

**TOWN OF PENDLETON, NEW YORK**  
**Local Law No. \_\_\_\_ of 2025**

**A Local Law Establishing a Six-Month Moratorium  
on Battery Energy Storage Facilities**

**Be it hereby enacted by the Town Board of the Town of Pendleton as follows:**

**Section 1: Enactment and Authorization**

The Town Board of the Town of Pendleton does hereby ordain and enact the Town of Pendleton Moratorium on Battery Energy Storage Facilities pursuant to authority and provision of Section 10 of the Municipal Home Rule Law.

**Section 2: Purpose, Intent, And Findings.**

- a. The Town Board finds that the Town Code as it currently exists does not adequately regulate battery energy storage facilities in the Town of Pendleton.
- b. In the interest of protecting public health, welfare, and safety for residents, visitors and first-responders alike, the Town Board further finds that a local law governing the siting, pre-incident planning and education, continuing education and training, adequate protection and equipment, and implementation of best practices is necessary to reduce risks associated with potential hazards related to battery energy storage facilities.
- c. It is the purpose of this moratorium to maintain the status quo and stop the acceptance, review, and permitting of any application for construction and/or operation of a battery energy storage facility for a reasonable time while the Town Board develops and considers amendments to the Town Code governing such facilities.

**Section 3: Definitions.** For the purposes of this local law, the following definitions shall apply:

- a. **BATTERY(IES):** A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this moratorium, batteries utilized in commonly-used consumer products, such as television remotes and smoke detectors, are excluded from these requirements.
- b. **BATTERY ENERGY STORAGE FACILITY:** 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.

**Section 3: Imposition of Moratorium.** For a period of one hundred and eighty (180) days from and after the adoption date of this law, no application for construction or operation of battery energy storage facilities may be filed, accepted or processed by the Town of Pendleton. For the purpose of this law an application for any permits or review of the construction or operation of such a battery energy storage facility shall be deemed to mean any request for official action by the Town Board, Planning Board, Zoning Board of Appeals, or Building Inspector, which request

and approval would in any way commence or continue the process whereby battery energy storage facility(ies) are or may be constructed or erected. It also includes any applications now on file with the Town for approvals or action so that any applications now under review do not proceed until this Board may complete its review with respect to such battery energy storage facilities and have the opportunity to consider and enact comprehensive Code changes, as appropriate.

**Section 4: Exception to Moratorium.** The exceptions to this moratorium are as follows:

- a. If the Town Board shall have adopted a local law determining that this moratorium shall no longer be effective; or
- b. The Town Board shall have adopted a local law amending and updating the regulations for the construction or operation of battery energy storage facilities.

**Section 6: Waiver.** An application for a waiver from the terms of this moratorium may be submitted, with a \$200 fee, to the Town Clerk. Notwithstanding the provisions of Article 16 of the Town Law and the Zoning Code of the Town of Pendleton, such waiver requests shall be considered by the Town Board in accordance with the requirements for a waiver.

**Section 7: Extension of Moratorium.** At the discretion of the Town Board, this moratorium may be extended for one (1) additional three (3) month period, by resolution.

**Section 8: Validity.** If any section, sentence, clause or phrase of this law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of the law.

**Section 9: Severability.** If any clause, sentence, paragraph or part of this local law or the application thereof to any person or circumstances shall be adjudged by any court to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to other persons and circumstances but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

**Section 10: Effective Date.** This Chapter shall be effective immediately upon filing with the Secretary of State of the State of New York.