

**ORDINANCE Comm-Ord-2026-10**  
**AN AMENDMENT TO THE**  
**CASS COUNTY ZONING ORDINANCE TO ADD**  
**ACCESSORY BATTERY ENERGY STORAGE SYSTEMS**

WHEREAS, the General Assembly of the State of Indiana granted powers to the counties to adopt zoning ordinances for their jurisdiction according to IC 36-7-4-600 series; and

WHEREAS, the County of Cass County, Indiana adopted the Cass County Zoning Ordinance which became effective on October 3, 1986, and has had subsequent amendments as listed on the title page of the Cass County Zoning Ordinance; and

WHEREAS, The General Assembly of the State of Indiana granted powers to counties to amend the text of an adopted zoning ordinance according to IC 36-7-4-602 (b), and Section 906 of the Cass County Zoning Ordinance allows for the amendment of said Ordinance; and

WHEREAS, the Cass County Plan Commission held a public hearing on Tuesday April 7, 2026, on the proposed textual amendments to the Cass County Zoning Ordinance adding Accessory Battery Energy Storage Systems; and

WHEREAS, The Cass County Plan Commission did send a favorable recommendation for the text amendments to the Cass County Commissioners; and

WHEREAS, the Cass County Board of Commissioners believes there is merit in amending the Ordinance, in order to promote the public health, safety, comfort, morals, convenience and general welfare of the community; now therefore, be it

NOW THEREFORE BE IT ORDAINED by the Cass County Board of Commissioners of Cass County, Indiana, as follows:

SECTION 1: That the Cass County Zoning Ordinance be amended according to the amendments, as follows:

**201 Definitions**

Accessory Battery Energy Storage Systems (ABESS): battery system that captures electricity from renewable sources or the grid, storing it in electrochemical cells to release later when accessory to a permitted use that needs such energy; such as an industrial use using a BESS for their own energy.

Table A

Transportation, Communication, Utilities	AG	RR	R1	B1	B4	AB	I1	I2	CG	Buffer Class	Parking Class
23. Accessory Battery Energy Storage Systems (see section 525)	X	X	X	X	X	P	P	P	P	N/A	N/A
23. Battery Energy Storage Systems as Principal Use	X	X	X	X	X	X	X	X	X	N/A	N/A

Section 525 Accessory Battery Energy Storage System (ABESS)  
525.01

A. The ABESS layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the National Fire Protection Association (NFPA) specifically NFPA 855, National Electrical Code (NEC), American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society of Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), International Building Code (IBC), and National Electric Code (NEC) including all other applicable local and state standards. The manufacturer's specifications for the key components of the system shall be submitted as part of the application.

B. Upon completion of installation, the ABESS shall be maintained in good working order. Failure of the owner and/or operator to maintain the ABESS in good working order is grounds for appropriate enforcement actions.

C. When possible, all on-site utility, transmission lines, and conductors should be underground. If not underground, conduit for conductors is to be used with approved hangers. Conduit will be suspended from the solar array.

D. If the ABESS is connected to the grid the owner of an ABESS shall provide in writing confirmation that the utility company to which the ABESS will be connected has been informed of the customer's intent to install a cogeneration system and approved such connection.

E. No portion of the ABESS shall contain or be used to display advertisement. The manufacture's name and equipment information or indication of ownership shall be allowed on any equipment of the BESS provided they comply with the prevailing sign regulations for that zoning district. Signage at the gate must include warning signs and contact information for emergencies.

F. A noise potential study shall be performed by a 3<sup>rd</sup> party and included in the application. Noise from an ABESS shall be no greater than sixty (60) decibels measured from nearest property line or forty-five (45) decibels from a residence, whichever is more restrictive. A post construction noise study shall be performed by a 3<sup>rd</sup> party and shall be provided before the Certificate of Occupancy is issued, to make sure the required decibels are being met

G. Any ABESS equipment, excluding any security fencing necessary shall meet the principal structure setback standards of the zoning district it is located within and

must be 75' off the centerline of any legal tile ditch or 75 feet off the existing top edge of a legal open ditch or tile, unless either are approved by the drainage board for a lesser setback

H. If an ABESS is visible from residences or from the road, they must provide the buffer yard requirement of that district and use. If locating a fence, it must be a minimum of 7' and can include barbwire.

J. Although lighting is not required, any lighting used at an ABESS shall be full-cutoff and directed down.

K. ABESS shall not exceed 15' in height. The height is determined from the ground to the top of the equipment.

L. Maintenance repairs and replacements for the ABESS does not require additional review, but the Planning Department must receive notification within 60 days of ownership change or management change and their contact information.

M. An Economic Development Agreement, a Drainage Agreement, and Maintenance Agreement must be approved by the County Commissioners. The agreements shall be developed in conjunction with the Cass County Economic Development, Surveyor and Highway Department Offices and copies provided to the Planning Department. These agreements must be signed before any Building Permit is issued. The Drainage Agreement must prescribe or reference provisions to address crop and field tile damages for the life of the project for participating properties.

N. An emergency response plan and training plan for the local fire department(s) is required and must meet State codes. In addition, any emergency equipment needed must be provided to emergency personal at the expense of the developer. These plans must be approved by the County Commissioners before the issuance of a building permit.

O. An operations and maintenance plan must include measures for maintaining safe access to the installation, stormwater controls, solar panels' cleaning procedures, control of noxious weeds and invasive species, and other typical procedures for operation and maintenance of the SES. No permit is required for the implementation of the operation and maintenance plan. These plans must be approved by the County Commissioners before the issuance of a building permit.

P. Decommissioning. In order to facilitate and ensure appropriate removal of the ABESS a decommissioning agreement must be approved and signed by the County Commissioners before a building permit is issued. This agreement must include a description of implementing the decommissioning, a description of the work required, a cost estimate for decommissioning, a schedule for contributions to the decommissioning fund, and a demonstration of financial assurance. Salvage value can be considered in determining decommissioning cost. In the event of a fire, flood, tornado or other unforeseen events that results in the absence of ABESS operation for twelve months or after such time it will be considered abandoned and need to follow decommissioning plan as such.

1. Applicant will provide financial assurance in an amount at least equal to said demolition and removal contractor cost estimate, through the use of a bond, letter of credit or other security acceptable to the County, for the cost of decommissioning ABESS and related improvements constructed under the permit. Said security will be released when

ABESS is properly decommissioned as determined by Cass County Commissioners. Review of estimated cost shall be done every five (5) years and the financial assurance reflect the changes.

2. The ABESS owner is required to notify the Planning Department immediately upon cessation or abandonment of the operation. The ABESS shall be presumed to be discontinued or abandoned if not operational for a period of twelve (12) continuous months.

3. The ABESS owner shall have ninety (90) days to start decommissioning and one hundred and eighty (180) days to totally dismantle and remove the ABESS including all items but not limited to equipment, fencing, gravel, wiring, and other associated facilities from the property. If the owner fails to dismantle and/or remove the BESS within the established timeframes, the county may complete the decommissioning at the owner's expense.

4. If ABESS is removed, any earth disturbance resulting from the removal must be graded and reseeded and shall be discussed with property owner.

SECTION 2: That this amendment be in full force and effect upon its passage by the Cass County Board of Commissioners.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2026.

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Ruth Baker, President

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Mike Dietrich, Member

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Roger Spencer, Member

ATTEST:

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Alicia Pifer, Cass County Auditor