

PINCONNING TOWNSHIP

BAY COUNTY

ORDINANCE NO. 25-01

AN ORDINANCE TO ESTABLISH A TEMPORARY MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES OR APPROVALS FOR, OR ANY CONSTRUCTION OF, ENERGY STORAGE FACILITIES.

At a meeting of the Township Board of Pinconning Township, Bay County, Michigan (“Township”) held at the Pinconning Township Hall, on the 10th of March 2025 at 5:00 pm, Beck moved to adopt the following Ordinance, which motion was seconded by Whitney,

An ordinance to enact a temporary moratorium until August 1, 2026, or an earlier time in which the Township adopts new regulations governing Energy Storage Facilities including Battery Storage Systems and rescinds this Ordinance, on the application, permitting, consideration, approval, location, erection, construction, and/or installation of any energy storage facility projects.

WHEREAS, the Township Zoning Ordinance regulates, among other things, energy storage facilities designed for transmission to off-site customers; and

WHEREAS, on February 25, 2025, the Township Board passed a motion to establish a moratorium on the application, permitting, consideration, approval, location, erection, construction, and/or installation of any energy storage facility projects until the Township could draft new regulations to adequately regulate the land uses; and

WHEREAS the Township is reasonably concerned that an energy storage facility could be established in inappropriate or inadvisable locations within the Township; and

WHEREAS it is appropriate to forestall such issues for the Township and to enact a temporary moratorium on energy storage facility until any necessary revised regulations can be enacted; and

WHEREAS, the Township determines that the adoption of this ordinance, which is necessary to preserve the public peace, health, and safety by preventing the inappropriate location and establishment of energy storage facilities in the Township during the time needed to fully explore, analyze, research, and develop any proposed regulations.

WHEREAS, considering recent litigation against the Michigan Public Service Commission regarding the MPSC’s proposed implementation of PA 233 of 2023, the Township Board feels it is appropriate to consider the Township’s authorities and abilities to regulate energy storage projects/facilities in more detail.

NOW, THEREFORE Pinconning Township, Bay County, Michigan, Ordains:

Section 1. Title: This Ordinance shall be known and cited as the Pinconning Township Energy Storage Facilities Moratorium.

Section 2. Moratorium: The Township enacts a temporary moratorium on the application, permitting, consideration, approval, location, erection, construction, and/or installation of energy storage facilities in the Township until August 1, 2026, or earlier time in which the Township adopts new regulations governing Energy Storage Facilities and rescinds this Ordinance. However, the Township Board may pass by resolution an extension of this moratorium to a date following August 1, 2026, should the Township need additional time to promulgate appropriate regulations governing Energy Storage Facilities.

Section 3. 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 4 Repeal: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. Effective Date: This Ordinance shall take effect immediately after publication.

YEAS: Beck, Buchalski, Faith, Whitney, Pomaville (5)

NAYS: None (0)

ABSENT/ABSTAIN: None (0)

ORDINANCE DECLARED ADOPTED.

Paul Pomaville, Pinconning Township Supervisor