

ARTICLE 1 – IN GENERAL

Section 46.6 – DEFINITIONS

Battery(ies) means a single cell 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 purposes of this Ordinance, batteries utilized in consumer products are excluded from these requirements.

Battery energy storage management system means an electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

Battery energy storage system (BESS) means one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system (BESS) is classified as follows:

- (1) *On-site battery energy storage system* means a battery energy storage system (BESS) that is intended primarily to serve the electricity needs of the applicant property but may, at times, discharge into the electric grid.
 - a. *Hybrid on-site battery energy storage system* means a battery energy storage system (BESS) co-located with a use other than an energy facility with a nameplate capacity of 50 MW or more.
- (2) *Off-site battery energy storage system* means a battery energy storage system (BESS) for the primary purpose of off-site use through the electrical grid. The types of off-site battery storage systems are as follows:
 - a. *Medium off-site battery energy storage system* means an off-site battery energy storage system (BESS) with a nameplate capacity less than 50 MW. Off-Site BESS with a nameplate capacity of 50 MW or more but with an energy discharge capability of less than 200 MWh are also considered medium off-site BESS.
 - b. *Large off-site battery energystorage system* means an off-site battery energy storage system (BESS) with a nameplate capacity of 50 MW or more and an energy discharge capability of 200 MWh or more.
 - c. *Hybrid off-site battery energy storage system* means a battery energy storage system (BESS) co-located with another energy facility, such as a commercial wind energy system or commercial solar collectors, or other use.

- (3) The following definitions apply to battery energy storage systems:

- a. *Cell* means the basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.
- b. *Commissioning* means a systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.
- c. *Dedicated-use building* means a building that is built for the primary intention of housing battery energy storage system equipment.
- d. *Non-Participating property* means real property that is not participating property.
- e. *Outdoor installations* mean outdoor installations are battery energy storage systems that are not Dedicated Use-Buildings.
- f. *Participating property* means real property that is either owned by an applicant or that is the subject of an agreement that provides for the payment by an applicant to a landowner of monetary compensation regardless of whether any part of the BESS system is constructed on the property.

Essential services means the erection, construction, alterations, or maintenance by public utilities or municipal departments, commissions, or boards, or by other government agencies of underground, surface, or overhead gas, electric, steam, or water transmission or distribution system, collection, communications, supply or disposal systems, dams, weirs, culverts, bridges, canals, locks, poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, or signs and fire hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or other government agencies, or for the public health, safety, or general welfare, but not including buildings other than those buildings which are primarily enclosures or shelters for the installed central services equipment. Wireless communication facilities, wind energy conversion systems (WECS), commercial solar energy systems, and battery energy storage systems (BESS) shall not be considered essential services under this Ordinance.

Public utility means any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state, or municipal regulations, to the public: electricity, gas, steam, communications, telegraph, transportation, water or sanitary sewer facilities. Such uses as wind energy conversion systems (WECS), commercial solar energy systems, radio stations, battery energy storage systems (BESS), and wireless communication facilities shall not be considered public utilities under this Ordinance.

ARTICLE V SUPPLEMENTAL REGULATIONS

Section 46-307 Battery Energy Storage Systems

A. Intent.

It is the intent of Brandon Township to regulate the siting, design, installation, and operation of Battery Energy Storage Systems (BESS). These standards permit the efficient and effective operation of BESS within the Township while mitigating their potential negative impacts and ensuring their compatibility with adjacent land uses in order to protect public health, safety, and welfare. Battery energy storage systems, as defined herein, are only permitted as authorized by this Section.

B. References.

As used in this Section the following terms shall have the meanings indicated:

- (1) *ANSI* refers to the American National Standards Institute.
- (2) *Building Code* refers to the Stille-DeRossett-Hale Single State Construction Code Act (Act No. 230, P.A. 1972, as amended).
- (3) *Fire Code* refers to the 2021 Edition of the International Fire Code, the Appendix chapters, including the reference standards” as published by the International Code Council, as adopted by the Township of Brandon in the State of Michigan.
- (4) *Nationally Recognized Testing Laboratory (NRTL)* is an U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.
- (5) *NEC* refers to the National Electric Code.
- (6) *NFPA* refers to the National Fire Protection Association.

C. Applicability

1. The requirements of this Section shall apply to all battery energy storage systems (BESS) permitted, installed, or modified in Brandon Township after the effective date of this Section, excluding general maintenance and repair.
2. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this Section.

D. General Requirements

1. **System Certification.** Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage

systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

- a. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
 - b. UL 1642 (Standard for Lithium Batteries),
 - c. UL 1741 or UL 62109 (Inverters and Power Converters),
 - d. Certified under the applicable electrical, building, and fire prevention codes as required.
 - e. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.
2. **Battery Maintenance.** Battery energy storage systems shall be maintained in good working order and in accordance with industry standards.
 3. **Site Maintenance.** Site access shall be maintained, including snow removal at a level acceptable to the Township and the Brandon Fire Department.
 4. **Visual Impact.** The Battery Energy Storage System shall not have a significant adverse impact on the natural features or neighborhood character of the surrounding area and shall be located to maximize its distance and visibility from adjacent properties and roadways.
 5. **Noise.** The 1-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 65 dBA as measured at any property line where the system is located. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The Enforcement Officer or Planning Commission may require an applicant to provide an acoustic assessment or sound study prepared by a licensed engineer from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.
 6. **Code Compliance.** All Battery Energy Storage Systems, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a Battery energy storage system and (2) subject to the Building Code shall be designed, erected, and installed in accordance with all applicable provisions of the Building Code, all applicable state and federal regulations, and industry standards as referenced in the Building Code and the Brandon Township Zoning Ordinance.
 7. **Compliance with Additional Codes.** Battery Energy Storage Systems, and the installation and use thereof, shall comply with the Building Code, Fire Code, and other applicable Township,

County, and State codes. Installation of a Battery Energy Storage Systems shall not commence until all necessary permits have been obtained.

E. On-Site Battery Energy Storage System (BESS)

On-site BESS, except for hybrid on-site BESS, are permitted as an accessory use/structure in all zoning districts and are subject to the following regulations. Hybrid on-site battery energy storage systems are subject to the regulations and approval processes for off-site large BESS in Section 46-307.F.

1. Where feasible, on-site BESS shall be located inside of a building. All on-site BESS that are located outside of a building shall be planted with a landscape buffer to create a visual screen at least six feet in height to the maximum extent possible without posing a fire risk. All on-site BESS must be placed in a secure container or enclosure meeting the requirements of the Building Code and, when no longer in use, shall be disposed of in accordance with applicable laws and regulations.
2. In all zoning districts, ground-mounted on-site BESS shall be located only in the rear or side yard and shall conform to the setback requirements for accessory buildings in Section 46-242.
3. Ground-mounted on-site BESS shall not exceed sixteen (16) feet in height, measured from the ground at the base of the system to its highest point.
4. Ground-mounted on-site BESS shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of attachment shall be submitted to the Enforcement Officer prior to installation. The Township Enforcement Officer may require an additional certification by a professional engineer or other qualified person prior to installation.
5. Building-mounted on-site BESS shall only be installed if they can be safely supported by the structure. Proof of the safety and reliability of the means of attachment shall be submitted to the Enforcement Officer prior to installation. The Township Enforcement Officer may require an additional certification by a professional engineer or other qualified person prior to installation.
6. A property owner shall obtain a certificate of zoning compliance prior to constructing an on-site BESS, unless otherwise exempted by this Ordinance. Applications shall include the following information:
 - a. Photographs of the property’s existing conditions.
 - b. Product specifications of the proposed Battery Energy Storage System.
 - c. Plot/sketch plan to indicate where the battery energy storage system is to be installed on the property (or, if building-mounted, the system’s location on a permanent building), including its setbacks from the property lines.

- d. Elevations of the battery energy storage system, including the associated building wall or support structure if building mounted.
7. Repair and replacement of an existing on-site BESS is exempt from the certification of zoning compliance, provided that there is no expansion of the size or capacity of the existing system. This provision does not exempt applicants from obtaining building permits as applicable.

F. Off-Site Battery Energy Storage Systems

1. Medium and Large Off-Site Battery Energy Storage Systems (BESS)

- a. Medium and large off-site BESS may be considered as special use within 1,000 feet of the existing ITE utility corridor as depicted on the Off-Site BESS overlay map in addition to the standards provided in this Section. The special land use procedures and standards in Article II, Division 3 – Special Land Uses and site plan review procedures and standards shall be applied to all large off-site BESS applications.

2. Hybrid Off-Site Battery Energy Storage Systems (BESS)

- a. Hybrid BESS facilities may be considered under a single application with the collocated energy facility. Each component shall be reviewed for compliance with the appropriate standards and regulations in this Ordinance.

3. The construction and operation of all Off-Site Battery Energy Storage Systems shall comply with all applicable local, state and federal requirements.

4. No Off-Site Battery Energy Storage System shall be constructed, installed, or modified as provided in this section without first obtaining all applicable permits.

5. Applications to build an Off-Site Battery Energy Storage System in Brandon Township must be accompanied by the fees required for a special use permit and site plan review and for special land use for a large off-site battery energy storage system.

6. Off-Site Battery Energy Storage Systems shall not be approved until evidence has been provided to the Planning Commission that the property owners and applicable utility authorities have authorized the proposed system.

7. Application Requirements

Applications for the installation, replacement or renewal, or commissioning of an Off-Site Battery Energy Storage system shall be accompanied by the following information. The Planning Commission shall have the authority to modify any of the following requirements based on information provided by applicants or recommendations of the Township Engineer, Brandon Fire Department, or staff. All of the following documents must be prepared by an engineer licensed by the State of Michigan.

- a. **Site plan drawing and supporting materials:** All applications for an off-site battery energy storage system use must be accompanied by detailed site plans, drawing to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
 - i. All requirements for a site plan contained in division 2, site plan review of the Brandon Charter Township Zoning Ordinance.
 - ii. The location and dimensions (including footprint and height) of all BESS components proposed for the final stage of installation (i.e., accounting for any future augmentation, if applicable), including enclosures or dedicated-use buildings, ancillary structures and electric equipment, buried or above ground wiring, utility connections, temporary and permanent access drives;
 - iii. The location of existing structures on participating property;
 - iv. The location of existing dwellings and primary structures on non-participating properties within one thousand (1,000) feet of the participating property's boundary;
 - v. Participating and non-participating property lines;
 - vi. Details of proposed fencing, screening/landscape, berm, and signage.
- b. **Construction documents.** Construction documents shall include the following plans, manuals, and specifications:
 - i. Location and layout diagram of the room or area in which the BESS is to be installed.
 - ii. Details on the hourly fire-resistance ratings of assemblies enclosing the BESS.
 - iii. The quantities and types of BESS to be installed.
 - iv. Manufacturer's specifications, ratings and listings of each BESS.
 - v. Description of energy (battery) management systems and their operation.
 - vi. Location and content of required signage.
 - vii. Details on fire suppression, smoke or fire detection, thermal management, ventilation, exhaust and deflagration venting systems, if provided.
 - viii. Support arrangement associated with the installation, including any required seismic restraint.

- c. **Land Clearing and/or Grading Plan:** A plan showing proposed clearing and/or grading as required for the installation and operation of the system
- d. **Stormwater Management Plan:** Computations and design of a stormwater management system as outlined in Chapter 14, Article VI - Stormwater Management Plan of the Brandon Township Code of Ordinances.
 - i. For a BESS in a well-head protection zone and/or if the Fire Response Plan requires liquid agents for firefighting, additional calculations and design of the emergency runoff retention system in the area within ten (10) feet of the BESS shall be submitted
- e. **Statement of Public Benefits:** A statement explaining the expected public benefits of the proposed BESS.
- f. **Commissioning Plan.** Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Fire Code, Building Code, or applicable standard.
- g. **Decommission plan.** In addition to requirements for Decommissioning Plans in NFPA 855, a narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
 - a. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 - b. The anticipated life of the battery energy storage system;
 - c. The estimated decommissioning costs and how said estimate was determined;
 - d. The method of ensuring that funds will be available for decommissioning and restoration;
 - e. The method by which the decommissioning cost will be kept current;
 - f. The manner in which the site, including soil and woodlands, will be restored to the original condition or better, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and

- v. A commitment to review and update the FRP with Brandon Fire Department and Oakland County Emergency Management at least once every two (2) years.
 - vi. An analysis of whether plans to be implemented in response to a fire emergency can be fulfilled by existing local emergency response capacity. The analysis should include identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies.
 - vii. Other information the applicant finds relevant.
- m. Operation and Maintenance Manual.** Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Fire Code and Building Code.
- n. Emergency Operations Plan.** A copy of the approved Emergency Operations Plan shall be given to the system owner, the Brandon Fire Department, the local fire code official, local law enforcement, and emergency responders. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
- i. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - ii. Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - iii. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to Brandon Fire Department personnel for potentially hazardous conditions in the event of a system failure.
 - iv. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the Brandon Fire Department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
 - v. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

- vi. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
 - vii. Other procedures as determined necessary by Brandon Township to provide for the safety of occupants, neighboring properties, and emergency responders.
 - viii. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
- 8. Decommissioning Fund.** Prior to commencement of construction, the applicant for an Off-Site Battery Energy Storage System shall provide a form of surety, either through an escrow account or bond, to cover the cost of removal in the event Brandon Township must remove the installation; the amount of surety shall be determined by the Planning Commission but shall not exceed more than 125 percent of the cost of removal. The applicant shall submit a fully-inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs associated with inflation, reviewed at least once every calendar year.

9. Standards for Off-Site Battery Energy Storage Systems

- a. Setbacks.** Off-Site Battery Energy Storage Systems setbacks are subject to the following requirements:
 - i. Setback distances shall be measured from the nearest edge of the perimeter fencing to the property line.
 - ii. Off-Site BESS are not subject to property line setbacks for common property lines of two or more participating properties with these exception of a street line.
 - iii. Off-Site Battery Energy Storage Systems shall have the following setbacks:
 - a) Three hundred (300) feet from any community buildings and occupied dwellings on a non-participating property.
 - b) Fifty (50) feet from the nearest edge of a public road right-of-way
 - c) Fifty (50) feet from the property line of a non-participating property.
- b. Height.** Off-Site Battery Energy Storage dedicated-use buildings shall comply with the building height limitations for principal structures of the underlying zoning district., but not to exceed thirty-five (35) feet. The total height of an Off-Site BESS enclosure, including any roof-mounted mechanic equipment, shall not exceed

sixteen (16) feet. Other equipment (e.g., poles, substations, towers) is exempted from height requirements if alternative design options are not feasible.

- c. **Lighting.** Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.
- d. **Signs**
 - i. **Safety Signs:** Off-Site Battery Energy Storage Facilities shall post signs in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number. As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. Safety signage is exempt from the maximum number, height and area sign regulations in Article X of the Zoning Ordinance.
 - ii. Additional signs may be permitted subject to the requirements of Article X of the Zoning Ordinance.
- e. **Fencing Requirements.** Off-Site Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports. A minimum of twenty-four (24) feet of clearance shall be maintained on both sides of the perimeter fence in order to provide emergency vehicle access. Fencing is subject to the regulations in Section 46-243.
- f. **Containment.** Off-Site Battery Energy Storage Systems shall include containment systems to prevent chemicals, fire suppressant agents, or similar hazards from contaminating surface water, groundwater, and soil, and to minimize the risk of human exposure.
- g. **Vegetation and tree-cutting.** Areas within fifty (50) feet on each side of Off-Site Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

- h. Screening and Noise Barriers.** Off-Site Battery Energy Storage Systems shall use architectural features, earth berms, landscaping, or other screening methods that will visually screen the BESS from adjacent properties and function as a sound barrier. The screening shall maintain a minimum opacity of at least 80 percent between the perimeter fencing and non-participating properties. These elements shall be designed to harmonize the BESS installation with the surrounding area but shall not interfere with ventilation or exhaust ports. The performance guarantee may include funds for the replacement of screen and noise barriers.
 - i. Utility Connections.** Utility connections and/or connection transmission lines shall not require a separate land use approval, but connection/transmission lines may be either determined and approved at the time of a BESS special land use approval process, or, if not finalized at the time of such approval, such lines may be approved by way of site plan approval, so long as such lines connect to an approved BESS project.
 - j. Maximum Lot Coverage:** For purposes maximum lot coverage, the ground floor area of dedicated-use building and the area of all of the participating properties shall be included in such calculation. The area of outdoor installations shall be exempt from such calculation.
 - k. Access Drives.** Access drives shall be designed in consultation with Brandon Fire Department.
 - l. Wiring:** All on-site utility lines shall be placed underground to the extent feasible, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation, any poles, with new easements and right-of-way
- 10. Post-Approval Documentation:** Any Special Land Use Permit for any Off-Site BESS shall be conditioned upon the submission of the following documents:
- a. Pre-Construction Documents:** Prior to the commencement of construction activities, the following documents shall be prepared and/or updated in compliance with NFPA 855 and developed in consultation with the Brandon Fire Department. These shall be submitted to the Brandon Fire Department and the Enforcement Officer. Copies of all Pre-Construction Documents, including the items listed below, shall be maintained at an approved on-site location accessible to facility personnel, the Brandon Fire Department, and emergency responders:

 - i. Final Equipment Specification Sheet:** Documenting the final battery energy storage system components, inverters, and associated electrical equipment.

- ii. Contact Information: Name, address, and contact information of the system installer and the owner and/or operator of the battery energy storage system.
 - iii. Amended ERP and FRP (if applicable): Changes to the design, type, manufacturer, etc. of BESS facilities or equipment after site plan approval must be analyzed to determine if changes are necessary to the ERP or FRP. Additional consultation with the Brandon Fire Department and Oakland County Emergency Management is required for amended plans.
 - iv. Commissioning Plan: A Commissioning Plan as outlined in this Zoning Ordinance and NFPA 855.72
 - v. Hazard Mitigation Analysis (HMA): A Hazard Mitigation Analysis as outlined in this Zoning Ordinance and NFPA 855.73
- b. Post-Construction Reporting:** Prior to the commencement of commercial operations, the following documents shall be prepared and/or updated in compliance with NFPA 855 and developed in consultation with the Brandon Fire Department. These shall be submitted to the Brandon Fire Department and the Enforcement Officer prior to final inspection and approval by the Building Official. Copies of all Post-Construction Reporting shall be maintained at an approved on-site location accessible to facility personnel, the Brandon Fire Department, and emergency responders.
- i. Amendments or updates to any Pre-Construction Documents.
 - ii. Commissioning Report: A Commissioning Report as outlined in this Zoning Ordinance and NFPA 855.74.
 - iii. Emergency Operations Plan: An Emergency Operations Plan as outlined in this Zoning Ordinance and NFPA 855.75. An Emergency Operations Plan shall be required for all applications, including applications for any facilities under the exclusive control of electric utilities, notwithstanding any potential exemption of this requirement provided by NFPA 855.76.
- c. Post-Construction Sound Survey:** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the BESS system owner within six (6) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this ordinance. Small Off-Site BESS are exempt from this requirement.
- 11. Ownership Changes.** If the owner of the battery energy storage system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the

successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Enforcement Officer of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Enforcement Officer in writing. The special use permit and all other local approvals for the battery energy storage system may be determined by the Township Board at a public meeting to be void if a new owner or operator fails to provide written notification to the Enforcement Officer in the required timeframe unless the new owner or operator provides a reasonable explanation for any delay. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this Ordinance.

12. Abandonment or Decommissioning

- a. Any Off-Site Battery Energy Storage System which has reached the end of its useful life or has been abandoned as defined within this Section shall be removed, and parcel owners shall be required to restore the site to its original condition. The owner/operator shall physically remove the installation no more than one-hundred and fifty (150) days after the date of discontinued operations. The owner/operator shall notify the Township and the Planning Commission (by certified mail) of the proposed date of discontinued operation and of plans for removal.
- b. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Off-Site Battery Energy Storage System shall be considered abandoned when it ceases to operate consistently for more than thirty (30) days. If the owner/operator fails to comply with decommissioning upon abandonment, Brandon Township may, at its discretion, enter the property and utilize the available bond and/or security for the removal of an Off-Site Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.
- c. Decommissioning shall consist of:
 - i. Physical removal of all Off-Site Battery Energy Storage Systems, structures, equipment, security barriers, and transmission lines from the site.
 - ii. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
 - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion.

13. Performance guarantees.

A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Fire

Code and Building Code shall be provided to the Enforcement Officer prior to final inspection and approval and maintained at an approved on-site location.

14. Changes to Approved Off-Site Battery Energy Storage Systems

Minor changes to an approved Off-Site BESS may be reviewed and approved by the Township Enforcement Officer or their designee. The Township Enforcement Officer may, at their discretion, determine that a proposed amendment constitutes a major change that requires a new special use approval by the Planning Commission. The following changes shall be considered minor:

- a. Technical changes to the following application documents:
 - i. Construction documents
 - ii. Fire Safety Compliance Plan
 - iii. Operation and Maintenance Manual
 - iv. Emergency Operations Plan
- b. Modifications to, retrofits, replacements or repowering of an existing battery energy storage system that do not do any of the following:
 - i. Substantially increase the total battery energy storage system designed discharge duration or power rating
 - ii. Increase the system lot coverage.
 - iii. Change the footprint of the BESS (e.g., same dedicated use building or on footings/foundations in the same location) as the originally approved special land use and site plan
 - iv. Significant change in the battery chemistry (e.g., a change from one lithium-ion battery type, such as Lithium Iron Phosphate, to another, such as Nickel Manganese Cobalt).

G. Enforcement

Any violation of this Section shall be subject to the same enforcement requirements, including the civil and criminal penalties provided for in the Brandon Township Code of Ordinances.

H. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.