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.ny.gov

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 underlining to indicate new matter.

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Freedom

Local Law No. 3 **of the year 20**24

A local law Adopting a Moratorium on Certain Battery Energy Solar System (BESS) Utility Sized Uses
(Insert Title)

Be it enacted by the Town Board **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Freedom **as follows:**

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2024 of the ~~(County)(City)~~(Town)~~(Village)~~ of Freedom was duly passed by the Town Board on October 21, 2024, in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ and was deemed duly adopted

(Elective Chief Executive Officer)*

on _____ 20[ ][ ], in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20____.

(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

_____
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 10-21-2024

Town of Freedom

Local Law #3 of 2024

ADOPTING A MORATORIUM ON CERTAIN BATTERY ENERGY SOLAR SYSTEM (BESS) UTILITY SIZED USES

SECTION 1. PURPOSE AND INTENT

The purpose of this Local Law is to the protect the public health, safety, and welfare of the residents of the Town of Freedom and to maintain the status quo as to certain BESS uses, as the preset laws and ordinances regulations on the Town do not adequately address this type of use. The moratorium will stop the processing of applications for, and the issuing of any permits, certifications of occupancy and approvals of certain land uses relating to BESS, including, but not limited to solar farms. The moratorium is for a period of six (6) months, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of Freedom laws and ordinances concerning this use.

SECTION 2. LEGISLATIVE FINDINGS

The Town of Freedom Town Board does hereby find that without a temporary halt on the processing, permitting and approvals for certain solar land uses there is the potential that such uses could be located in unsuitable areas within the town and/ or on particular lots without adequate dimensional regulations in place. The potential for unsuitable location of, and lack of proper dimensional regulations for, such uses would have materially adverse and irreversible impacts on the Town.

The Town Board also finds that it is in need of time to perform the necessary analysis if the potential types of BESS facilities that could be located in the Town. By maintaining the status quo regarding such uses, the Town Board can provide for the planned orderly growth and development of the Town.

SECTION 3. MORATORIUM IMPOSED, APPLICABILITY

For the period of time of six (6) months following the effective date of the adoption of this Local Law, no application may be processed and no permits, certificates of occupancy, approvals, denials, determinations or interpretations may be issued or granted for any land uses relating to BESS, including, but not limited to solar farms.

The term "land uses relating to BESS" shall be broadly construed to include any facility designated to generate electric power to be marketed, sold or used for other than the power demands of the improvements on the property on which such facility is located. Not included within the scope of this moratorium are BESS facilities designed to generate electric power solely for the use of the improvements located on the same property.

The term "solar farm" shall mean "a collection of solar panels covering one-quarter (1/4) acres or more of land that are designed to capture sunlight and transform it into electricity. This definition

includes freestanding and ground pole-mounted photovoltaic panels that are mounted on or affixed to residential dwellings for their use, or municipal buildings, or existing panels mounted on commercial or industrial buildings.

This Local Law shall be binding on the Town Board, Building Inspector, Code Enforcement Officer, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit, certificate of occupancy or approval in the Town of Freedom.

During the period of moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and if warranted, revisions to the Town of Freedom laws and ordinances. During the period of moratorium, no applications will be accepted, nor permits, certificates of occupancy or approvals issues, which would authorize development within the Town for land uses relating to BESS as described above.

SECTION 4. TERM

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date. This local law shall be subject to renewal for a cumulative period of up to an additional six (6) months, if necessary, by Resolution of the Town Board.

SECTION 5. EFFECT ON OTHER LAWS

To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provision of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit and certificate of occupancy, procedure and requirements, this Local Law shall control and supersede such law ordinance, rule or regulation.

SECTION 6. WAIVER

Owing to the limited scope and duration of this moratorium, there is no provision being made in this Local Law for any waivers of applicability. However, the Town Board may, but is not obligated to, promulgate regulations by a Resolution of the Board authorizing a hardship waiver process to this moratorium.

SECTION 7. SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provision shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with New York Municipal Home Rule.

CERTIFICATION

I hereby certify that the local law annexed hereto, designated as local law number 3 of 2024 of the Town of Freedom was duly passed by the Town Board on the 21 day of October, 2024 in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law and was finally adopted in the manner indicated in paragraph 1 above.

DATE: 10-21-2024

Mindy Holland, Clerk
Town of Freedom

TOWN of FREEDOM

NEW YORK Dustin Bliss-Supervisor

Phone: 716-492-0961 1188 Eagle Street POB. 89 Fax: 716-492-0935

Sandusky, NY 14133

October 21, 2024

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

Re: Town of Freedom, Local Law #3-2024

Dear Sir or Madame:

Enclosed please find Local Law #3-2024 for filing in your office (law plus sealed original filing form). Please acknowledge receipt and filing of this Local Law. Thank you.

Very truly yours,

Mindy Holland
Town of Freedom Clerk