

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](http://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. 2 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.

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. 2 of 2026 of the Town of DUNKIRK was duly passed by the Town Board of the Town of Dunkirk on September 15, 2026, in accordance with the applicable provisions of law.

(Seal)

  
Rebecca Yacklon  
Town Clerk of the Town of Dunkirk

Date: September 15, 2024