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New York State
Department of State
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Albany, NY 12231-0001
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Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

1 of the year 20 26

Local Law Title: A local law imposing a temporary moratorium on the issuance of land use approvals and building permits for Data Centers in the Town of Volney.

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

County City Town Village
(Select one)

of Volney as follows on the attached pages:
(Name of Local Government)

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Department of State Local Law Index Number: _____ of the year 20 ____

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

TOWN OF VOLNEY
Proposed Local Law No. 1 of 2026

**A Local Law Imposing a Temporary Moratorium
on the Issuance of Land Use Approvals and
Building Permits for Data Centers**

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

Section 1. Title

This Local Law shall be known as "A Local Law Imposing a Temporary Moratorium on Data Centers in the Town of Volney."

Section 2. Authority and Intent; Findings; Purpose.

- a. Authority and Intent.** This Local Law is intended to be consistent with and is adopted pursuant to the authority to enact zoning laws granted to the Town under the New York State Constitution, and the laws of the State of New York, including but not limited to the following authorities: New York State Constitution Article IX, §§2(c)(ii)(10); Municipal Home Rule Law §10; Statute of Local Governments §10; New York Town Law §130(1)(Building Code), (3)(Electrical Code), (5)(Fire Prevention), (7)(Use of streets and highways), (7-a)(Location of Driveways), (15)(Promotion of public welfare), (15-a)(Excavated Lands), (16)(Unsafe buildings), (19)(Trespass), and (25)(Building lines); and New York Town Law §64(17-a) (protection of aesthetic interests), (23) (General powers)..
- b. Findings of Fact.** The Town Board makes the following Findings of Fact relating to this Local Law:
- (1) The Town Board finds that proposals for the development, construction, and operation of data centers—industrial or commercial facilities housing computer systems, servers, storage, network, and associated infrastructure—may pose significant implications for land use patterns, electric power demand and grid reliability, water usage and thermal discharge, stormwater management, noise and vibration, air emissions associated with backup generation, electromagnetic interference, traffic from construction and operations, aesthetic and community character impacts, and the cumulative capacity of municipal services.
 - (2) The Town Board further finds that the Town's Comprehensive Plan and land use regulations may not adequately address the unique siting, scale, intensity, resiliency, and environmental externalities associated with data centers, including but not limited to energy infrastructure interconnection, redundant generation, battery energy storage systems, cooling

technologies, water sourcing and discharge, waste heat utilization, setbacks, sound attenuation, hours of operation, emergency response planning, and decommissioning.

- (3) The Town Board determines that, without a temporary moratorium, applications for data centers could proceed under existing regulations that may be insufficient to protect public health, safety, and welfare, the environment, and neighborhood character, potentially resulting in irreversible impacts to the Town.
- c. **Purpose.** The purpose of this Local Law is to enable the Town to stay any and all of the activities prohibited by Section 4 of this Local Law, and all Town-level approvals relating to those activities, for a period of twelve (12) months in order to provide the Town time to study the impacts, effects, and possible land use controls over such activities, and to consider amendments to the Town's local laws to appropriately address the same within the confines of New York State law. The Town Board believes that a twelve-month moratorium after the effective date of this Local Law, coupled with the mechanism for exceptions provided in Section 5 herein, will achieve an appropriate balancing of interests between the need to safeguard the character and other resources of the Town and the health, safety and general welfare of its residents, and the rights of individual property owners or businesses desiring to conduct such activities during that period.

Section 3. Definitions

For purposes of this Local Law, the following terms shall have the meanings set forth below:

- a. **"Data Center"** shall mean any facility, in whole or in part, primarily used to house and operate computer servers, networking equipment, data storage equipment, and related infrastructure, together with backup power systems (including generators and battery systems), cooling and humidity control systems, electrical switching and substation equipment, security systems, office or support areas, and other appurtenant uses, whether for private, commercial, or institutional purposes. For the avoidance of doubt, a "Data Center" includes but is not limited to facilities used for cloud computing, coloration services, blockchain or cryptocurrency mining, artificial intelligence model training or inference, content delivery networks, and enterprise data processing.
- b. **"Minor Server Room"** shall mean a room or area that is accessory to a primary use on the same premises, serving only that primary use, without dedicated backup generation or external cooling equipment beyond typical commercial HVAC for the principal use. A Minor Server Room is not a Data Center.
- c. **"Existing Data Center"** shall mean a Data Center that has received all required land use approvals and a valid building permit prior to the Effective Date, and that remains in continuous lawful operation thereafter.

Section 4. Moratorium and Prohibitions

- a. For a period of twelve (12) months after the effective date of this Local Law, no application for a special permit, building permit, operating permit, site plan

approval, subdivision plat approval, certificate of occupancy, certificate of compliance, temporary certificate, or other permit of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official or agent of the Town for the construction, establishment, or use or operation of any land, body of water, building, or other structure located within the Town for a Data Center.

- b. Any application submitted prior to the Effective Date that has not received all final discretionary approvals shall be stayed and held in abeyance for the duration of the moratorium, except as otherwise provided in Section 5.
- c. This moratorium shall apply Town-wide.

Section 5. Exceptions

- a. Existing Data Centers. Ordinary repair, maintenance, or like-kind replacement for Existing Data Centers may proceed if such work does not: (a) increase the gross floor area devoted to the Data Center use; (b) increase connected electrical load beyond the pre-moratorium level; (c) install new or larger backup generation or battery energy storage systems; or (d) materially increase noise, water usage, traffic, or other off-site impacts. The Code Enforcement Officer shall determine eligibility under this subsection.
- b. Minor Server Rooms. Installation or maintenance of a Minor Server Room accessory to an existing principal use may proceed upon certification to the Code Officer that the limitations in Section 3(b) are met.
- c. Emergency Repairs. Immediate repairs necessary to address an imminent threat to public health or safety or to prevent significant property damage may proceed with authorization from the Code Enforcement Officer, limited to the minimum work necessary to abate the emergency.
- d. Hardship Waiver. An applicant may petition the Town Board for a hardship waiver where strict application of this Local Law would result in extraordinary and unnecessary hardship unique to the property and are not self-created, and where granting relief will not adversely affect the health, safety, or welfare of the public or undermine the purposes of this Local Law. The Town Board may grant a waiver, with or without reasonable conditions, upon written findings supporting the criteria above. Any waiver request shall be submitted in writing with supporting documentation; the Town Board may refer the request to consultants for advisory recommendations and may hold a public hearing.

Section 6. Study; Planning and Zoning Action

- a. During the moratorium, the Town Board, with assistance from Town staff, and such consultants as the Town may retain, shall undertake a comprehensive study of Data Centers, including but not limited to: appropriate siting locations; dimensional, intensity, and performance standards; environmental review protocols; energy, water, and infrastructure considerations; decommissioning; financial surety; and monitoring and enforcement mechanisms.

- b. The Town Board may consider and adopt amendments to the Town's local laws to address Data Centers, and may establish application requirements, special use criteria, setbacks, screening, noise limits, hours of operation, energy and water efficiency standards, backup power and storage system standards, traffic management plans, environmental monitoring, emergency response plans, and decommissioning and site restoration requirements.

Section 7. Extension; Early Termination

- a. The Town Board may, by local law after notice and public hearing, extend the moratorium for up to two additional periods of up to six (6) months each if it determines that (a) the study referenced in Section 6 is ongoing and additional time is reasonably necessary to complete and implement appropriate legislative measures, and (b) the extension continues to be necessary to protect the public health, safety, and welfare.
- b. The Town Board may, by resolution, terminate the moratorium prior to its scheduled expiration if it determines that the purposes of this Local Law have been satisfied or superseded by adopted amendments to the local laws of the Town.

Section 8. Administration and Enforcement

- a. **Code Enforcement Officer.** The provisions of this Local Law shall be administered and enforced by the Code Enforcement Officer and his or her Deputies. The Code Enforcement Officer and his or her Deputies are authorized to issue appearance tickets for violations of this law requiring appearance by the alleged violator in the Town of Volney Town Justice Court.
- b. **Criminal Penalties.** Any person, firm or corporation who violates, disobeys, neglects, refuses to comply with or resists the enforcement of any provision of this Local law or any written order of the Code Enforcement Officer or his or her Deputies directing compliance with this Local Law shall be guilty of an offense, and upon conviction thereof shall be subject to a fine of not more than one thousand dollars, or imprisonment for a period of not more than fifteen days, or both such fine and imprisonment for each offense. However, a person, firm or corporation convicted of a second or other repeated violation of this Local Law shall be guilty of a misdemeanor, and shall be subject to a fine of not more than two thousand dollars, or imprisonment for not more than six months, or both such fine and imprisonment for each offense.
- c. **Civil Penalties.** Any person, firm or corporation who violates, disobeys, neglects, refuses to comply with or resists the enforcement of any provision of this local law or any written order of the Code Enforcement Officer or their Deputy directing compliance with this Local Law shall be deemed to have violated this Local Law, and shall be liable to pay the Town a civil penalty of up to one thousand dollars for each such violation. Such a civil penalty may be assessed in any action or proceeding brought by the Town or its taxpayers, pursuant to Town Law §268(2), or by the Town, to enforce the provisions of this local law.

- d. **Continuous Violations.** Each day a violation or offense is continued or not corrected shall be deemed a separate violation or offense.
- e. **Injunction.** Compliance with this Local Law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction, in an action brought on behalf of the Town.
- f. **Costs and Attorneys' Fees.** In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all necessary costs incurred by the Town relative to such action, including attorneys' fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the property or properties within the Town on which the violation occurred, by including such expense in the next annual Town tax levy against such property, and such expense shall be a lien upon such property until paid.

Section 9. Superseding Intent and Effect.

This Local Law shall supersede any inconsistent provisions of any and all other local ordinances, laws or resolutions of the Town of Volney.

Section 10. Severability.

If any provision of this Local Law is determined to be unconstitutional or invalid, the validity and enforceability of the remainder shall not be affected.

Section 11. Effective Date.

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

Local Law Filing

(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 ascribed as local law number 1 of 2026 of the (County)(City)(Town)(Village) of Volney was duly passed by the Town Board on _____ 2026 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, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____ in accordance with the applicable provisions of law.~~

~~(Name of Legislative Body)~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) 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.

(Name of Legislative Body)

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, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) 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.

(Name of Legislative Body)

* 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.

Local Law Filing

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

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20 ____ of the City of _____ having 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 thereto, ascribed as local law number _____ 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 the paragraph ¹ _____ above.

(Seal)

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body
Theresa Anderson, Town Clerk

(Date)