

**WORTH TOWNSHIP  
SANILAC COUNTY, MICHIGAN  
ENERGY STORAGE  
ZONING ORDINANCE AMENDMENT  
ORDINANCE NO. 24-11-20-02**

At a regular meeting of the Township Board of Worth Township, Sanilac County, Michigan, held at the Worth Township Hall on November 20, 2024, at 6:30 p.m., Township Board Member Huvaere moved to adopt the following Ordinance, which motion was seconded by Township Board Member Varty.

*An Ordinance to amend certain portions of the Worth Township Zoning Ordinance, which has been codified as Chapter 300 of the Worth Township Code of Ordinance, to implement regulations on Energy Storage Facilities as defined herein to protect the health, safety, and general welfare of the Township and its residents.*

**WORTH TOWNSHIP, SANILAC COUNTY, MICHIGAN ORDAINS:**

**SECTION 1. AMENDMENT TO WORTH TOWNSHIP ZONING ORDINANCE TO ADD ARTICLE III, SECTION 300-46:** Section 300-46 shall be amended to add provisions for permitting and regulating Energy Storage Facilities. The remainder of the Zoning Ordinance shall be recodified by shifting down sections to allow for the inclusion of this section. For example, the previous section 300-46 entitled “Maps” shall be recodified as “Section 300-48.” Section 300-45 shall read as follows:

**SECTION 300-46. ENERGY STORAGE FACILITIES**

**A. Intent & Purpose.**

1. Purpose. The most common and prevalent land use in Worth Township is agricultural, and its preservation has been an ongoing goal within the community for many years. This Ordinance is intended to protect the health, safety and welfare of the residents of the Township and to encourage the safe, effective, efficient, and orderly development and operation of Energy Storage Facilities in the Township while preserving and protecting the character and the stability of residential, agricultural, recreational, commercial and other areas within the Township
2. With advances in technology of “energy storage” in general, specific locations within the Township may support the implementation of an Energy Storage Facility. In order to protect the general health, safety, and welfare of residents within the Township, this Ordinance will require an Energy Storage Facility to obtain a special land use permit to ensure Energy Storage Facility sites are appropriately located so as to protect the character and stability of the Township’s residential, agricultural, recreational, commercial and/or industrial areas and character while simultaneously preserving and protecting the Township’s important

and sensitive environmental and ecological assets and areas, open space, viewscales and aesthetics, wetlands, and other ecological and environmentally sensitive areas. Accordingly, regulations are necessary to further the above goals and, equally important, to minimize the potential adverse effects of this emerging land use on adjacent properties.

## B. Definitions.

1. **ABANDONMENT.** To give up, discontinue, withdraw from. Any Energy Storage Facility that ceases to produce energy on a continuous, daily, basis for three hundred (300) days will be considered abandoned. This includes a Utility-Scale Energy Storage Facility that was never operational if construction has been halted for a period of three hundred (300) days. Abandoned Utility-Scale Energy Storage Facility shall be subject to the abandonment and decommissioning proceedings set forth herein.
2. **DARK SKY-FRIENDLY LIGHTING TECHNOLOGY.** A light fixture that is designed to minimize the amount of light that escapes upward into the sky.
3. **DB(A):** The Sound Pressure Level in decibels. Refers to the A-weighted decibel scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
4. **DECIBEL:** The unit of measure used to express the magnitude of Sound Pressure and sound density.
5. **DECOMMISSION:** To remove or retire a Energy Storage Facility from active service and restore associated lands to a substantially similar condition to pre-development or other condition approved by the Township.
6. **DECOMMISSIONING PLAN:** A document that details the planned shut down and removal of a Energy Storage Facility from operation or usage and return of the underlying lands to the pre-development condition or other condition approved by the Township.
7. **ENERGY STORAGE FACILITY.** A system that absorbs, stores, and discharges electricity (e.g., using batteries) for transmission to off-site customers.
8. **HABITABLE STRUCTURE:** Any structure primarily used for living or business purposes by humans, which includes, but is not limited to, working, sleeping, eating, cooking, recreation, office use, or any combination thereof. A structure primarily used for storage incidental to a land use or a structure that is only incidentally used or not intended for use by humans, shall not be considered a Habitable Structure.

9. **NON-PARTICIPATING PROPERTY:** A parcel that, at the time of application, does not have a signed lease or easement agreement or other contractual agreement with the Applicant related to a particular proposed Energy Storage Facility.
10. **PARTICIPATING PARCEL:** A parcel of land within the Township that is subject to lease or easement agreement or other contractual agreement with the Applicant at the time the application is submitted for a SLUP for the purpose of developing and constructing an Energy Storage Facility.
11. **PROJECT:** The term “project” refers to the entire Energy Storage Facility and all its component parts, including but not limited to buildings, fencing, landscaping, access roads, and any other component. The term is used to refer to the entire land use, including construction and operation phases. Relatedly, “project area” refers to the entire area surrounding the Energy Storage Facility, including all participating parcels, and all components on those parcels.
12. **SLUP:** Special Land Use Permit.
13. **SOUND PRESSURE:** Average rate at which sound energy is transmitted through a unit area in a specified direction; the pressure of the sound measured at a receiver.
14. **SOUND PRESSURE LEVEL:** The Sound Pressure mapped to a logarithmic scale and reported in Decibels (dB).
15. **STRAY VOLTAGE:** Stray voltage refers to small voltage differences that can exist between two surfaces. On the farm, these can be surfaces that are accessible to animals (stanchion, waterer, floor, etc.). When an animal touches both surfaces simultaneously, a small electric current will flow through its body. If the current is high enough, it can be felt by the animal and may cause behavioral changes.
16. **USDA:** The United States Department of Agriculture.

### C. General Regulations

1. **Compliance with Other Laws:** This Ordinance is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. Applicants and Permit Holders shall comply with all federal, state, and local laws and regulations that are applicable.
2. **Compliance with this Ordinance:** The Township may revoke any approvals for, and require the removal of, any Energy Storage Facility that does not comply with this Ordinance.

#### D. Energy Storage Facilities

1. Zoning District: Energy Storage Facilities are limited to the Agricultural-Residential (AG) and Industrial (I) Zoning Districts within the Township as a special land use per the requirements and conditions of this Zoning Ordinance.
2. Special Land Use Permit: An application for Energy Storage Facilities Special Land Use Permit shall be filed with the Township Planning Commission pursuant to the special land use permit requirements in Article XVI of the Zoning Ordinance. Supporting data and documentation shall be submitted in their entirety at the time of application. The Applicant shall provide to the Township updated documents throughout the lifespan of the Energy Storage Facility upon request by the Township.
3. Application Requirements: An Application for a SLUP to operate an Energy Storage Facility shall include:
  - a. Written authorization from the local utility company for connection to the utility grid shall be provided to the Township acknowledging and approving the connection. In addition, the Applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization.
  - b. Applicant Identification: The application shall include the Applicant(s) name and Owner(s), if different, and address(es) in full, as well as a statement that the Applicant is the owner involved or is acting on the owner's behalf. Each application for an Energy Storage Facility shall also be dated to indicate the date the application is submitted to the Township.
  - c. Application Fee: An application for an Energy Storage Facility shall remit a non-refundable fee in the amount (in addition to all required escrows) specified in the approved schedule adopted by resolution of the Township Board. This schedule shall be based on the cost associated with the Township's review of the application, which may be adjusted from time-to-time.
  - d. Application Escrow Account: An escrow account shall be set up when the Applicant applies for a Special Use Permit for an Energy Storage Facility. The monetary amount filed by the Applicant with the Township shall be in an amount estimated by the Township Board to cover all reasonable costs and expenses associated with the special use zoning review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, Township Engineer, any other necessary consultants, and any reports or studies which the Township

anticipates it may conduct related to the zoning review process for the particular application. Such escrow amount shall include regularly established fees.

- i. At any point during the zoning review process, the Township may require that the Applicant place additional monies into the Township escrow account should the existing escrow amount filed by the Applicant prove insufficient. If the escrow account needs replenishing and the Applicant refuses to do so within forty-five (45) days after receiving notice, the zoning review and approval process shall cease until and unless the Applicant makes the required escrow deposit. Such application escrow shall be held by the Township Treasurer in a separate bank account, and upon completion of Township zoning review, all excess escrow funds shall be returned to the Applicant without interest. An itemized billing of all expenses shall be provided to the Applicant. The Township shall hire qualified professionals for each and any of the technical fields associated with the Special Use Permit Application Review, such as, but not limited to, electrical, acoustics, environment, economics, wildlife, health, and land-use.
- e. Project Description and Rationale: Identify the type, size, rated power output, performance, safety and noise characteristics of the Energy Storage Facility, including the name and address of the manufacturer(s), and model(s). Identify time frame, project life, development phases, likely markets for the stored energy and possible future expansions. Documentation for addressing the review criteria, standards, findings, and supporting the applications is to be provided. The Township may require any information reasonably necessary to determine compliance with this Ordinance.
- f. Property Owner Permission, Easement, Lease, or other Contractual Evidence: Evidence of an agreement between the property owner and facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the Energy Storage Facility.
- g. A copy of the portion of the Applicant's lease with the landowner(s) for the listed parcels granting easements and authority for use shall be provided, including but not limited to, copies of all lease agreements, easements, licenses, or similar legal instruments with the owners of all participating parcels.
- h. Copies of recorded documents must also be provided for any waiver agreements entered into by non-participating landowners.

- i. **Parcel Identification:** All parcels that will be included in the Energy Storage Facility will be included and listed in the application. This includes parcels that will be traversed during any construction, on which transmission lines cross, for driveways and access roads or for which any form of easement agreement is granted to the Applicant. An address or the nearest crossroads if no address is available, a parcel identification number, and a legal description for each parcel shall be included. The subsequent addition to the list of parcels after submission will allow amendment of the Application to include the added parcels.
  
- j. **Emergency Response and Safety Plan:** An emergency response plan addressing how emergency services providers (EMS, fire, and law enforcement) can respond to emergencies that could occur on a facility and how they or the Township can notify residents of any ongoing emergency (e.g., a text alert system). Applicants shall demonstrate how their emergency response plan is consistent with industry practices and standards for similar facilities including compliance with NFPA 855: “Standard for the Installation of Stationary Energy Storage Systems” or successor standard. The emergency response plan shall also be provided by the applicant to Township emergency medical services, fire protection, and law enforcement providers for an opportunity to comment, and comments from the providers above must be submitted to the Township for review. The emergency response plan shall include a containment plan addressing surrounding areas. Should an emergency response plan identify any necessary resources or training not possessed by a Township emergency services provider, the applicant must identify how it will provide such resources or training to the applicable provider.
  
- k. **Site Plans:** Site plans shall specifically identify, at minimum, all items from the following list and shall comply with any other applicable requirements in the Township's Zoning Ordinance for site plans: All applications for an Energy Storage Facility shall be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan. A Energy Storage Facility Site Plan shall be filed pursuant to Section 300-151(E) of the Zoning Ordinance. The site plan shall display the following information unless waived as unnecessary by the Planning Commission:
  - i. All lots and parcels within two thousand feet (2,000’) of the Energy Storage Facility, including the locations and size of associated buildings, accessory structures, and overall project area boundaries.
  
  - ii. Location and size of planned utility equipment, transmission lines,

and drainage ways. A description of the proposed technology from the system manufacturer shall be provided.

- iii. The location, approximate height, and dimensions of all existing structures, existing parcel drainage tile layouts, existing landscaping, and existing fencing on the parcel(s) containing the Energy Storage Facility, including other parcels within a two-thousand feet (2,000') radius of the Participating Parcels' boundaries
- iv. All existing underground utilities not exclusive to the Energy Storage Facility such as gas lines, phone lines, cable, etc.
- v. Documentation of existing vegetation, regulated wetlands, regulated floodplains, regulated and endangered species, regulated lakes, streams, or ponds, wooded areas, public conservation areas, state game areas, etc., within five (5) miles of the Energy Storage Facility.
- vi. Topographical grades and conditions of the project area at the time of the application.
- vii. Required setbacks, location of components, and footprint area(s).
- viii. Location of property lines, and roads or other rights-of-way.
- ix. Access routes to Participating Parcels.
- x. Proposed road and driveway improvements.
- xi. The location, grades, and dimensions of all temporary and permanent on-site access roads from the nearest county or state-maintained road.
- xii. Ingress and egress from the site as proposed during construction and thereafter, indicating road surface, width, and length of access route.
- xiii. All new infrastructure above ground and underground that is part of the Energy Storage Facility or that connects the Energy Storage Facility to the public utility grid.
- xiv. A description of the proposed technology from the Energy Storage Facility manufacturer shall be provided.
- xv. Proposed signage and location of signage.

- xvi. Proposed location and orientation of any lighting or batteries used in the project.
- xvii. Proposed location of any assets to be removed, including trees.
- l. Construction Schedule. An anticipated construction commencement date and anticipated completion date.
- m. All maps and diagrams need to be drawn at an appropriate scale.
- n. Visual Impacts: Review and demonstrate the visual impact using photos or renditions of the project or similar projects with consideration given to tree plantings and setback requirements.
- o. Environmental Analysis:
  - i. A description of the anticipated effects of the Energy Storage Facility on the environment, natural resources, and solid waste disposal capacity, which may include records of consultation with relevant state, tribal, and federal agencies.
  - ii. The Applicant shall provide evidence of compliance with applicable State of Michigan statutes for Water Resource Protection, Natural Resources, Environmental Protection Acts, and Soil Erosion and Sedimentation Control.
- p. Waste: Identify and quantify solid waste or hazardous waste generated by the project. This includes plans for spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes.
- q. Transportation Plan: Provide an access plan for the construction and operation phases. The plan shall show the proposed service road, ingress and egress access onto primary and secondary routes, and the layout of the project's service road system. Due to infrequent access to such facilities after construction is completed, paving or curbing access drives is not required. However, driveways and parking lots used by on-site employees, such as occupied offices that are located on site, shall be paved and curbed.
- r. Public Safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the community in general that may be created. Identify design components relating to fire prevention and temperature control.
- s. The Applicant shall provide a safety manual for distribution to first responders to be kept with the Sanilac County Emergency Management



Department and the Township Board. This safety manual should include, but not be limited to, procedures for responding to a fire or flood at the Energy Storage Facility.

- t. The Applicant shall provide all material safety data sheets and manufacturer's instructions/manuals for substantive project components (e.g., batteries) for Township review and inspection. Should any of the above information be considered confidential or a trade secret, the applicant shall indicate a process to allow inspection of such materials upon request by the Township while at the same time protecting disclosure of the documents to the extent permitted by Michigan public record statutes.
- u. Interference: Identify any potential electromagnetic fields or interference with television signals, microwave signals, global positioning systems, military defense radar, radio reception, or other communications generated by the Energy Storage Facility.
- v. Utility Company Involvement: A copy of the any agreements entered into with the utility company or other entities who will be providing or using the electricity stored by the Energy Storage Facility.
- w. Complaint Resolution Plan. The applicant shall maintain a complaint resolution process that includes a publicly available permanent phone number and contact information for residents to make complaints regarding the Energy Storage Facility related to violations of the Zoning Ordinance or zoning approvals. The applicant shall acknowledge receipt of such complaints within five (5) business days and shall resolve complaints within thirty (30) days unless impractical, in which case the applicant must notify the Township and complainant of an estimate timeframe to resolve a complaint. The complaint resolution process may not require a complainant or the Township to post a monetary deposit or otherwise pay for the applicant to resolve or investigate a complaint. The Energy Storage Facility owner must notify the Township of any received complaints and resolutions to complaints on a quarterly basis.
- x. Insurance Coverage: The Applicant shall insure each Energy Storage Facility at all times and shall maintain such insurance on its own behalf and on behalf of the Township as a co-insured, with limits of liability not less than \$2,500,000 per occurrence for damages to persons and property (to be adjusted annually to an amount equivalent to 2024 dollars based on CPI).
- y. Decommissioning Plan: A Decommissioning Plan submitted according to the decommissioning requirements in this Ordinance and containing all the material and information required therein.

#### E. Standards and Requirements.

1. A SLUP for an Energy Storage Facility is transferable to a new owner. The new owner shall register its name and business address with the Township and shall comply with this Ordinance and all approvals and conditions issued by the Township.
2. When deciding whether to issue a SLUP for an Energy Storage Facility, the Township shall consider the environmental impacts of the land use, including land disturbance/land use impacts; the potential impacts to specially designated areas; the impacts to soil, water and air resources; the impacts to vegetation and wildlife habitat; the visual and cultural impacts; and the potential impacts from hazardous materials.
3. Installation: The Energy Storage Facility shall comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect at the time of this amendment or any applicable successor standards as reasonable and consistent with the purposes of this subdivision.
4. Site Clearing: Clearing of natural vegetation shall be limited to what is necessary for the construction and maintenance of the installation. No land assets such as, but not limited to topsoil, sand, gravel, etc. may be removed from the premises without the written approval of the landowner and shall be done in accordance with Township Ordinances. A copy of landowner approval for removal of any assets as described shall be on file with the Township prior to removal.
5. Setbacks:
  - a. An Energy Storage Facility and its components (excluding perimeter security fencing) shall have the following minimum setbacks:
    - i. Habitable Structures: Three hundred feet (300’) from the nearest point on the outer wall of the habitable structures.
    - ii. Roads: Fifty feet (50’) from any road, highway right-of-way, measured from the nearest edge of the road right-of-way.
    - iii. Non-Participating Properties: Fifty feet (50’) from the property line of any non-participating properties
6. When an Energy Storage Facility comprises multiple lots of more than one owner, the internal setback shall not apply to the joined lot lines.
7. Fencing: Fencing for the Energy Storage Facility shall comply with the latest version of the National Electric Code or any applicable successor standard approved by the Planning Commission as reasonable and consistent with the

purposes of this subsection. Areas that host visible Energy Storage Facility components shall be completely enclosed by a perimeter security fence to restrict unauthorized access. Such fencing perimeter and the fencing must be at least seven (7) feet high and be made of chain link or other design to prevent unauthorized access.

8. **Safety/Access:** Fencing erected under this Ordinance shall surround the perimeter of the site plan border to provide safety, security, and protection of the system and the public. Either the keys or passcode to the fence shall be provided to the Township to allow for emergency personnel (e.g., police, fire, ambulance) to access the Energy Storage Facility if necessary. A safety plan shall be in place and updated regularly with the local fire department having jurisdiction over the Energy Storage Facility.
9. **Sound Pressure Level:** No Energy Storage Facility shall emit any form of audible sound energy, frequency, or spectrum exceeding 50 dB(A) (Leq-10 minute) as measured at the exterior wall of Habitable Structures on a Non-Participating Property.
10. Applicants must provide a pre-construction and post-construction sound study to the Township demonstrating compliance with this standard.
11. **Landscaping:**
  - a. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of the Energy Storage Facility and adjacent residential or agricultural areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any Energy Storage Facility as approved by the special land use permit.
  - b. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four feet in height and shrubs two feet in height. The evergreen trees shall be spaced no more than 15 feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than 30 feet apart on center and shrubs shall be spaced no more than seven feet apart on center. All unhealthy (60% dead or greater) and dead material shall be replaced by the applicant within six months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than six consecutive months. Failure to

maintain the required evergreen vegetative buffer as required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any special land use permit previously granted.

- c. All plant materials shall be installed between March 15 and November 15. If the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety, or corporate guarantee for an amount equal to 1.5 times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
- d. The landscaping requirements above can be waived upon request by an applicant in instances where screening may be unnecessary such as in between two participating properties, in between two vacant farm fields, or in other similar situations. Moreover, the Township may accept reasonable alternative plantings from an applicant to accomplish screening of a project should the plantings have, in the Township's determination, the same or a greater screening effect of the project.
- e. A ground cover suitable for growth on the specific site shall be planted within six (6) months of project completion and maintained for the duration of operation until the project is decommissioned. The ground cover planted shall be one that the USDA has determined will grow in this region.

12. Signage: No advertising or non-project related graphics shall be on any part of the Energy Storage Facility. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.

- a. An information sign shall be posted and maintained at the entrance(s) that lists the name and phone number of the operator and emergency contact information.
- b. Signs warning of the high voltage associated with the Energy Storage Facility shall be posted at every entrance to the facility.
- c. The Energy Storage Facility shall be adequately signed according to American National Standards Institute (ANSI) Z535, Section 4.7.4 or other applicable national standard or practice. This shall include providing emergency responders information about the batteries and

other hazardous contents and potential risks within the system.

13. **Electrical Cables:** All electrical interconnection and/or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements.
14. **Lighting Provisions:** Lighting of the Energy Storage Facility shall be limited to the minimum necessary for safe operation. The facility shall implement dark-sky friendly lighting solutions.
15. **Stray Voltage:** The Applicant shall be responsible for compensation to residents for property damage, including livestock, health or other damage by stray voltage caused by an Energy Storage Facility. The Applicant shall demonstrate the Energy Storage Facility prohibits stray voltage, surge voltage, and power from entering ground.
16. **Visual Appearance:** Energy Storage Facility buildings and accessory structures shall utilize materials, textures, and neutral colors that will blend into the existing environment.
17. **Decommissioning:** The Applicant shall submit a plan describing the intended disposition of the Energy Storage Facility at the end of its useful life and shall describe any agreement with landowners regarding equipment removal upon termination of the lease.
  - a. Prior to issuance of a special land use permit, the Applicant/owner shall submit a plan to the Township concerning the disposition of the improvement and steps that shall be taken to either decommission the project, or to achieve renewed commercial operation.
  - b. The Township shall send a notice of decommissioning, which triggers the decommissioning requirements contained here when any of the following situations occur:
    - i. Any component of a Energy Storage Facility left unused or inoperable for over three hundred (300) days shall be deemed to be abandoned by the Applicant/owner and shall be decommissioned.
    - ii. The Applicant has their SUP revoked.
    - iii. The Energy Storage Facility or component thereof is determined to constitute an unreasonably safety hazard or risk.
    - iv. The Energy Storage Facility has reached the end of its useful lifespan.

- a. As part of the decommissioning plan, the land shall be returned to a substantially similar state to its pre-development, original condition. Decommissioning shall consist of:
  1. Physical removal of all Energy Storage Facility structures, equipment, security barriers, concrete, and transmission lines (including underground lines) from the site. All underground infrastructure shall be removed completely and disposed of outside the Township, filled with like soil that was removed, and appropriate drainage shall be installed.
  2. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
  3. Stabilization or re-vegetation of the site as necessary to minimize erosion.
- b. The Applicant shall post a performance bond or equivalent financial instrument for decommissioning, and it shall be an amount determined by the Township Board as reasonably sufficient to meet all decommissioning obligations under this Ordinance and shall not credit salvage values towards decommissioning costs. Furthermore, the Applicant shall enter into a decommissioning agreement with the Township, in a form acceptable to the Township, which memorializes the Applicant's decommissioning obligations. The decommissioning agreement entered into with the Township shall include a mechanism to increase the amount of decommissioning bond at a periodic interval (e.g., every five years) using a method deemed acceptable by the Township (e.g., inflationary index or new study estimating decommissioning costs) to account for changing decommissioning costs.
- c. If decommissioning is not completed by the Applicant within three hundred sixty-five (365) days after the Township sends a notice of abandonment or decommissioning, the Township shall access the escrow account funds for the expressed purpose of completing decommissioning.
- d. Township official(s) or a designated representative is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
- e. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from the Applicant or the Applicant's successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real property owned by the Applicant or the Applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

F. Inspections.

1. The Township shall have the right at any reasonable time, after providing seventy-two (72) hours' notice to the Applicant, to inspect the premises on which any Energy Storage Facility is located. The Township may hire one or more consultants to assist with inspections at the Applicant's or project owner's expense.

G. Maintenance and Repair.

1. Each Energy Storage Facility shall be kept and maintained in good repair and condition at all times. If the Township Board or Zoning Administrator determines that a Energy Storage Facility fails to meet the requirements of this Ordinance and/or the special land use permit, the Township shall provide notice to the Applicant of the non-compliance.
  - a. The Applicant has thirty (30) days to bring the Energy Storage Facility into compliance.
  - b. If the non-compliance is a safety hazard as determined by the Zoning Administrator or Township Board, the Applicant has seven (7) days to resolve.
  - c. If the Applicant has not remedied non-compliance issues in the aforementioned time periods, the Applicant shall immediately shut down the Energy Storage Facility and not operate or restart the Energy Storage Facility until the non-compliance issues have been resolved.

H. Compliance with Additional Codes, Regulations, and Certifications.

1. It shall be unlawful to construct, erect, install, use, or locate an Energy Storage Facility unless a special land use permit, final site plan and all other necessary permits have been approved pursuant to this Ordinance.
2. Energy Storage Facilities and the installation and use thereof, shall comply with the State construction code, the State electrical code, and other applicable Local, County, State, and Federal codes.
3. Energy Storage Facilities shall be required to obtain all necessary permits from the U.S. Government, State of Michigan, Sanilac County, and Worth Township, and to comply with all federal, state, and local rules and regulations. In addition, if the lot on which the project is proposed is to be leased by the owner of the facility, all property within the project boundary shall be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses

for the duration of the project.

- I. Continuing Enforcement Escrow Deposit: The Applicant or owner of an Energy Storage Facility shall provide a continuing escrow deposit to be held by the Township which shall be funded prior to the commencement of construction of any Energy Storage Facility and shall be maintained by the Energy Storage Facility owner until the Energy Storage Facility has been permanently removed. The monetary amount placed by the Applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and any terms of a special land use permit including conditions, which costs can include, but are not limited to, reasonable fees for legal, planning, and engineering expenses incurred by the Township, as well as costs for any reports or studies which the Township determines are reasonably related to enforcement of the Ordinance and any special land use permit.
  1. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the Applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the Energy Storage Facility owner to place additional monies into escrow with the Township. If the escrow deposit amount falls below the minimum amount determined by the Township, the owner of the Energy Storage Facility has forty-five (45) days to replenish the account back up to the minimum amount. All continuing escrow deposit funds unused by the Township shall be returned without interest once a Energy Storage Facility is decommissioned.
- J. As-Builts. After Project construction, the Applicant must provide as-built files in electronic and paper copies to the Township ensuring the Project was constructed in compliance with the Application and Township zoning approvals. These as-builts files must be submitted no later than thirty (30) days from completion of Project construction. If a project is completed in phases, the applicable as-builts must be provided within 30 days from the completion of each phase of construction.
- K. Repowering: To construct, operate, and maintain the Project consistent with the Application, should Application desire to "repower" the Project (replacing significant Project components with the intent of extending the Project's useful life in lieu of decommissioning the Project), the Applicant must apply for and receive a new special land use permit and site plan approval from the Township.
- L. Minor Movements. The Township grants the Zoning Administrator and/or the Planning Commission the authority to review and approve requests from the Applicant for changes of improvement locations from approved site plans, as long as all changes are in accordance with the Zoning Ordinance and conditions imposed on the Project and otherwise do not create additional Project impacts to adjacent properties and roadways. These movement requests may include, but are not limited to, movements of Project improvements within the Project's security fence. The Township may require the Applicant to submit additional information as needed to demonstrate compliance with the Zoning Ordinance and the Project conditions (e.g., noise reports or site plans).



M. Partial Construction. As some Project improvements (e.g., an access drive) may not be subject to all pre-construction conditions in this Ordinance, and thus the Township expressly authorizes the Planning Commission, in their sole discretion, to grant zoning permissions to allow partial construction of Project improvements upon request from the Applicant. Should the Applicant desire to request partial construction of a Project improvement(s), it shall in writing: (1) make a request to the Planning Commission identifying the proposed improvement(s) to be constructed and their locations; (2) identify all applicable conditions related to the identified Project improvement(s) and how they have been met; (3) submit a brief statement as to the status of other non-applicable Project pre-construction conditions.

N. Transfer and Assignment: The SLUP and site plan approval granted to the Applicant is transferable to a successor or an assign by the Applicant upon written notice being provided to the Township at least sixty (60) days prior to such transfer being effective. Such an instrument or agreement shall include an express statement that the new owner or operator of the Project shall not be permitted to operate the Project until compliance with the terms of the Worth Township Zoning Ordinance, including requirements for continuing security and escrow funds, have been established.

O. Remedies.

1. If an Applicant or operator fails to comply with this Ordinance or remedy any non-compliance, the Township, in addition to any other remedy under this Ordinance, may immediately revoke the special land use permit and site plan approval. Additionally, the Township may pursue legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

**SECTION 2: SEVERABILITY:** The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance, which shall continue in full force and effect.

**SECTION 3: REPEAL AND FORM:** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed. Worth Township may also use the content of this Ordinance amendment and compile it into a single document serving as the Worth Township Zoning Ordinance, making any necessary changes to numbering of Sections and codification to incorporate this amendment.

**SECTION 4: EFFECTIVE DATE:** This Ordinance shall take effect seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

YEAS: Varty, Huvaere, Woodruff and Marshall  
NAYS: Baddew  
ABSENT/ABSTAIN: none

ORDINANCE DECLARED ADOPTED.

Walt Badgerow 12/3/24

Walt Badgerow, Worth Township Supervisor

**CERTIFICATE**

STATE OF MICHIGAN            )  
  ) ss  
COUNTY OF SANILAC         )

I, Jennifer Marshall, the undersigned and the duly qualified and acting Clerk for Worth Township, Sanilac County, Michigan, HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Worth Township Board at a meeting held on the 20 day of November, 2024, and further certify that the Ordinance was finally adopted at said meeting.

  
\_\_\_\_\_  
Jennifer Marshall, Worth Township Clerk