate of the cost of decommissioning, and the proposed financial security in an amount not less than the estimated cost of decommissioning the facility.
12. Description of a proposed process for resolving complaints from nearby residents concerning construction or operation of the off-site batter storage facility.
13. Other information specified in the township approved application.

SECTION 7. SITE DEVELOPMENT AND OPERATIONAL REQUIREMENTS

1. An off-site battery storage facility shall be setback as follows:
 - a. A minimum of 50 feet from the edge of any public road right-of-way.
 - b. A minimum of 50 feet from the front, side, and rear property lines of the parcel upon which the battery energy storage system is located. The setback requirements of this subsection shall not apply to property lines where the parcel abutting the off-site battery storage facility is primarily dedicated to the operation of equipment or facilities for producing,

generating, transmitting, delivering or furnishing gas or electricity for the production of light, heat or power to or for the public for compensation.

- c. A minimum of 300 feet from any dwelling as of the date of application.
 - d. Setbacks shall be measured from the perimeter fence of the battery energy storage system. Setbacks shall not apply to the placement of underground electrical lines or other infrastructure that is accessory to the battery energy storage system, such as drainage infrastructure, access roads, or landscape screening.
2. An off-site battery storage facility shall not generate sound pressure levels in excess of 55 dBA Leq (1 hour) as measured at the property line of any parcel that is not primarily dedicated to the operation of the offsite battery storage facility or any parcel that, at the time of application, is not primarily dedicated to the operation of equipment or facilities for producing, generating, transmitting, delivering or furnishing gas or electricity for the production of light, heat or power to or for the public for compensation. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute
 3. An off-site battery storage facility shall be constructed and operated with the latest edition of NFPA 855 Standard for the Installation of Stationary Energy Storage Systems at the time of application. Compliance includes that all system components and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for Energy Storage Systems and Equipment) and that Battery Energy Storage Systems are subject to UL 9540A (Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems), as applicable
 4. Off-site battery storage facility light fixtures shall be down shielded to avoid casting light onto any adjacent properties.
 5. A battery energy storage system shall have security fencing around its perimeter. The height of the security fence shall be compliant with any applicable state or national codes.
 6. A battery energy storage system shall be screened in a manner that obscures views of the battery energy system from adjacent properties, obscures views of the battery energy system from public road rights-of-way, and promotes aesthetic compatibility with the surrounding area. The township board may impose specific screening requirements as part of the township permit. Such requirements must be consistent with the objectives of this subparagraph and considerate of the unique characteristics of the parcel upon which the battery energy storage system is located.
 7. Battery energy storage systems may be augmented or repowered without the need to submit a new site plan if the augmentation or repowering does not involve a change in battery chemistry that would increase risk of fire, occurs within the existing perimeter security fence, and does result in the battery energy storage facility exceeding the maximum energy output or storage capacity authorized by the township permit.
 8. To the extent feasible, unless otherwise required by the State of Michigan or federal agency having jurisdiction, all collection lines, wires, conduits, cables, and gen-tie lines must be located underground.
 9. An off-site battery storage facility may not commence commercial operation until it complies with applicable state and federal environmental laws, including, but not limited to, the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 to 324.90106.

SECTION 8. DECOMMISSIONING AND FINANCIAL SECURITY

1. An off-site battery storage facility, or any part thereof, must be fully decommissioned within 365 calendar days of ceasing active operations for a period of 180 calendar days or more.

2. Decommissioning requires the complete removal and disposal of the off-site battery storage facility components below and above ground. Within one growing season the areas previously occupied by the off-site battery storage facility must be planted with perennial ground cover that will stabilize the soil and prevent soil erosion.
3. To ensure the proper and timely decommissioning, a township permit holder shall maintain financial security from the issuance of the township permit through the completion of final decommissioning.
4. The financial security must be in the form of (a) a surety bond with terms acceptable to the township in the township's sole reasonable discretion naming the township as the sole obligee or (b) an irrevocable letter of credit with terms acceptable to the township in the township's sole reasonable discretion naming the township as the sole beneficiary. The duration of the financial security will be termed to the completion of the decommissioning of the battery energy storage facility.
5. The amount of financial security will be determined by the township board on a case-by-case basis and reasonably approximate the cost of decommissioning the battery energy storage facility excluding salvage values plus 5%. The financial security may be reviewed every five years by the township board. At the time of review, the township permit holder shall provide the township with a then-current decommissioning estimate. Any increase or modification to the financial security must be provided to the township within 30 calendar days of request by the township.
6. Required financial security must be filed with the township clerk following approval of the township permit by the township board and prior to the issuance of the township permit. Failure to file the required financial security with the township clerk within thirty days of the township board approving the township permit an abandonment of the township permit.
7. Prior to the issuance of a township permit the applicant must enter into a decommissioning agreement with the township. The terms of the agreement shall provide for the decommissioning of the off-site battery storage facility and the provision of decommissioning financial security as required by this ordinance. The terms of the decommission agreement must be acceptable to the township in the township's sole reasonable discretion. Compliance with the decommissioning agreement between an applicant and the township required by this section shall be a condition of a township permit.

SECTION 9. INSURANCE REQUIREMENTS

1. Insurance must be maintained by a township permit holder from the issuance of the township permit through the completion of final decommissioning.
2. A township permit holder must maintain insurance on terms acceptable to the township in the township's sole reasonable discretion naming the township as an additional insured. The insurance certificate must contain a clause stating that coverage may not be canceled, revoked, or modified without a minimum of thirty days' notice to the township. Insurance must comply with the following:
 - a. Commercial general liability insurance in an amount determined by the township board for injury or damage arising out of a single occurrence.
 - b. Liability insurance for sudden and accidental pollution and environmental contamination with minimum limits determined by the township board and providing coverage for claims discovered within three years after the term of the policy.
 - c. When determining amounts for the required insurance, the township board shall consider the following: size and scope of the off-site battery energy facility on the property, risk of damage and personal injury, risk of system failure, general commercial standards and

practice for off-site battery storage facilities, and other factors determined to be relevant by the township board.

3. In lieu of the insurance requirements set forth above, a self-insured township permit holder may enter into an indemnification agreement with the township on terms acceptable to the township in the township's sole reasonable discretion. Compliance with such an indemnification agreement shall be a condition of the township permit.
4. The insurance requirements of this section must be satisfied following approval of a township permit and prior to the issuance of a township permit.

SECTION 10. ENFORCEMENT, VIOLATION, AND PENALTY

1. Any person who violates or fails to comply with any provision of this ordinance or a township permit shall be responsible for a municipal civil infraction punishable by a fine of not less than \$1,000 and not more than \$5,000 in addition to any other costs permitted by law. Each day during which any violation continues shall be deemed a separate offense.
2. The township supervisor shall be responsible for the administration and enforcement of this ordinance. The township supervisor is designated as an authorized local official and is authorized to issue municipal civil infraction citations and take all other actions necessary to enforce, interpret, and administer this ordinance. Any act or function authorized to be carried out by the township supervisor may be carried out by a deputy or designee of the township supervisor and reference to the township supervisor in this ordinance shall include the deputy or designee of the township supervisor.

SECTION 11. SEVERABILITY

The provisions of this ordinance are severable. If this ordinance or any portion of this ordinance is declared void, illegal, or unconstitutional by a court of competent jurisdiction, such section or provision shall cease to be a part of this ordinance, and the remainder of this ordinance shall remain in full force and effect.

SECTION 12. EFFECTIVE DATE

This ordinance shall become effective 30 days following its publication in the manner required by law.

THE VOTE REGARDING THE ADOPTION OF THIS ORDINANCE WAS AS FOLLOWS:

YEAS: L.Daly/ K.Bliss/ L.Belyou/ P.Draper/ M.Fitzgerald

NAYS: NONE

ABSENT/ABSTAIN: NONE

ORDINANCE NO. 2025-1118 DECLARED ADOPTED

/s/ Mike Fitzgerald Township Supervisor 11-18-2025

/s/ Louise Belyou Township Clerk 11-18-2025

CERTIFICATION

I, Louise Belyou, Township Clerk, hereby certify that the above is a true copy of an Ordinance adopted by the Bushnell Township Board at the date, time, and place as specified above, and that it was published in the Greenville Daily News on November 22, 2025.

/s/ Louise Belyou Township Clerk 11-18-2025