

## **LOCAL LAW NO. 3 OF THE YEAR 2026**

# **A LOCAL LAW IMPOSING A MORATORIUM ON THE ESTABLISHMENT, CONSTRUCTION, EXPANSION, OR OPERATION OF DATA CENTERS, ARTIFICIAL INTELLIGENCE PROCESSING FACILITIES, AND CRYPTOCURRENCY MINING OPERATIONS WITHIN THE TOWN OF LEWISTON, NIAGARA COUNTY, NEW YORK**

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**BE IT ENACTED** by the Town Board of the Town of Lewiston, Niagara County, New York, as follows:

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### **SECTION 1. TITLE**

This Local Law shall be known and may be cited as the "Town of Lewiston Data Center, Artificial Intelligence Facility, and Cryptocurrency Mining Moratorium Law of 2026."

### **SECTION 2. AUTHORITY**

This Local Law is enacted pursuant to the authority granted to the Town of Lewiston by:

- (a) Article 2, Section 10 of the New York State Municipal Home Rule Law, authorizing towns to adopt local laws relating to the protection and enhancement of their physical and visual environment and the safety, health and well-being of persons or property therein;
- (b) New York Town Law § 261 et seq., authorizing the Town Board to adopt and amend zoning regulations;
- (c) New York Town Law § 130, authorizing the Town Board to adopt ordinances, rules, and regulations for the preservation of public health, safety, and welfare;
- (d) The State Environmental Quality Review Act (SEQRA), Environmental Conservation Law Article 8, and its implementing regulations at 6 NYCRR Part 617; and
- (e) The New York State Constitution, Article IX.

### **SECTION 3. LEGISLATIVE FINDINGS AND PURPOSE**

The Town Board of the Town of Lewiston hereby finds and declares as follows:

- (a) **Infrastructure Capacity.** The Town of Lewiston's existing public infrastructure — including its electrical distribution system, municipal water supply, and the Lewiston Water Pollution Control Center — was designed and sized to serve the residential, agricultural, light commercial, and industrial uses historically present in the Town. Data centers, artificial intelligence processing facilities, and cryptocurrency mining operations impose extraordinary and continuous demands on electrical power, water supply, and wastewater treatment capacity that are fundamentally different in kind and magnitude from any use currently permitted or regulated under the Town's Zoning Code (Chapter 360).
- (b) **Electrical Demand.** A single 10-megawatt (MW) data center or similar facility draws between 13 and 16 megawatts of continuous power from the electrical grid — the equivalent of the combined electrical consumption of all residential households in the Town of Lewiston — and operates 24 hours per day, 365 days per year. Such demand requires dedicated substation infrastructure and grid upgrades that may take 18 to 36 months to plan, design, permit, and construct.
- (c) **Wastewater Treatment.** The Town of Lewiston Water Pollution Control Center (WPCC), located at 501 Pletcher Road, is a 2.75 million gallon per day facility serving four municipalities and is currently operating under a State Pollutant Discharge Elimination System (SPDES) permit issued by the New York State Department of Environmental Conservation (DEC). Data center cooling operations utilizing evaporative or wet cooling technologies can discharge blowdown water containing industrial biocides, heavy metals, phosphates, and thermal pollution at rates of 500,000 to 2,000,000 gallons per day, which could significantly impact the WPCC and place stress on the current DEC-permitted discharge limits.
- (d) **Wastewater Chemistry.** Industrial cooling water blowdown contains biocides including chlorine compounds, bromine compounds, glutaraldehyde, and isothiazolinones, as well as heavy metals including zinc, copper, and molybdate. These compounds can destroy the activated sludge biological treatment process upon which the WPCC depends, potentially causing significant issues with the WPCC's treatment of municipal waste independent of volume-related concerns.
- (e) **Fire Safety.** Data centers, AI processing facilities, and cryptocurrency mining operations often maintain on-site diesel fuel storage of 50,000 to 200,000 gallons or more for backup generators, and house large-format lithium-ion battery uninterruptible power supply (UPS) systems that present specialized fire and toxic smoke hazards. The Town's fire protection services are provided by volunteer companies that may require specialized training and equipment to respond effectively to fires at such facilities.

- (f) **Absence of Regulatory Framework.** The Town of Lewiston Zoning Code (Chapter 360), most recently comprehensively revised by Local Law No. 1 of 2013, does not define, classify, or regulate data centers, artificial intelligence processing facilities, or cryptocurrency mining operations as distinct land uses. Without a regulatory framework, applications for such uses are subject to inconsistent interpretation, inadequate conditions, and potential legal challenge.
- (g) **Pending Comprehensive Plan Update.** The Town of Lewiston is currently engaged in a comprehensive plan update process. It would be contrary to sound planning practice to permit applications for high-intensity technological uses to proceed, vest development rights, or be approved during this planning process before the Town has had the opportunity to study such uses, assess community impact, and adopt appropriate zoning amendments.
- (h) **Regional Precedent.** The City of North Tonawanda, New York, located in neighboring Niagara County, enacted a two-year moratorium on data centers and cryptocurrency mining operations in 2024 following significant community harm from noise, electromagnetic interference, and infrastructure stress. The Town of Lewiston seeks to avoid similar harms to its residents and quality of life.
- (i) **Public Interest.** It is in the best interest of the health, safety, welfare, and quality of life of the residents of the Town of Lewiston to impose a temporary moratorium on the establishment, construction, expansion, or operation of the uses defined herein, in order to allow the Town Board, Planning Board, and Town staff sufficient time to study such uses and adopt appropriate, comprehensive land use regulations before any such facilities are sited within the Town.

## SECTION 4. DEFINITIONS

As used in this Local Law, the following terms shall have the meanings indicated:

**"Artificial Intelligence (AI) Processing Facility"** means any facility, structure, building, or portion thereof, the primary purpose of which is to house, operate, or support computing hardware, graphics processing units (GPUs), tensor processing units (TPUs), or other specialized processors used primarily for machine learning, artificial intelligence model training, inference, or related large-scale computational workloads, and which has or is designed to have an aggregate IT load of 1 megawatt (MW) or more.

**"Cryptocurrency Mining Operation"** means any facility, structure, building, or portion thereof used to house equipment that performs proof-of-work (PoW) or proof-of-stake (PoS) authentication methods, blockchain transaction validation, or any other computational process designed to generate, mine, earn, validate, or otherwise produce cryptocurrency, digital tokens, or similar digital assets, and/or which has or is designed to have an aggregate electrical draw of 100 kilowatts (kW) or more.

**"Data Center"** means any facility, structure, building, or portion thereof the primary purpose of which is to house multiple computer servers, server racks, networking equipment, data storage systems, or other electronic computing infrastructure providing data storage, data processing, cloud computing, content delivery, colocation hosting, or similar services for clients or operators, and which has or is designed to have an aggregate IT load of 1 megawatt (MW) or more. The term "data center" shall include but is not limited to: traditional data centers; hyperscale data centers; colocation facilities; edge computing facilities; modular or containerized data centers; and server farms.

**"Expansion"** means any increase in the electrical load capacity, building footprint, server rack count, cooling infrastructure, backup generation capacity, or operational scope of an existing Data Center, AI Processing Facility, or Cryptocurrency Mining Operation.

**"Establishment"** means the first use of any premises as, or the conversion of any premises to, a Data Center, AI Processing Facility, or Cryptocurrency Mining Operation.

**"IT Load"** means the total rated electrical power consumption, measured in kilowatts (kW) or megawatts (MW), of all information technology equipment installed or proposed to be installed in a facility, exclusive of cooling, lighting, and other building support systems.

**"Low-Intensity Data Center"** means a Data Center with an IT load between 1 MW and 10 MW inclusive.

**"Permit"** means any building permit, certificate of occupancy, special use permit, site plan approval, area variance, use variance, subdivision approval, or other land use approval issued by the Town of Lewiston Building Department, Planning Board, Zoning Board of Appeals, or Town Board.

**"Town"** means the Town of Lewiston, Niagara County, New York.

**"Town Board"** means the Town Board of the Town of Lewiston.

## **SECTION 5. MORATORIUM**

- (a) Effective upon the date of adoption of this Local Law, and continuing for a period of eighteen (18) months thereafter (the "Moratorium Period"), unless extended or earlier terminated by action of the Town Board, no person, entity, corporation, partnership, limited liability company, or other legal entity shall:
- (1) Establish, construct, build, install, place, operate, or use any Data Center, Artificial Intelligence Processing Facility, or Cryptocurrency Mining Operation within the Town of Lewiston;
  - (2) Expand any existing Data Center, Artificial Intelligence Processing Facility, or Cryptocurrency Mining Operation within the Town of Lewiston; or

- (3) Apply for, and no Town official, board, or department shall accept, process, or approve, any Permit for the establishment, construction, expansion, or operation of any Data Center, Artificial Intelligence Processing Facility, or Cryptocurrency Mining Operation within the Town of Lewiston.

## **SECTION 6. EXEMPTIONS**

The following uses and activities are expressly exempt from the moratorium established by this Local Law:

- (a) Server rooms, closets, or equipment areas that are incidental and accessory to a primary permitted use on the premises, where the aggregate IT load does not exceed 100 kilowatts (kW) and the use does not constitute the primary purpose of the building or premises;
- (b) Telecommunications equipment, including wireless communications facilities, regulated under Chapter 320 (Towers) of the Town Code;
- (c) Home offices and residential computing uses;
- (d) Academic, research, or educational computing facilities operated by schools, colleges, universities, or governmental agencies, where the aggregate IT load does not exceed 1 MW;
- (e) Emergency maintenance, repair, or safety-related work necessary to maintain the safe and legal operation of any facility existing and in lawful operation as of the effective date of this Local Law, provided that such work does not constitute an Expansion; and
- (f) Uses operated by the Town of Lewiston, Niagara County, the State of New York, or a federal agency.

## **SECTION 7. REVIEW ACTIVITIES**

During the Moratorium Period, the Town Board shall endeavor to draft appropriate legislation to regulate such activities in the Town of Lewiston, specifically taking into consideration the following factors:

- (a) Infrastructure Capacity. Identify and evaluate the following Town infrastructure systems as they relate to the potential accommodation of Data Centers, AI Processing Facilities, and Cryptocurrency Mining Operations.
  1. Lewiston Water Pollution Control Center, including current flow rates relative to permitted capacity, condition of the collection system, and the feasibility and estimated cost of capacity expansion;

2. Municipal water supply capacity and distribution system;
  3. Town-maintained road network load capacity and condition;
  4. Other relevant infrastructural concerns which may be identified as a result of the Town's review efforts.
- (b) Local Utility Coordination. The Town shall initiate communications with National Grid and the New York Power Authority (NYPA) to assess the current capacity of electrical distribution infrastructure serving the Town, the feasibility and cost of substation upgrades necessary to serve high-intensity electrical loads, and the availability of Niagara Hydropower for qualifying industrial uses.
- (c) Public Participation. The Town Board shall hold at least one duly noticed public hearing during the Moratorium Period to receive public comment on the proposed new legislation, zoning amendments and/or infrastructure findings prior to their adoption.

## **SECTION 8. EXTENSION**

The Town Board may, by resolution adopted at a duly noticed public meeting, extend the Moratorium Period for one or more additional periods not to exceed six (6) months each, upon a finding that the studies and review activities described in Section 7 have not been completed and that extension is necessary to protect the public health, safety, and welfare of the residents of the Town.

## **SECTION 9. ENFORCEMENT**

- (a) Any person, entity, corporation, or other legal entity that violates any provision of this Local Law shall be subject to the penalties set forth in New York Town Law § 268, including a fine of not more than \$350 for each offense, with each day of continuing violation constituting a separate offense.
- (b) In addition to the penalties set forth above, the Town may seek injunctive relief, a temporary restraining order, or other equitable remedy in a court of competent jurisdiction to restrain or enjoin any violation or threatened violation of this Local Law, without the necessity of proving irreparable harm or the inadequacy of monetary damages.
- (c) The Building Inspector and Code Enforcement Officer of the Town of Lewiston are hereby authorized and directed to enforce this Local Law.

## **SECTION 10. SEVERABILITY**

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate

the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

### **SECTION 11. SEQRA DETERMINATION**

The Town Board hereby finds and determines that this Local Law is a Type II Action pursuant to 6 NYCRR § 617.5(c)(33), as it constitutes the adoption of regulations, policies, procedures, and locally accepted rules as required by state law for the protection of the environment, and is therefore not subject to environmental review under SEQRA.

### **SECTION 12. SUPERSESION**

This Local Law is intended to supersede any inconsistent provision of the Town of Lewiston Zoning Code (Chapter 360) or any other local law, ordinance, rule, or regulation of the Town of Lewiston to the extent of such inconsistency.

### **SECTION 13. EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the New York Secretary of State in accordance with Section 27 of the New York Municipal Home Rule Law.