

CHARTER TOWNSHIP OF GUN PLAIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN
ORDINANCE NO. 196

ADOPTED:

EFFECTIVE: Upon publication after adoption

**AN ORDINANCE TO ENACT A TEMPORARY MORATORIUM ON FUTURE
BATTERY ENERGY STORAGE SYSTEMS (“BESS”)**

An Ordinance to protect the public health, safety, and welfare by establishing regulations relating to a limited moratorium on considering future applications for (“BESS”), while the Township completes a study of the ordinances and regulations pertaining thereto; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

CHARTER TOWNSHIP OF GUN PLAIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I
FINDINGS

In accordance with Public Act 359 of 1947, MCL 42.1 *et seq.*, as amended, the Board of Trustees for the Charter Township of Gun Plain has determined the following:

1. That the approval of (“BESS”) may result in or produce negative impacts on permitted land uses and development and may harm the public health, safety and general welfare of property owners and residents of the Charter Township of Gun Plain.
2. The Township Board is aware of significant public health, safety, and welfare concerns being raised by the public about the impacts of (“BESS”).
3. The Township has a legitimate public purpose in assessing the regulation of the establishment and use of (“BESS”) within the Township to ensure that (“BESS”) do not interfere with other land uses, or have substantial negative impacts on the environment, public health and safety.
4. The Township Board finds that adopting a temporary moratorium is reasonable and necessary for, among other reasons, the following reasons:
 - A. Michigan courts have recognized that a moratorium is a common and legitimate tool to preserve the status quo while formulating a development strategy.

- B. The Township Board desires to review and study the public health, safety, and welfare concerns regarding (“BESS”) and any Township regulations that may impact and/or regulate such projects.
 - C. The adoption of a temporary moratorium will allow the Township Board adequate time to study and possibly implement revisions to the Township’s Ordinances and regulations, including attention to and consideration of citizen input and involvement, public debate, and full consideration of all issues and points of view.
5. The Township Board accordingly determines that it is desirable and in the public interest for the reasons set forth above that the Township Board adopt a temporary moratorium on any future applications for (“BESS”).

SECTION II

MORATORIUM/TERM OF MORATORIUM

The Township Board adopts a temporary moratorium on future applications for a (“BESS”). The temporary moratorium is in effect until December 21, 2026, or until the effective date of any amended or new Township Ordinances or regulations addressing (“BESS”) are effective, whichever date occurs first.

SECTION III

EXTENSION OF MORATORIUM

Before this moratorium expires, the Township Board may extend the temporary moratorium by resolution as appropriate to allow sufficient time to complete amendments or additions to its Ordinances and regulations.

SECTION IV

SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such Ordinance which shall continue in full force and effect.

SECTION V

REPEAL

All Ordinance or parts of Ordinances in conflict herewith are hereby repealed.

SECTION VI
EFFECTIVE DATE

This Ordinance shall take effect upon publication after adoption.

Moved by _____, seconded by _____, that the foregoing Ordinance be adopted.

AYES: Members:

NAYS: Members:

Absent: Members:

ORDINANCE DECLARED ADOPTED.

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Gun Plain at a regular meeting thereof held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Marty Meert, Clerk
Gun Plain Charter Township

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