

**TOWN OF PIERCEFIELD
COUNTY OF ST. LAWRENCE, STATE OF NEW YORK
Local Law No. of 2026**

**A LOCAL LAW IMPOSING A MORATORIUM
ON LOCATING BATTERY ENERGY STORAGE SYSTEMS
IN THE TOWN OF PIERCEFIELD**

Be it enacted by the Town Board of the Town of Piercefield ("Town"), County of St. Lawrence, State of New York ("State") as follows:

Section 1. Legislative Intent.

The purpose of this local law is to protect the public health, safety and welfare by restricting the development of certain battery energy storage systems within the Town of Piercefield for a limited period of time in order to further develop and revise the applicable local laws specific to the development of such certain battery energy storage systems.

The adoption of a temporary moratorium is a reasonable exercise of the Town's police power and home rule authority under the New York State Constitution, Article IX, and the Municipal Home Rule Law, § 10, and is consistent with the authority of the Town Board under Town Law §§ 130 and 261–265. The moratorium is narrowly tailored in scope and duration and is proportionate to the regulatory gap it is intended to address.

Section 2. Findings.

The Town Board has received concerns as to the potential impacts from battery energy storage systems. The Town Board is therefore concerned that the existing Town Law site plan review considerations may not be adequate for the review of the impacts and mitigation of the consequences battery energy storage systems uses and the approval thereof.

The Town Board has been made aware of fire and safety risks associated with battery energy storage systems. Since that time, fires have raised the alarm concerning said uses, and while such concerns merit review by the Town Board, the Town Board is desirous of implementing a moratorium in order to obtain additional information and assurances about the safety of battery energy storage systems, including, but not limited to, ensuring the technology and availability of equipment necessary for local fire districts to be able to suppress or appropriately respond to a fire should one occur, taking necessary precautions related to air emissions and deterring any necessary fire suppression chemicals from impacting surface and groundwater, and creating standards for siting these battery energy storage systems.

Therefore, it is necessary and appropriate to implement a temporary and limited moratorium with respect to the development of battery energy storage systems in the Town of Piercefield. Doing so shall preserve the status quo while the Town Board completes an evaluation and formulates revisions or implementations to its planning and zoning laws, and perhaps other laws, of the Town of Piercefield to provide for an effective process to regulate, review, and render determinations on applications for battery energy storage systems and developing policies and procedures in accordance therewith, in order to appropriately balance the interests of property owners, neighboring residents, and the community.

Section 3. Moratorium Imposed.

- A. Battery Energy Storage Systems Temporarily Prohibited.** For a period of twelve (12) months following the date of adoption of this local law, no site plan applications or building permit applications shall be accepted, reviewed, or approved by the Planning Board, Code Enforcement officer or the Town, nor shall any permit(s) for such applications be issued by the Town or St. Lawrence County, or any instrumentality thereof, with respect to battery energy storage systems located in the Town of Piercefield
- B. Evaluation and Revision of Existing Regulations.** During the period of the moratorium established by this local law, the Town Board shall endeavor to evaluate and adopt policies, revisions to local laws and if necessary, new local law(s) to address the use and regulation of battery energy storage systems.
- C.** Any application for a BESS Facility that is pending before any board, officer, or agency of the Town as of the effective date of this Local Law shall be stayed for the duration of the Moratorium Period, or until permanent BESS regulations are adopted, whichever occurs first. No vested rights shall accrue during the pendency of such stayed application.
- D. Exemptions from Moratorium.** The following are exempt from this moratorium:

 - (i) Batteries that are an integral component of a solar energy system, provided the battery system has a total energy storage capacity of 600 kWh or less and serves only the on-site load of the premises.
 - (ii) Uninterruptible power supply systems, emergency backup generators, and similar equipment with a total energy storage capacity of 600 kWh or less that are accessory to an existing permitted use and serve only that use.
 - (iii) Electric vehicle charging stations and their associated on-site battery storage, provided the total storage capacity does not exceed 600 kWh.

Section 4. Extension of Moratorium.

This moratorium may be extended for up to two (2) additional periods not exceeding six (6) months each by resolution of the Town Board upon a finding of necessity for such extension.

Section 5. Conflict With Other Laws.

This local law is enacted pursuant to the provisions of the Town Law and the Municipal Home Rule Law and, during the time it is in effect, it specifically supersedes and shall take precedence over any contrary laws, ordinances and provisions, including but not limited to Article 16 of NYS Town Law or local laws of the Town of Piercefield.

Section 6. Definitions.

As used in this Local Law, the following terms shall have the meanings indicated:

BATTERY ENERGY STORAGE SYSTEM (BESS) - One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include: (a) a standalone twelve-volt car battery; (b) a battery contained within an electric motor vehicle; (c) a battery that is part of a portable consumer electronic device; or (d) an uninterruptible power supply or backup generator system with a total energy storage capacity of 600 kilowatt-hours (kWh) or less that is accessory to an existing permitted use and serves only that use.

BESS FACILITY - Any site, installation, or system that includes one or more BESS units together with associated equipment, enclosures, inverters, transformers, switchgear, interconnection infrastructure, access roads, fencing, and other appurtenances, whether standalone or paired with an energy generation facility.

Section 7. Hardship Relief.

A. The Town Board shall have authority, after a public hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose extraordinary hardship upon an applicant and that the relief granted would not adversely affect the health, safety, or welfare of the citizens of the Town or significantly conflict with the general purposes and intent of this Local Law.

B. Any request for hardship relief shall be in writing and filed with the Town Clerk. The Town Board shall conduct a public hearing on the application on not less than five (5) days' public notice and shall make its decision within sixty (60) days after the close of the public hearing.

C. If the Town Board grants relief, it may impose such reasonable conditions as it deems necessary to protect public health, safety, and welfare.

Section 8. Penalties for Offenses and Enforcement.

Any person who shall develop or erect or install improvements upon land in violation of this local law, or break ground for the purpose thereof, shall be guilty of a violation and subject to a fine not to exceed \$1,000.00 or six (6) months in jail, or both. Each week a violation continues shall be considered a separate and distinct violation. This local law shall be enforced by the Building Inspector of the Town of Piercefield who is hereby granted authority to issue appearance tickets for the purpose thereof. Upon authorization by the Town Board, this local law may also be enforced by civil action brought in the name of the Town for the purpose of obtaining injunctive relief and recovering civil penalties of \$950.00 for each week a violation of the local law continues.

Section 9. Effect of Invalidity.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjusted finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or any part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions not been included.

Section 10. Termination.

This Moratorium may be terminated by the Town Board earlier than the expiration of the Moratorium Period upon enactment of local legislation establishing permanent regulations for battery energy storage systems within the Town.

Section 11. Effective Date.

This Local Law shall take effect upon filing with the New York Secretary of State or as otherwise provided by law.