

ORDINANCE NO. 2022-11-2-2
TOWN OF HOLLAND
BROWN COUNTY, WISCONSIN

**AN ORDINANCE TO IMPOSE A TEMPORARY MORATORIUM ON
DEVELOPMENT AND CONSTRUCTION OF BATTERY ENERGY STORAGE
SYSTEMS IN THE TOWN OF HOLLAND**

RECITALS

1. A “battery energy storage system” is an electric storage resource capable of receiving electric energy from the grid or other electric resource and storing it for later injection of electric energy back to the grid.
2. There is an interest in establishing a battery energy storage system in the Town of Holland.
3. There exists potential health and safety issues related to the construction of battery energy storage systems including, but not limited to, electrical connections, electric and magnetic fields, and toxic gases.
4. The Town does not currently have an ordinance regarding battery energy storage systems and believes one is necessary to protect the public health and safety of the Town residents.
5. Given the irreparable and unknown harm that may be caused by operation of battery energy storage systems, the Town Board finds that immediate action is warranted.
6. The Town Board wishes to impose a moratorium for only such time as is prudent and necessary to allow the Town to complete this study.

7. The Town Board has been authorized under Wis. Stat. § 60.12(2)(c) to exercise powers conferred on Village Boards, and also has the authority to adopt zoning regulations under Wis. Stat. § 60.61 and 60.62 and 61.35.
8. The Town Board is beginning the process of creating and adopting an ordinance that will provide a comprehensive review of the possible impacts of the issuance of permits for Battery Energy Storage Systems. This review may include, but is not limited to, the retaining experts in the fields of engineering, law, real estate, public health and environmental protection.
9. The Town Board determined that the adoption of a temporary stay or moratorium will promote public health and safety of the people in the Town.
10. The Town shall provide opportunities for public participation throughout the process, and consider public health, safety, and general welfare of Town residents during its review process.

NOW THEREFORE, based on the above recitals and pursuant to Article XI, Section 1 of the Wisconsin Constitution, Sections 60.22(3), 61.34, 60.61 and 60.62 of the Wisconsin Statutes, and any and all other sources of authority that authorize the adoption of this ordinance, the Town Board of the Town of Holland, Brown County, Wisconsin, does hereby ordain as follows:

SECTION 1. Title and Purpose

The Town hereby established the Temporary Battery Energy Storage System Moratorium Ordinance to stay the development and construction of energy storage systems in the Town to

allow for the study and creation of an ordinance to provide guidance and regulation in the development of such facilities. During the temporary stay provided by this ordinance it shall be unlawful to install or construct any battery energy storage system or part thereof, and the Town shall not accept or process any applications relating to the proposed construction of any battery energy storage system.

SECTION 2. Duration.

The stay under the moratorium shall continue for twelve (12) months from the adoption date of this ordinance or the adoption of an ordinance regulating battery energy storage systems. The stay may be continued for an additional six (6) months by resolution of the Town Board but shall not continue for any longer than eighteen (18) months from the adoption date of this ordinance.

SECTION 3. Inconsistent Ordinances Voided.

All ordinances or provisions of ordinances inconsistent with or contravening the provisions of this Ordinance are hereby temporarily voided and shall have no legal force or effect during the period that this Ordinance is in effect.

SECTION 4. Scope.

The temporary stay provided by this Ordinance shall apply throughout the Town.

SECTION 5. Severability.

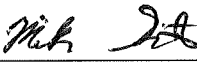
If any section or part of this Ordinance is adjudged to be unconstitutional, unlawful, or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 6. Effective Date.

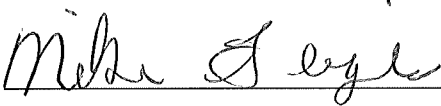
This Ordinance shall become effective upon adoption and publication or posting, as provided by law.

The above and foregoing Ordinance was duly adopted by the Town Board of the Town of Holland at a meeting held on ~~October~~ ^{November} 2, 2022 by a vote of 3 in favor, 0 opposed and 0 not voting.

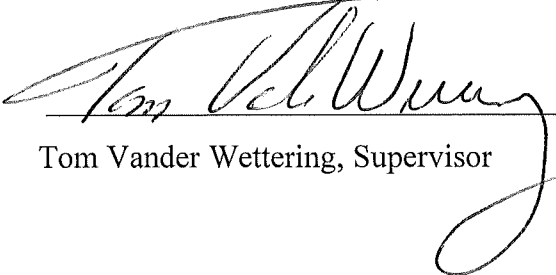
TOWN OF HOLLAND:




Mike Smits, Chairman



Mike Geiger, Supervisor




Tom Vander Wetering, Supervisor

ATTEST:


William Clancy, Town Clerk

[Seal]

I, William Clancy, clerk of the Town of Holland, Brow County, Wisconsin, certify that the foregoing is a true, correct and complete copy of a Temporary Battery Energy Storage System Moratorium Ordinance in the Town of Holland, Brown County, Wisconsin adopted by the Town Board of the Town of Holland on the above date.



William Clancy, Clerk

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