

**Kenosha**



**County**

**BOARD OF SUPERVISORS**

**ORDINANCE NO. \_\_\_\_\_**

Subject: TEMPORARY MORATORIUM ON THE CONSIDERATION AND/OR ISSUANCE OF ZONING PERMITS, BUILDING PERMITS, CONDITIONAL USE PERMITS AND ZONING APPROVALS FOR BATTERY ENERGY STORAGE SYSTEMS PENDING ENACTMENT OF ZONING ORDINANCE TO ADDRESS THESE SYSTEMS AND PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE OF KENOSHA COUNTY RESIDENTS

Original <input type="checkbox"/>	Corrected <input type="checkbox"/>	2nd Correction <input type="checkbox"/>	Resubmitted <input type="checkbox"/>
Date Submitted: May 21, 2024	Date Resubmitted:		
Submitted By: Andy Buehler, Director of Division of Planning Development & Extension Education Committee			
Fiscal Note Attached <input type="checkbox"/>	Legal Note Attached <input type="checkbox"/>		
Prepared By: Jennifer J. Kopp, First Assistant Corporation Counsel	Signature:		

WHEREAS, a “battery energy storage system” is an electronic 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; and

WHEREAS, Kenosha County is advised and believes there has been an interest in establishing battery energy storage systems in Kenosha County; and

WHEREAS, 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, toxic gases, impacts on air quality, and fire hazards, all of which is documented in scientific studies, research and analysis of battery energy storage systems; and

WHEREAS, the potential secondary effects of battery energy storage systems created through operation and as set forth above may affect property values in Kenosha County and be detrimental to the public health, safety and general welfare of Kenosha County residents, businesses and visitors; and

WHEREAS, Kenosha County does not currently have an ordinance regulating the location and operation of battery energy storage systems and believes one is necessary to protect the public health and safety of Kenosha County residents, businesses and visitors and otherwise preserve the value of properties in Kenosha County; and

WHEREAS, Kenosha County believes it would be beneficial to research and establish consistent zoning and/or regulatory standards to be applied to battery energy storage systems in accordance with the authority granted to Kenosha County under applicable law including, without limitation, Wis. Stat. § 59.69 (1) and Wis. Stat. § 59.03 (2)(a); and

WHEREAS, a six-month moratorium on Kenosha County's consideration of any application to operate a battery energy storage system and/or issuance of zoning permits, building permits, conditional use permits and zoning approvals for battery energy storage systems is necessary to allow the Kenosha County Planning and Development Extension and Education Committee ("PDEEC") to research and study how battery storage systems operate, evaluate how risks and hazards can be mitigated and examine how the zoning ordinance should be amended, or a regulatory ordinance should be enacted, to address battery energy storage systems and protect the public health, safety and general welfare of Kenosha County residents, business and visitors.

NOW, THEREFORE, the Kenosha County Board of Supervisors does hereby ordain as follows:

**Sec.1. Declaration of Moratorium.** A moratorium is hereby declared with respect to the acceptance of any application to operate a battery energy storage system and consideration and/or issuance of zoning permits, building permits, conditional use permits and zoning approvals for battery energy storage systems under Chapter 12 of the Kenosha County Ordinances or any other provision of applicable law.

**Sec. 2. Purpose of Moratorium.** The purpose of the moratorium is to provide Kenosha County with adequate time to assess the impacts and secondary effects of battery energy storage systems and promote meaningful development and implementation of Kenosha County's Ordinances with regard to battery energy storage systems. This moratorium is necessary to protect the health, safety and general welfare of Kenosha County residents, business and visitors.

**Sec. 3. Authority.** Kenosha County relies on the authority granted pursuant to Wis. Stat. § 59.69 (1) and Wis. Stat. § 59.03 (2)(a), and all other sources of authority that authorize the adoption of this ordinance.

**Sec. 4. Duration of Moratorium.** This moratorium shall be in effect for six (6) months following the effective date of this ordinance or until an amendment to Chapter 12 of the Kenosha County Ordinances relating to battery energy storage systems or another ordinance regulating battery energy storage systems is adopted and takes effect, whichever is earlier.

**Sec. 5. Direction to Develop Battery Energy System Ordinance.** During the period of this moratorium, PDEEC is directed to draft an ordinance providing comprehensive and appropriate regulations of battery energy storage systems to

protect the health, safety and general welfare of Kenosha County residents, businesses, visitors and the public. It is the intention of the Board of Supervisors to amend Chapter 12 of the Kenosha County Ordinances or adopt an ordinance pertaining to battery energy storage systems before the expiration of this moratorium.

**Sec. 6. Subjects for Consideration.** In preparing an amendment to Chapter 12 of the Kenosha County Ordinances or a separate ordinance related to battery energy storage systems, PDEEC shall review the possible impacts that battery energy storage systems may have on the health, safety and general welfare of the residents, businesses and visitors of Kenosha County. PDEEC shall also consult with other counties and municipalities and review and research appropriate studies and information pertaining to battery energy storage systems. PDEEC may also, in its discretion, consult with any experts or scholars with knowledge about the possible impacts of these systems, including but not limited to engineers, lawyers, law enforcement officers, fire fighters and those with specialized knowledge in the fields of geology, soils, or other public health or environmental protection issues. PDEEC shall also provide opportunities for public participation throughout this process and consider the public health, safety and general welfare of Kenosha County residents.

**Sec. 7. Severability.** If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**Sec. 8. Construction.** If the provisions of this ordinance are found to be inconsistent with other provisions of the Kenosha County Code of Ordinances, this ordinance is deemed to control.

Approved by:

PLANNING, DEVELOPMENT  
& EXTENSION EDUCATION  
COMMITTEE

	Aye	No	Abstain	Excused
<hr/> Guida Brown, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> Frederick Brookhouse, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> Erin Decker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> David Geertsen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> Aaron Karow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> Eric Meadows	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> Brian Thomas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>