

TOWN OF HUME
LOCAL LAW NO. 1 OF 2026

**A LOCAL LAW ESTABLISHING A TEMPORARY MORATORIUM ON BATTERY
ENERGY STORAGE SYSTEM PROJECTS AND DATA CENTER PROJECTS IN THE
TOWN OF HUME, NEW YORK**

Be it enacted by the Town Board of the Town of Hume, Allegany County, State of New York, as follows:

SECTION 1. TITLE, PURPOSE AND FINDINGS

This Local Law shall be known as the “2026 Battery Energy Storage System and Data Center Moratorium Law of the Town of Hume.”

The purpose of this Local Law is to temporarily halt the review, approval, permitting, construction, or establishment of any Battery Energy Storage System (BESS) project or data center project within the Town while the Town Board undertakes a comprehensive review of its laws, land use regulations, environmental protections, and public safety considerations related to such uses.

The Town Board finds that:

BESS facilities and data centers are emerging land uses with significant potential impacts, including but not limited to fire safety, emergency response, noise, water usage, energy demand, hazardous materials, and land use compatibility.

The Town currently lacks adequate regulations to properly evaluate and manage these uses.

A temporary moratorium is necessary to protect the public health, safety, and welfare while the Town studies and develops appropriate local regulations.

Adoption of this moratorium on building permits and other land development for construction of BESS or Data Center Projects will not have a significant impact on the environment and is a Type II action, not subject to further environmental review in accordance with SEQRA.

SECTION 2. AUTHORITY

This Local Law is enacted pursuant to the authority granted to the Town Board under: New York State Municipal Home Rule Law § 10; and New York Town Law §§ 130, 261, 263; and the Town’s police power to protect the health, safety, and welfare of its residents.

SECTION 3. DEFINITIONS

For purposes of this Local Law:

“Battery Energy Storage System (BESS)” means any facility, structure, or installation that uses electrochemical energy storage technology to store electrical energy for later use, including but not limited to lithium ion, flow battery, or other battery technologies, whether standalone or paired with another energy system.

“Data Center” means any facility or portion thereof occupying in aggregate more than one (1) acre of land to house computer systems, servers, networking equipment, or digital storage infrastructure, including associated cooling systems, backup power systems, and electrical distribution equipment, primarily for the purpose of data processing, storage, or transmission.

“Project” means any proposal, application, site plan, special use permit, building permit, variance, or other request for municipal approval related to the establishment, expansion, or construction of a BESS or data center.

SECTION 4. SCOPE OF MORATORIUM

For the duration of this moratorium, no board, officer, or employee of the Town shall accept, process, review, approve, issue, or grant: site plan applications, special use permits, building permits, variances, subdivision approvals, or any other land use or development approvals for any Battery Energy Storage System or data center project.

All applications not fully approved prior to the effective date of this Local Law shall be stayed and shall not proceed until the moratorium expires or is repealed.

This moratorium does not apply to: a) any applications complete and fully approved prior to the effective date of this Local Law; b) electric motor vehicles and charging stations for such electric motor vehicles; and c) small battery energy storage systems with an aggregate energy capacity less than or equal to 200 kWh, storing energy to be used on the premises where located, and if in a room or enclosed area, consisting of only a single storage system technology.

SECTION 5. DURATION

This moratorium shall remain in effect for twelve (12) months from the effective date of this Local Law, unless extended, modified, or repealed by resolution of the Town Board.

The Town Board may extend the moratorium for additional periods of up to six (6) months if necessary to complete its studies and adopt appropriate regulations.

SECTION 6. STUDY AND REVIEW DURING MORATORIUM

During the moratorium period, the Town Board, and other relevant Town officers and bodies shall: a) Conduct a comprehensive review of BESS and data center land use impacts; b) Evaluate fire safety standards, emergency response needs, and environmental risks; c) Review zoning districts where such uses may or may not be appropriate; d) Draft new or amended zoning regulations, permitting standards, and safety requirements; and e) Hold public hearings and consult with experts as needed

SECTION 7. HARDSHIP WAIVER

A property owner may apply to the Town Board for a hardship waiver if they believe the moratorium imposes an unnecessary and extraordinary hardship.

To be eligible for a hardship waiver, the applicant must demonstrate: a) The moratorium causes unique and substantial hardship not shared by others; b) The requested relief will not undermine the purpose of the moratorium; and c) the project will not pose risks to public health, safety, or welfare

The Town Board may impose reasonable conditions on any waiver to protect the interest of the Town and the public.

SECTION 8. SEVERABILITY

If any section or provision of this Local Law is held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Local Law.

SECTION 9. EFFECTIVE DATE

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