

Local Law Filing

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STATE RECORDS

(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:)

FEB 11 2025

of Sullivan

Local Law No. 1 of the year 2025

DEPARTMENT OF STATE

A Local Law to Amend Chapter 275 ("Zoning") of the Code of the Town of Sullivan to Prohibit Tier 2 and Larger Battery Energy Storage Systems in the Town of Sullivan

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

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

of Sullivan as follows:

SECTION 1. AUTHORITY

This Local law amending Chapter 275 ("Zoning") of the Code of the Town of Sullivan to prohibit Tier 2 and larger Battery Energy Storage Systems is adopted pursuant to Article IX of the New York State Constitution (§§ 2(c)(6) and (10)), Sections 10(1) and (7) of the New York Statute of Local Governments, Sections 261-263 of the Town Law and Section 10 of the Municipal Home Rule Law of the State of New York.

SECTION 2. PURPOSE & INTENT.

This amendment of Chapter 275 ("Zoning") of the Code of the Town of Sullivan to prohibit Tier 2 and larger Battery Energy Storage Systems is being adopted to advance and protect the public health, safety, welfare, and quality of life of the residents of the Town of Sullivan by banning the installation and use of certain battery energy storage systems within town boundaries. The Town Board has recognized and acknowledged the Town needs to study and analyze many considerations that affect the preparation of local legislation to regulate battery energy storage systems. Thereafter, the Town has carefully and diligently studied regulations that would address the establishment, placement, construction, enlargement, and erection of Battery Energy Storage Systems and balanced these objectives with potential land use regulations for provisions to specifically regulate the same. Included in these considerations is the likelihood of chemical and electrical fires which connect into such systems and the inability of the Town and its limited fire response capabilities to adhere to and address these issues in a satisfactory and safe manner given the availability of equipment, resources, and training. Upon reflection of these risks and harms, the Town Board has determined that prohibiting the establishment, placement, installation, construction, and erection of certain battery energy storage systems town-wide is in the best interests of the Town.

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

SECTION 3. AMENDMENT OF CHAPTER 275 (“ZONING”) TO AMEND §275-2 (“DEFINITIONS”).

Chapter 275, Article XII, §275-2 of the Code of the Town of Sullivan, titled “Definitions,” is hereby amended to add the following terms in correct alphabetical order:

“BATTERY/BATTERIES -- 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 law, batteries utilized in personal household consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE SYSTEM -- A rechargeable energy storage system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems and associated electrical equipment designed to store energy to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

- A. *Tier 1 Battery Energy Storage Systems* have an aggregate energy capacity less than or equal to 600kWh and, if in a room, contained, or enclosed area, consisting of only a single energy storage system technology.
- B. *Tier 2 Battery Energy Storage Systems* have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room, contained, or enclosed area.

CELL -- The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.”

SECTION 4. AMENDMENT OF CHAPTER 275 (“ZONING”) TO PROVIDE FOR A NEW ARTICLE X (“BATTERY ENERGY STORAGE SYSTEMS”) AND A NEW §275-52 (“PROHIBITION OF TIER 2 AND LARGER BATTERY ENERGY STORAGE SYSTEMS”).

Chapter 275 (“Zoning”) of the Code of the Town of Sullivan is hereby amended by adding a new Article X, titled “Prohibition of Tier 2 and Larger Battery Energy Storage Systems,” to read in its entirety as follows:

“Article X. Prohibition of Tier 2 and Larger Battery Energy Storage Systems

§275-52 Prohibition of Tier 2 and larger battery energy storage systems. Tier 2 Battery Energy Storage Systems and larger are hereby specifically prohibited from being erected, placed and/or sited within the jurisdictional limits of the Town of Sullivan. Such prohibition is regardless of whether any proposed Tier 2 Battery Energy Storage System (or larger) is a primary (principal) use or an accessory use on any parcel within the Town. Any requests for a Tier 2 Battery Energy Storage System (or larger) will require use variance approval from the Town of Sullivan pursuant to the requirements and procedures of Town Law §267-b(2).”

SECTION 5. ENFORCEMENT.

Any violation of this Local Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town of Sullivan.

SECTION 6. SEVERABILITY.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE.

This Local Law shall be effective upon its filing with the New York Secretary of 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. 1 of 2025** of the **Town of Sullivan** was duly passed by the **Town Board** on **February 5, 2025**, in accordance with the applicable provisions of law.

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 **Town of Sullivan** was duly passed by the **Town Board** on ___, 20___, and was (approved/not approved/ repassed after disapproval) by the **Town Board** and was deemed duly adopted 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 **Town of Sullivan** was duly passed by the **Town Board** on ___, 20___, and was (approved/not approved/ repassed after disapproval) by the **Town Board** on ___, 20___.~~

~~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 **Town of Sullivan** was duly passed by the **Town Board** on ___, 20___, and was (approved/not approved/ repassed after disapproval) by the **Town Board** 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.~~

5. (City local law concerning Charter revision proposed by petition.)

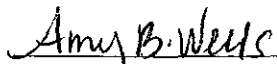
~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20___ of the City of ___ having been submitted to referendum pursuant to the provisions of section (36/37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors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



Amy B. Wells, Town Clerk
Town of Sullivan

Date: February 5, 2025

