

**ORDINANCE NO. 9884**

**AMENDING ROME CODE OF ORDINANCES CHAPTER 80 TO  
PROHIBIT THE ESTABLISHMENT, INSTALLATION AND CONSTRUCTION  
OF BATTERY ENERGY STORAGE SYSTEMS WITHIN THE CITY OF ROME.**

By Councilor \_\_\_\_\_:

WHEREAS, pursuant to Article IX of the New York State Constitution, Municipal Home Rule Law, New York State General City Law §§ 20(24), 20(25), 28-a and 83, and the Rome Zoning Code, the City of Rome Common Council has the authority to regulate the use of land within its borders and amend the Zoning Code when it is deemed said amendment would protect the health, welfare and safety of its citizens and businesses and/or further the public interest; and

WHEREAS, the Rome Common Council has considered amendments to the Rome City Code Chapter 80, entitled “Zoning Code”, as it relates to the construction and installation of Battery Energy Storage Systems (“BESS”) in the City of Rome; and

WHEREAS, a BESS is a group of battery cells organized into modules, and then into racks, that store electricity for future use via connection to the electric grid, a local electrical load, or both; and

WHEREAS, the Common Council has considered the public safety and environmental risks including, but not limited to, fires, as well as neighborhood impacts, danger to natural resources, and other concerns associated with BESS installation; and

WHEREAS, the Common Council is also of the opinion that BESS installation within City limits is not consistent with the highest and best use of land or the City’s long term planning goals; and

WHEREAS, 2<sup>nd</sup> Ward Councilor John Mortise and 7<sup>th</sup> Ward Councilor David Sbaraglia have recommended that the Rome Zoning Code be amended to prohibit BESS construction and installation within the City of Rome to protect the public health, welfare and safety; and

WHEREAS, pursuant to the requirements of General Municipal Law Section 239-m, the proposed code amendment has been referred to the Oneida County Planning Commissioner for comment, which said comments were received and filed with the City Clerk’s Office; and

WHEREAS, this proposed code amendment was referred to the Rome Planning Board for their report and recommendations, said report having been sent to the Common Council and being attached hereto as an Exhibit A; and

WHEREAS, a public hearing was held before the Planning Board on \_\_\_\_\_, 2026, in order for public comment to be heard and considered regarding the proposed zoning code amendment; and

WHEREAS, all requirements of the State Environmental Quality Review Act (“SEQRA”) have been complied with; and

WHEREAS, it is in best interests of the City of Rome to establish said zoning code amendment to protect the health, safety and welfare of the residents of the City of Rome, and to assure that BESS construction and installation conforms to the City’s long term planning goals; now, therefore

BE IT ORDAINED, by the Common Council of the City of Rome, New York, that the Rome City Code is hereby amended by adding a section to be numbered Chapter 80, Article XII, § 80-12.6, which reads as follows:

**ARTICLE XII. – PROHIBITION ON BATTERY ENERGY STORAGE SYSTEMS**

**§ 80-12.6. Battery energy storage systems.**

- (a) Purpose. Adoption of this section is intended to protect the health, safety and welfare of the City of Rome and its residents, by prohibiting battery energy storage systems (BESS) within all City zoning districts in support of the following objectives:**
- (i) Promote public health and safety by prohibiting uses of property that create a risk of harm to people, surrounding properties and the City’s environmental resources; and**
  - (ii) Promote long term economic development goals by encouraging development which achieves the best use of available property and is consistent with the City’s long term planning objectives; and**
  - (iii) Promote and protect a safe quality of life in all City zoning districts, particularly those areas with dense populations and/or public gathering spaces.**
- (b) Definitions. A battery energy storage system (BESS) shall be defined as 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. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:**

**(i) Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.**

**(ii) 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 or enclosed area.**

**(c) Regulation.**

**(i) Battery Energy Storage Systems shall be prohibited from being sited, established or constructed in all zoning districts in the City of Rome.**

**(ii) Existing Battery Energy Storage Systems shall be considered pre-existing, non-conforming uses. Said systems shall not be expanded or modified in any manner, including but not limited to increases in their energy capacity.**

**(d) Application. As a prohibited use, requests permitting a battery energy storage system within any City zoning district will not be entertained by the Zoning Board of Appeals, Planning Board or Code Enforcement Office while this Article remains in effect.**

; and

BE IT FURTHER ORDAINED, that any person or entity constructing or installing a BESS in violation of this prohibition may be charged with an offense under the Rome City Code; and

BE IT FURTHER ORDAINED, by the City of Rome Common Council that this Ordinance shall take effect immediately upon approval.

Seconded by Councilor \_\_\_\_\_.

By Councilor \_\_\_\_\_:

RESOLVED, that the unanimous consent of this Common Council be, and the same hereby is given to the consideration of Ordinance No. 9884.

Seconded by Councilor \_\_\_\_\_.

AYES & NAYS: Sparace \_\_\_ Mortise \_\_\_ Fazio \_\_\_ Smith\_\_\_ Reilly\_\_\_ Dursi \_\_\_ Sbaraglia \_\_\_

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ADOPTED \_\_\_\_

DEFEATED \_\_\_\_