

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

www.dos.state.ny.us/corps

LOCAL LAW FILING

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underling to indicate new matter.

~~County~~

~~City~~ of DUNKIRK

~~Town~~

~~Village~~

Local Law No. 1 of the year 2026.

A local law extending the Moratorium enacted by Local Law No. 1 of the year 2025, on Energy Storage Systems in the Town of Dunkirk, for an additional 6 months.

Be it enacted by the Town Board of the Town of

~~County~~

~~City~~ of DUNKIRK

~~Town~~

~~Village~~

Section One – Purpose:

The Town Board of the Town of Dunkirk, exercising the authority granted to it under the Constitution of the State of New York, the Municipal Home Rule Law, and Town Law of the State of New York to protect the health, safety, and welfare of the residents, and property owners, of the Town of Dunkirk, does hereby desire to extend the moratorium enacted by Local Law No. 1 of the year 2025 on battery energy storage systems and equipment in the Town of Dunkirk for an additional period of six months, to enable to Town Board to study and potentially enact legislation with respect to same.

Section Two – Moratorium:

A. During the effective period of this Local Law, neither the Town Board, the Planning Board, the Zoning Board of Appeals, nor the Building Inspector, Code Enforcement Officer/Zoning Officer, shall grant any approval or issue any permit that would result in the establishment, placement, construction, installation, or erection of any battery energy storage system within the Town of Dunkirk.

B. The Town Board of the Town of Dunkirk reserves the right to direct the Town Code Enforcement Officer, Building Inspector, and Zoning Officer, to revoke or rescind any building permit or certificate issued in violation of this Local Law.

C. No application for construction, establishment, placement or installation, or for approval of any site plan, subdivision, variance, or special use permit, or any other permit, shall be considered by any Board or Officer or Agency of the Town of Dunkirk while the moratorium imposed by this Local Law is in effect.

Section Three – Definitions:

BATTERY ENERGY STORAGE MANAGEMENT

SYSTEM: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM: 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 battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600 KWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600 KWh or are comprised of more than one storage battery technology in a room or enclosed area.

UPS: A UPS is a device or system that provides an immediate, seamless, emergency power to IT equipment such as servers, networks, and storage devices, when the primary utility power source is interrupted or unstable. UPS systems utilized in the Town of Dunkirk shall be treated in the same manner and be considered an equivalent of Battery

Energy Storage Systems, and shall be regulated in the same manner.

A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600 KWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600 KWh or are comprised of more than one storage battery technology in a room or enclosed area.

Section Four - Term:

This Local Law shall be in effect for a period of six months from the effective date of this Local Law.

Section Five – Penalties:

Any person, firm, or corporation that shall be found to be in violation of this Local Law shall be subject to such penalties as may otherwise be provided for by the Zoning Code or Law of the Town of Dunkirk for violations thereunder; and the Town Board of the Town of Dunkirk reserves the right to apply for injunctive relief in favor of the Town to cease any and all such other actions which conflict with the intent of this Local Law, and if necessary, to remove any construction that may be violation of this Local Law.

Section Six – Validity:

The invalidity of any specific provision of this Local Law shall not effect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section Seven – Effective Date:

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2026 of the Town of DUNKIRK was duly passed by the Town Board of the Town of Dunkirk on March 3, 2026, in accordance with the applicable provisions of law.

(Seal)



Rebecca Yacklon

Town Clerk of the Town of Dunkirk

Date: March 3, 2024