

(Published in *The Harvey County Now* on Sept. 11, 2025 and Sept. 18, 2025)

**NOTICE OF SPECIAL ELECTION QUESTION
TO ALL THE QUALIFIED ELECTORS OF THE CITY OF HALSTEAD, KANSAS**

The residents of the City of Halstead, Kansas (the "City") are hereby notified that an election to determine the prohibition of Tier 2 and Tier 3 Battery Energy Storage Systems within the corporate limits of the City, shall occur from 7:00 a.m. to 7:00 p.m. on November 4, 2025. The question upon the ballot shall be as follows:

Shall the following be adopted?

ORDINANCE NO. 1350

**AN ORDINANCE OF THE CITY OF HALSTEAD PROHIBITING THE
INSTALLATION AND OPERATION OF TIER 2 AND TIER 3 BATTERY ENERGY
STORAGE SYSTEMS WITHIN THE CITY LIMITS.**

WHEREAS, Battery Energy Storage Systems ("BESS") are being deployed with increasing frequency in connection with renewable energy generation facilities, grid stability projects, and commercial and industrial applications; and

WHEREAS, Tier 2 and Tier 3 BESS present significant fire, explosion, and thermal runaway risks that may endanger first responders, surrounding properties. and the general public; and

WHEREAS, documented incidents involving large-scale battery energy storage systems have resulted in explosions, prolonged fires, toxic gas emissions, and injuries to emergency response personnel.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HALSTEAD, KANSAS

SECTION I. The purpose of this Ordinance is to protect the public health, safety, and welfare of the residents of the City of Halstead by prohibiting the installation and operation of Tier 2 and Tier 3 Battery Energy Storage Systems, which pose significant and unacceptable risks of fire, explosion, and the release of toxic substances. This Ordinance is intended to minimize the risk of catastrophic failure of such systems that could endanger first responders, nearby residents, and property.

SECTION 2. For the purposes of this Ordinance, the following terms shall have the meanings indicated:

A. "Battery Energy Storage System" or "BESS" An engineered facility (inclusive of all ancillary facilities required to interconnect and operate the facility) that is capable of charging batteries from an electrical transmission system, storing the electrical energy, and discharging the electrical energy to later reenergize the same system and does not include a powerplant or other manner of generating electricity for distribution and storage. BESS may also include one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone twelve-volt car battery or an electric motor vehicle (including school busses). A battery energy storage system is classified as a Tier 1, Tier 2, or Tier 3 battery energy storage system as follows:

- (i) Tier 1 battery energy storage systems have an aggregate energy capacity less

than or equal to 80 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology. All Tier 1 battery energy storage systems located on residential properties shall comply with all applicable codes (building, fire, property, etc.) as they may currently be in effect or hereafter amended in the City of Halstead.

- (ii) Tier 2 battery energy storage systems have an aggregate energy capacity between 81 and 600 kWh or are comprised of more than one energy storage system technology in a room or enclosed area.
- (iii) Tier 3 battery energy storage systems have an aggregate energy capacity greater than 600 kWh and, if in a room or enclosed area, consist of only one energy storage system technology. An engineered facility (means one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A BESS includes all equipment required for the system to operate, including but not limited to batteries, battery chargers, battery management systems, controls, power conditioning systems, inverters, associated electrical equipment, fire suppression systems, and thermal management systems.

SECTION 3. No person, firm, corporation, or other entity shall construct, install, operate, maintain, or cause to be constructed, installed, operated, or maintained, any Tier 2 or Tier 3 BESS within the jurisdictional boundaries of the City of Halstead.

SECTION 4. The prohibition set forth in this Section shall apply to all zoning districts and all land uses within the City of Halstead, including residential, commercial, industrial, institutional, and public facility zones as defined in the City of Halstead Zoning Code, as currently in effect and hereafter amended from time to time.

SECTION 5. Multiple Tier 1 BESS shall not be installed or operated in a configuration or proximity that would effectively create a Tier 2 or Tier 3 BESS. The following factors shall be considered in determining whether multiple Tier 1 BESS constitute an effective Tier 2 or Tier 3 BESS:

- (i) Total aggregate capacity exceeds the thresholds defined in Section 2;
- (ii) Systems that are located within 50 feet of each other on the same parcel or on adjacent parcels under common ownership or control;
- (iii) Systems share electrical components, fire suppression systems, or control systems;
- (iv) Systems are designed to function as an integrated unit; or
- (v) Systems are managed through a common energy management system or controller.

SECTION 6. Any violation of these BESS regulations shall be subject to the same enforcement requirements, including the civil and criminal penalties provided for in the City of Halstead Zoning Code, City of Halstead City Code, or applicable State of Kansas or federal law, for violation of an ordinance.

SECTION 7. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof. If any prohibition on Tier 2 BESS is found invalid, it is the express intent that the prohibition on Tier 3 BESS shall remain in full force and effect. Similarly, if any exemption, variance, or procedural provision is found invalid, it is the

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express intent that the core prohibitions shall remain in effect to the maximum extent permitted by law.

SECTION 8. Where the requirements of this Ordinance impose a different restriction or requirement than imposed by other sections of the City of Halstead Zoning Code, City of Halstead City Code City Code, or other applicable rules or regulations, the requirements of this Ordinance shall prevail.

SECTION 9. Any Tier 2 or Tier 3 BESS lawfully installed prior to the effective date of this Ordinance may continue to operate for a period not to exceed five (5) years, after which they must be decommissioned.

SECTION 10. This Ordinance shall take effect and be in force pursuant to Kansas Statute Annotated Section 12-3013.



YES



NO

To vote in favor of any question submitted upon this ballot, darken the oval to the left of the word "Yes"; to vote against it, darken the oval to the left of the word "No".

Notice is further given that the polling place for residents of the City of Halstead will be opened at 7:00 a.m. and closed at 7:00 p.m. on Election Day at the Halstead High School Gymnasium, 520 W 6th, Halstead.

Pursuant to K.S.A. 25-1117 *et seq.*, registered voters are eligible to vote by mailed advance voting ballot upon application to the County Election Officer. Advance voting in-person is also available.

Dated this 11th day of September, 2025.

Rick Piepho, Harvey County Election Officer