

LOCAL LAW NO. 2 OF 2023

A LOCAL LAW TO ESTABLISH A TEMPORARY MORATORIUM ON INSTALLATION OF INSTALLATION OF BATTERY ENERGY STORAGE SYSTEMS

***BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF MOHAWK AS
FOLLOWS:***

SECTION 1. Subject and Authority

The Town of Mohawk hereby enacts a temporary six (6) month moratorium on the installation of battery energy storage systems within the Town. This Local Law is adopted in accordance with Municipal Home Rule Law §10 and shall be as follows:

SECTION 2. Purpose

The battery storage industry, particularly those associated with solar energy systems, has grown in recent years due to increased calls to reap the economic and environmental advantages of renewable energy, the federal and state tax benefits and solar industry innovation. The current battery storage law in the Town of Mohawk (Local Law #1 of 2021) needs to be updated to respond to the practical implications of implementing the current battery storage law. The Town Board is concerned about the potential impacts of future battery energy storage systems and believes it is necessary to establish a Local Law enacting a temporary six (6) month moratorium on installation of any battery energy storage systems in order to protect public health, safety and welfare. Recognizing this need, the Town believes that such six (6) month moratorium is necessary to allow the Town Board time to study these issues in order to establish appropriate, updated battery energy storage systems regulations. This moratorium also does not apply to any applications for battery energy storage systems that have been accepted as complete for review by the Town Planning Board as of the effective date of this Local Law.

SECTION 3. Moratorium

The Town of Mohawk hereby imposes a moratorium on the installation of battery energy storage systems located in the Town until November 11, 2023 or any earlier date that the Town Board adopts regulations relating to installation of battery energy storage systems.

This moratorium also does not apply to any applications for battery energy storage systems that have been accepted as complete for review by the Town Planning Board as of the effective date of this Local Law.

SECTION 4. Extensions

This moratorium may be extended for such additional periods as the Town Board may determine to be necessary to protect the public health, safety and welfare of the citizens of the Town of Mohawk.

SECTION 5. Termination

This moratorium shall be terminated earlier than November 11, 2023 upon enactment of any local legislation which adopts regulations relating to battery energy storage systems.

SECTION 6. Effective Period

This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State as provided in Municipal Home Rule Law § 27 or as otherwise provided by law.

