

ORDINANCE NO. 2026-O-004

**AN ORDINANCE AMENDING THE JACKSONVILLE ILLINOIS ZONING
ORDINANCE BY ADDING APPENDIX I, AN ORDINANCE REGULATING THE
LOCATION, CONSTRUCTION, OPERATION, AND DECOMMISSIONING OF
BATTERY ENERGY STORAGE SYSTEMS WITHIN THE CITY OF
JACKSONVILLE, IL.**

BE IT ORDAINED by the City Council of the City of Jacksonville, Morgan
County, Illinois:

Section 1: That the Jacksonville Zoning Ordinance is hereby amended by
adding Appendix I, an Ordinance Regulating Battery Energy Storage Systems as
follows:

Appendix I

City of Jacksonville Battery Energy Storage Systems Ordinance

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Purpose Summary

This ordinance establishes comprehensive regulations governing the location, construction, operation, maintenance, safety, and decommissioning of Battery Energy Storage Systems (BESS) within the City of Jacksonville, Illinois, and within one and one-half (1.5) miles of its corporate boundaries.

Its purpose is to ensure the safe integration of BESS facilities into the community, protect public health and welfare, and promote orderly development consistent with the City's zoning authority under the Illinois Municipal Code (65 ILCS 5/11-13-1 et seq.).

Section 1. Authority

This ordinance is adopted pursuant to the Illinois Municipal Code (65 ILCS 5/11-13-1 et seq.), which authorizes municipalities to adopt zoning and land-use regulations to protect the public health, safety, morals, comfort, and general welfare.

This ordinance shall apply to all lands **within the corporate limits of the City** and to all **unincorporated territory lying within one and one-half (1.5) miles** thereof, in accordance with the City's extraterritorial zoning jurisdiction.

The City shall have full authority to administer, enforce, and regulate the provisions of this ordinance within said jurisdictional area.

See **Section 4 (Applicability)** for jurisdictional details.

Section 2. Purpose

The purposes of this ordinance are to:

- A. Protect the public health, safety, and welfare by regulating the siting, design, installation, and operation of BESS;
- B. Ensure compatibility between BESS facilities and surrounding land uses;
- C. Promote the safe, reliable, and efficient operation of energy storage systems;
- D. Minimize potential adverse visual, noise, and environmental impacts; and
- E. Provide a clear process for the review, permitting, operation, and decommissioning of BESS facilities.

Section 3. Definitions

Battery Energy Storage System (BESS): A battery energy storage system is a system that can store and deploy generated energy, typically a group of batteries that charge (i.e., collect energy) and store electrical energy from the grid or energy generation facility and then discharge that energy at a later time to provide electricity or other grid services when needed. Battery storage generally consists of batteries, battery storage containers, on-site switchyard, inverters, associated interconnection transmission line, and supervisory control and data acquisition system. A BESS with an aggregate energy capacity less than 600 kWh is allowed in any zoning district as an accessory use. A BESS with an aggregate energy capacity greater than 600 kWh shall be limited to the A-1 Agricultural District, M-1 Light Industrial District, and M-2 Heavy Industrial District as a special use.

BESS Facility: The physical collection of one or more BESS units, transformers, inverters, control systems, and associated infrastructure.

Applicant: Any person, partnership, corporation, or other entity who applies for a permit under this ordinance.

Decommissioning: The process of safely removing all components of a BESS Facility and restoring the site as provided in **Section 12**.

Energy Management System (EMS): The electronic system that controls the charging and discharging of batteries and monitors safety parameters.

Fire Department: The Jacksonville Fire Department or its successor agency.

Planning and Zoning Commission: The City of Jacksonville Planning and Zoning Commission.

Storage Capacity: The total amount of energy a BESS can store, expressed in Kilowatt-hours(kWh) or megawatt-hours(MW).

Zoning Administrator: The duly appointed zoning officer or designee responsible for administering this ordinance

Section 4. Applicability

A. The provisions of this ordinance shall apply to all **Battery Energy Storage Systems (BESS)** located:

Within the corporate boundaries of the City; and

Within one and one-half (1.5) miles of the City's corporate boundaries, where the City exercises zoning jurisdiction in accordance with **Section 1** and the Illinois Municipal Code (65 ILCS 5/11-13-1 et seq.).

B. No person shall construct, install, or operate a BESS Facility within the jurisdictional area of the City without first obtaining all necessary approvals, including but not limited to a **Special Use Permit** issued under this ordinance.

C. Where conflicts arise between this ordinance and other City regulations, the more restrictive provision shall govern.

D. The requirements of this ordinance shall not apply to:

Portable batteries or mobile devices used for temporary emergency backup power; or

BESS systems integral to a residential structure and rated at less than 100 kWh capacity, unless otherwise required by the Fire Department.

Section 5. Permits and Application Requirements

A. Permit Required.

Construction or substantial modification of any BESS Facility shall require a **Special Use Permit** issued by the City Council after review and recommendation by the Planning and Zoning Commission.

B. Application Submission.

Applications shall be submitted to the Zoning Administrator and must include the following materials, in addition to any other information requested by the City:

Site plan showing property boundaries, zoning classifications, existing and proposed structures, fencing, access roads, drainage patterns, and utility connections.

Engineering drawings and specifications certified by a professional engineer licensed in the State of Illinois.

Manufacturer's data sheets and safety documentation for each type of battery, inverter, and transformer.

The approximate total power capacity, energy capacity, and discharge duration of the BESS.

The maximum height of any battery storage container, racking system or any building built for the primary intention of housing battery energy storage equipment.

An Agricultural Impact Mitigation Agreement executed between the applicant and the Illinois Department of Agriculture if applicable.

A letter of approval from the Illinois Department of Natural Resources, and the United States Fish and Wildlife Services.

An interconnection Agreement between the owner and the utility, defining how the system connects to the grid, and is compliant with the Illinois Administrative Code, Title 83, Part 466.

A **Fire Safety and Emergency Response Plan** prepared in consultation with the Fire Department (see **Section 9**).

An **Operations and Maintenance Plan** describing responsible parties, maintenance schedules, and monitoring systems (see **Section 10**).

A **Decommissioning Plan** compliant with **Section 12**.

Proof of property ownership or authorization from the property owner.

Proof of liability insurance meeting **Section 10(E)**.

Any other documentation required by state or federal regulations for BESS facilities not listed in this ordinance.

C. Review Procedure.

The Zoning Administrator shall review the application for completeness.

Upon determination of completeness, the application shall be scheduled for a public hearing before the Planning and Zoning Commission, with notice provided as required by law.

The Commission shall make a recommendation to the City Council, which shall take final action by ordinance.

D. Fees.

Application and permit fees are in addition to the building permit fee and are varied by storage capacity. 5-599 kWh = \$100. 600-999 kWh = \$500. 1 MW and over = \$300/MW

Section 6. Design and Construction Standards

A. General Compliance.

All BESS Facilities shall comply with applicable building, electrical, fire, and safety codes, including but not limited to the National Fire Protection Association (NFPA) Standard 855, the International Fire Code (IFC), and UL 9540/9540A testing standards.

B. Engineering Certification.

Structural and electrical designs shall be stamped by a professional engineer licensed in the State of Illinois.

C. Stormwater and Drainage.

Facilities shall be designed to manage stormwater in accordance with the City's stormwater regulations.

D. Visual Appearance.

Equipment shall be neutral in color and non-reflective; screening and landscaping shall be provided where adjacent to residential or public property.

E. Signage.

Warning signs identifying electrical and chemical hazards shall be posted at all entrances and on major equipment.

F. Security and Fencing.

The facility shall be enclosed by a fence at least eight (8) feet in height with locked gates and emergency access approved by the Fire Department (see **Section 9**).

G. Setbacks and Height.

All structures shall comply with **Section 7** of this ordinance.

Section 7. Setbacks and Height Requirements

A. Setbacks.

From any residential dwelling unit — a minimum of 300 feet.

From any property line — a minimum of 100 feet.

From public roads — a minimum of 150 feet from the right-of-way.

Greater setbacks may be required by the City Council to address site-specific conditions.

B. Height.

No individual BESS enclosure, inverter, or associated equipment shall exceed 15 feet in height, except lightning poles or antennas approved by the Fire Department.

C. Screening.

Where a BESS Facility adjoins residentially zoned property, the applicant shall provide opaque fencing or evergreen screening sufficient to obscure the facility year-round.

D. Exemptions.

The City Council may approve deviations from setback or height standards upon a finding that safety, aesthetics, and compatibility objectives are met

Section 8. Lighting, Signage, and Fencing

A. Lighting.

Exterior lighting shall be limited to that necessary for safety and security.

All lighting shall be downcast, shielded, and arranged to prevent glare onto adjacent properties or public rights-of-way.

Lighting plans shall be submitted with the application and approved by the Zoning Administrator and Fire Department.

B. Signage.

Each facility shall display a durable sign at the main entrance showing the facility name, emergency contact information, and 24-hour phone number.

No advertising or promotional signage shall be permitted on any BESS equipment.

Hazard warning and high-voltage signage shall comply with applicable NFPA and OSHA standards (see **Section 6(E)**).

C. Fencing and Access Control.

Facilities shall be completely enclosed with a fence at least eight (8) feet in height.

Access gates shall remain locked except during maintenance or inspection.

Emergency access shall be provided to the Fire Department in accordance with **Section 9(C)**.

Section 9. Fire Safety and Emergency Access

A. Fire Department Review.

All applications shall be reviewed by the Fire Department for compliance with fire protection standards prior to issuance of any permit.

B. Codes and Standards.

BESS installations shall comply with NFPA 855, the International Fire Code (IFC), and UL 9540/9540A testing standards.

The Fire Department may require additional safety measures based on the battery chemistry or configuration.

C. Emergency Access.

Access roads shall have a minimum width of twenty (20) feet and shall be maintained for emergency vehicle access year-round.

A Knox® key box or similar rapid-entry system shall be installed at all access gates.

The Fire Department shall have authority to inspect the facility at any time to ensure compliance with this section.

D. Fire Suppression and Detection.

Each BESS unit shall be equipped with an appropriate fire-suppression system approved by the Fire Department.

Automatic smoke, heat, and gas detection systems shall be installed and integrated with the facility's Energy Management System.

E. Emergency Response Plan.

The applicant shall submit a written **Fire Safety and Emergency Response Plan** describing procedures for fire suppression, spill control, evacuation, and notification.

The plan shall be updated annually and filed with the Fire Department and Zoning Administrator.

F. Hazardous Materials.

All BESS Facilities shall comply with federal and state hazardous-materials reporting requirements, including the Illinois Emergency Planning and Community Right-to-Know Act.

Section 10. Operations and Maintenance

A. Operation.

The facility shall be operated at all times in a manner that complies with the manufacturer's specifications and this ordinance.

B. Maintenance.

The owner or operator shall maintain all equipment in good repair and working order.

Inspections shall be conducted at least annually, with reports filed with the Zoning Administrator.

C. Monitoring.

Each BESS Facility shall include continuous system monitoring capable of detecting malfunctions or safety events.

The City may require remote access to monitoring data for emergency response.

D. Transfer of Ownership.

If ownership or operational control changes, the new owner shall notify the City

within thirty (30) days and assume all responsibilities under this ordinance, including decommissioning (see **Section 12**).

E. Insurance.

The owner shall maintain general liability insurance with limits of not less than five million dollars (\$5,000,000) per occurrence, or as otherwise approved by the City Council.

Proof of insurance shall be filed with the City Clerk prior to the issuance of any permit and kept current thereafter.

F. Inspection Authority.

City officials may enter and inspect any BESS Facility at reasonable times to ensure compliance with this ordinance and applicable codes.

Section 11. Noise and Environmental Protection

A. Noise.

Noise levels from any BESS Facility shall not exceed fifty (50) decibels (dBA) as measured at the nearest property line of a residential use.

Compliance shall be demonstrated through acoustical modeling submitted with the permit application.

B. Environmental Standards.

Facilities shall comply with all applicable federal and state environmental regulations, including the Illinois Environmental Protection Act.

The discharge of hazardous substances, pollutants, or contaminants is prohibited.

C. Spill Prevention.

A **Spill Prevention, Control, and Countermeasure Plan** (SPCC) shall be submitted as part of the permit application.

Secondary containment shall be provided for all battery enclosures to prevent release of hazardous materials.

D. Stormwater Management.

BESS sites shall maintain post-construction stormwater runoff rates equal to or

less than pre-construction conditions, consistent with City standards (see **Section 6(C)**).

E. Dust and Erosion Control.

During construction or decommissioning, the operator shall implement dust and erosion controls to minimize off-site impacts

Section 12. Decommissioning and Site Restoration

A. General Requirement.

All BESS Facilities shall be decommissioned and the site restored upon the earlier of (i) termination of the Special Use Permit, or (ii) cessation of operation for a continuous period of twelve (12) months.

B. Decommissioning Plan.

The applicant shall submit a detailed Decommissioning Plan with its permit application, describing the proposed means and estimated cost of removal, disposal, and site restoration.

The plan shall be prepared by a professional engineer licensed in Illinois and approved by the Zoning Administrator and City Council.

The plan shall address:

- a. Removal of all batteries, inverters, transformers, foundations, fencing, and ancillary structures;
- b. Recycling or disposal of all materials in accordance with state and federal law;
- c. Restoration of the site to pre-construction conditions, including grading, seeding, and erosion control; and
- d. Estimated costs and financial assurance as required by Subsection C.

C. Financial Assurance.

Prior to permit issuance, the owner shall post financial assurance in the form of a surety bond, irrevocable letter of credit, or cash escrow, in an amount equal to the estimated decommissioning cost plus 25 percent.

The financial assurance shall be payable to the City and renewed or replaced as necessary to remain in effect until decommissioning is completed.

Failure to maintain financial assurance constitutes a violation subject to enforcement under Section 13.

D. Execution of Decommissioning.

Decommissioning shall commence within ninety (90) days after cessation of operations and be completed within one (1) year.

If the owner fails to complete decommissioning in the time required, the City may draw upon the financial assurance and complete the work.

E. Partial Decommissioning.

If a portion of a BESS Facility remains in operation, the City Council may approve partial decommissioning consistent with this section.

Section 13. Enforcement and Penalties

A. Administration.

The Zoning Administrator, Building Official, Fire Chief, and City Attorney are authorized to administer and enforce this ordinance.

B. Violations.

Any person who constructs, installs, or operates a BESS Facility in violation of this ordinance or a permit condition shall be subject to the penalties set forth herein.

C. Stop-Work Orders.

The City may issue a stop-work order for any construction or operation in violation of this ordinance. No work may resume until the violation is corrected and the order lifted.

D. Penalties.

Each day that a violation continues shall constitute a separate offense.

A fine not exceeding seven-hundred-fifty dollars (\$750.00) per day may be imposed, in addition to costs of enforcement.

The City may pursue any remedy available at law or in equity, including injunction.

E. Revocation of Permits.

Repeated or willful violations may result in revocation of any permit issued under **Section 5.**

F. Appeals.

Decisions of the Zoning Administrator may be appealed to the Planning and Zoning Commission in accordance with the City's zoning ordinance.

Section 14. Severability

If any section, subsection, clause, or provision of this ordinance is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions, which shall remain in full force and effect.

Section 16

That the permitted uses section for each zoning district in the Jacksonville Zoning Ordinance be amended to include as a permitted use a BESS with an aggregate energy capacity less than 600 kWh.

Section 17.

That Section 4.3-3 A-1 Agricultural District - Special Uses of the City of Jacksonville Zoning Ordinance be amended by adding the following language: "36. BESS Systems, with an aggregate energy capacity greater than 600 kWh."

Section 18.

That Section 4.16-3 M-1 Light Industrial District - Special Uses of the City of Jacksonville Zoning Ordinance be amended by adding the following language: "14. BESS Systems, greater than 600 kWh."

Section 19.

That Section 4.17-3 M-2 Heavy Industrial District - Special Uses of the City of Jacksonville Zoning Ordinance be amended by adding the following language: "19. BESS Systems with an aggregate energy capacity greater than 600 kWh."

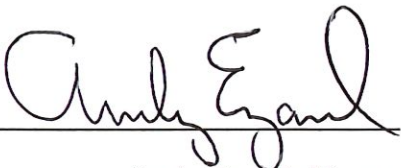
Section 20.

That this Ordinance shall be in full force and effect from and after its passage, approval and publication in Pamphlet Form as provided by law.

Exhibit A – Jacksonville Extra-Territorial Zoning Map

(See attached PDF Exhibit A incorporated herein by reference.)
Source: Morgan County GIS Department, Revised December 21, 2016.

PASSED AND APPROVED at a regular meeting of the City Council of the
City of Jacksonville, Morgan County, Illinois this 23rd day of March, 2026.



Andy Ezard, Mayor

ATTEST:



Angela Salyer, City Clerk

(SEAL)

VOTES DESIGNATED:

Alderman Heape	<u>Absent</u>
Alderman Henry	<u>Y</u>
Alderman Lockman	<u>Y</u>
Alderman Oldenettel	<u>Y</u>
Alderman Pollock	<u>Y</u>
Alderman Rubin de Celis	<u>Y</u>
Alderman Scott	<u>Y</u>
Alderman Speed	<u>Y</u>
Alderman Williams	<u>Absent</u>

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