

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 Mayfield

FILED
STATE RECORDS

DEC 12 2023

DEPARTMENT OF STATE

Local Law No. 3 of the year 2023

A local law entitled: Town Of Mayfield Moratorium On Battery Energy Storage
(Insert Title)

Facilities Law

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

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

of Mayfield as follows:

The text of this Local Law is annexed hereto.

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

Section 1. Enactment and Authorization

The Town Board of the Town of Mayfield does hereby enact the Town of Mayfield Moratorium on Battery Energy Storage Facilities Law pursuant to the authority conferred by Section 10 of the Municipal Home Rule Law of the State of New York.

Section 2. Title

This local law shall be known as the Town of Mayfield Moratorium on Battery Energy Storage Facilities Law.

Section 3. Purpose

- a. It is the purpose of this law to address public concern regarding the potentially volatile nature of lithium-ion batteries and the public fear that operation of this type of land use will pose a threat to the health, safety and welfare of the public, including the impact upon the surrounding roadways, infrastructure, and the orderly evacuation of improved areas if necessary.
- b. It is the further purpose of this law to enable the Town of Mayfield sufficient time to consider how best to permit such installations so as to harmoniously integrate such installations with the existing agricultural community and landscape, and to mitigate potential undesirable environmental impacts that may be associated with such installations.
- c. It is the further purpose of this law to enable the Town of Mayfield sufficient time to obtain additional information and assurances concerning the safety of these types of facilities, including, but not limited to, ascertaining the technology and availability of equipment necessary for local fire companies to be able to suppress a fire should one occur, precautions relating to air emissions, and deterring any necessary fire suppression chemicals from impacting surface and groundwater, and the adequacy of location and other special exception standards for siting these types of facilities.
- d. In addition to the foregoing, the Town of Mayfield Planning Board and the Town Board believe that a moratorium will allow Town officials time to undertake an examination and review of the Town's existing ordinances, local laws and Zoning Code provisions as they may relate to or be affected by the adoption of a local law or laws regulating the creation

and/or siting of Battery Energy Storage Facilities and installations, and also time to engage in the necessary studies, meetings, hearings, environmental review and other appropriate and necessary actions relating thereto.

Section 4. Definition

As used in this Local Law, a Battery Energy Storage Facility and/or Installation shall mean any installation of a rechargeable energy storage system having an aggregate energy capacity greater than 600kWh, consisting of electrochemical storage batteries or similar technology, battery chargers, controls, power conditioning systems, inverters, transformers, switchgears and associated electrical equipment designed to store electrical power received from a generating or transmission source and periodically discharging power from the battery energy storage system into the power grid.

Section 5. Imposition of Moratorium

For a period of one hundred eighty (180) days from and after the adoption date of this law, no application for construction or erection of a Battery Energy Storage Facility may be filed, accepted or processed by the Town of Mayfield. For the purposes of this law an application for construction shall be deemed to mean any request for official action by the Town Board, Planning Board or Town Building Inspector, which request and approval would in any way commence or continue the process whereby Battery Energy Storage Facilities are or may be constructed or erected.

This moratorium is intended to ensure that no review or approvals for building permits or associated matters within an application duly filed with the Town of Mayfield proceed until this Board completes its review with respect to such Battery Energy Storage Facilities and has had the opportunity to consider and enact any local law or comprehensive Code changes, as appropriate.

Section 6. Exceptions to Moratorium

The exceptions to this moratorium are as follows:

- a. Systems typically used to provide standby or emergency power and/or uninterruptible power supply, load shedding, load sharing, or similar capabilities relating to the energy consumed by a residence, farm operation or business on site and having an aggregate energy capacity of less than or equal to 600kWh shall not be considered a Battery Energy Storage System or Installation(s) for purposes of this moratorium; or
- b. The Town Board shall have adopted a local law determining that this moratorium shall no longer be effective; or
- c. The Town Board shall have adopted a local law regulating the construction of Battery Energy Storage Facilities and installations.

Section 7. Validity and Severability

Should the removal of any word, section, clause, paragraph, sentence, part, or provision of this Local Law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section 8. Repealer and Supersession

Any and all other local laws or ordinances of the Town of Mayfield which are or may be in conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law full force and effect.

Section 9. Extension of Moratorium

At the discretion of the Town Board, this moratorium may be extended for at least one (1) additional six (6) month period, after proper notice and a public hearing, to be held within forty-five (45) days prior to the expiration of said moratorium period.

Section 10. Effective Date

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State of New York State.

(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 2023 of the ~~(County)(City)(Town)(Village)~~ of Mayfield was duly passed by the Mayfield Town Board on December 5, 2023, 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 with 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 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.)

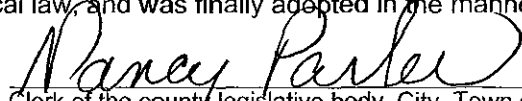
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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: December 5, 2023