



Ordinance 695

AN ORDINANCE AMENDING CHAPTER 225 OF THE CODE OF THE TOWN OF ELSMERE TO PROHIBIT UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEMS

Sponsored By: Mayor and Council

First and Second Reading: October 8, 2026 Council Meeting

Results:

Third and Final Reading: November 12, 2026 Council Meeting

Results:

Ordinance 695

AN ORDINANCE AMENDING CHAPTER 225, ZONING, OF THE CODE OF THE TOWN OF ELSMERE TO PROHIBIT UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEMS

WHEREAS, the Mayor and Council of the Town of Elsmere seek to establish clear regulations concerning utility-scale battery energy storage systems within the Town; and

WHEREAS, the Mayor and Council find it appropriate to prohibit such facilities throughout the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ELSMERE, AS FOLLOWS:

That Chapter 225 of the Code of the Town of Elsmere be amended as follows:

Amendment to §225-5, Definitions.

Chapter 225, Zoning, §225-5, Definitions, is hereby amended by adding the following definition:

Addition UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEM

A facility, installation, or group of equipment designed primarily to store electrical energy for subsequent distribution, delivery, or sale to an electric utility, the electrical grid, or other off-site users. The term includes, but is not limited to, battery storage units, battery modules, inverters, transformers, control systems, associated electrical equipment, and related structures or appurtenances, whether located indoors or outdoors.

The term includes facilities that are connected to the electrical grid and facilities intended to provide energy storage services, grid support, or electricity supply to off-site users.

The term does not include batteries or battery systems that are accessory and incidental to a lawful residential, commercial, institutional, or industrial use and are intended primarily to provide emergency backup power or to support the on-site electrical needs of that use, provided that such systems are not operated primarily for the purpose of storing or supplying electricity to off-site users.

Amendment to §225-8, Regulations Applicable to All Zones; Prohibited Uses.

Chapter 225, Zoning, §225-8, is hereby amended by adding the following subsection:

Addition V. Utility-Scale Battery Energy Storage Systems Prohibited.

(1) The construction, installation, establishment, expansion, or operation of any utility-scale battery energy storage system, as defined in §225-5 of this Chapter, is prohibited in all zoning districts within the Town of Elsmere.

(2) No utility-scale battery energy storage system shall be permitted as a principal use, accessory use, conditional use, special exception, or by any other zoning approval.

(3) No person shall commence construction, install, establish, expand, or operate a utility-scale battery energy storage system within the Town, except as may be expressly required by applicable law.

First and Second Reading
October 8, 2026

Third and Final Reading
November 12, 2026

Joann Personti, Mayor

Jane McDaniel, Secretary

Approved as to form:

Town Solicitor

SYNOPSIS
ORDINANCE 695

This ordinance amends Chapter 225, Zoning, of the Code of the Town of Elsmere to prohibit utility-scale battery energy storage systems in all zoning districts throughout the Town of Elsmere. The ordinance establishes a definition for utility-scale battery energy storage systems while excluding ordinary battery systems used for on-site backup power.

Fiscal Impact:

This Ordinance is anticipated to have no fiscal impact.