

# Local Law Filing

(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.)

of Plattsburgh

Local Law No. 3 of the year 2018

A local law A local law adding §270-28-J under Chapter 270, Article V, Supplementary Regulations  
(Insert Title)  
of the City Code of the City of Plattsburgh.

Be it enacted by the Common Council of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Plattsburgh as follows:

§270-28-J Moratorium on Commercial Cryptocurrency Mining Operations

Section 1. Enactment and Title.

The Common Council of the City of Plattsburgh does hereby ordain and enact the City of Plattsburgh moratorium on commercial cryptocurrency mining operations in the City of Plattsburgh. This local law shall impose a moratorium on applications or proceedings, or the issuance of approvals or permits for commercial cryptocurrency mining operations in the City of Plattsburgh.

Section 2. Authorization, Purpose and Definitions.

A. Authorization

Pursuant to the authority and provisions of Section 10 of the Municipal Home Rule Law of the State of New York and the statutory powers vested in the Common Council of the City of Plattsburgh to regulate and control land use and to protect the health, safety and welfare of its residents, the Common Council of the City of Plattsburgh hereby declares an eighteen (18) month moratorium, on all applications or proceedings for applications, for the issuance of approvals or permits for the commercial cryptocurrency mining operations in the City of Plattsburgh.

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

This moratorium will allow time for the zoning code and municipal lighting department regulations to be amended to regulate this potential use.

A. Purpose

It is the purpose of this Local Law to allow the City of Plattsburgh the opportunity to consider zoning and land use laws and municipal lighting department regulations before commercial cryptocurrency mining operations results in irreversible change to the character and direction of the City.

Further, it is the purpose of this Local Law to allow the City of Plattsburgh time to address through planning and legislation, the promotion of the protection, order, conduct, safety health and well-being of the residents of the City which are presented as heightened risks associated with commercial cryptocurrency mining operations.

It is the purpose of this Local Law to facilitate the adoption of land use and zoning and/or municipal lighting department regulations to protect and enhance the City’s natural, historic, cultural and electrical resources.

B. Definitions

“Cryptocurrency” is defined herein as a digital currency in which encryption techniques are used to regulate the generation of units of currency and verify the transfer of funds, operating independently of a central bank.

“Commercial cryptocurrency mining” is defined herein is the commercial process by which cryptocurrency transactions are verified and added to the public ledger, known as the block chain, and also the means through which new units of cryptocurrencies are released, through the use of server farms employing data processing equipment. For purposes of this definition, any equipment which requires a High Density Load Service, or any Server Farm, will presumably be a commercial cryptocurrency mining operation.

“Server Farm” is defined herein as three or more interconnected computers housed together in a single facility whose primary function is to perform cryptocurrency mining or associated data processing.

“High Density Load Service” is defined herein as the provision of electrical service where the requested load density, in the portion of the premises containing the load consuming equipment exceeds 250 kWh/ft<sup>2</sup>/year.

Section 3. Scope of Controls.

During the effective period of this local law:

- A. The Code Enforcement Officer, Building Inspector, Planning Board, or Zoning Board of Appeals shall not accept an application for a Commercial Cryptocurrency Mining operation.

- B. The Code Enforcement Officer, Building Inspector, Planning Board, or Zoning Board of Appeals shall not grant any permit for a Commercial Cryptocurrency Mining operation.

#### Section 4. No Consideration of New Applications.

No applications for Commercial Cryptocurrency Mining operations or for approvals for a site plan, special use permit, building permit, or any other permit shall be approved by any board, officer, employee or agent of the City of Plattsburgh while the moratorium imposed by this local law is in effect. Nothing in this local law shall be construed such as to result in any default approval for any application heard or considered during the moratorium imposed by this local law. This moratorium shall apply to all such applications, whether pending or received prior to the effective date of this law.

#### Section 5. Term.

The moratorium imposed by this local law shall be in effect for a period of eighteen (18) months from the effective date of this local law. It may be terminated earlier if the Common Council determines by resolution that the purpose of the local law have been fulfilled. During the period of the moratorium, the Common Council shall endeavor to amend the local zoning code and/or municipal lighting department regulations to address and regulate Commercial Cryptocurrency Mining operations.

#### Section 6. Location.

The moratorium imposed by this local law shall apply to the territorial limits of the City of Plattsburgh.

#### Section 7. Penalties.

Any firm, person, corporation, or other entity that shall establish, place, construct, erect or in any way site or locate a Commercial Cryptocurrency Mining operation described in this local law in the City of Plattsburgh in violation of the provisions of this Local Law shall be subject to, in addition to any penalties prescribed by state or local law, a civil penalty of not more than \$1,000.00 for each day or part thereof during which such violation continues. If necessary to remove any construction or property that may have taken place in violation of this local law, then the cost of such removal, including reasonable attorney's fees incurred by the City, shall constitute a lien and charge against any real property owned or leased by the violator located within the City and shall be collected in the same manner and at the same time as other City charges. The civil penalties provided for by this section shall be recoverable in an action instituted in the name of the City in any court of competent jurisdiction.

Section 8. Validity.

The invalidity of any provision of this local law shall not affect the validity of any other provision of this local law that can be given effect without such invalid provision.

Section 9. Effective Date.

This local law shall take effect upon approval by the Mayor and filing with the New York State 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. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, 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, designated as local law No. <sup>3</sup> \_\_\_\_\_ of 20 18 of the ~~(County)(City)(Town)(Village)~~ of Plattsburgh was duly passed by the Common Council on March 15 20 18, and was (approved)~~(not approved)~~ ~~(repassed after disapproval)~~ by the Mayor and was deemed duly adopted on March 15 20 18, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ 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 \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

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 (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ 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\*)

\* 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.

**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 2 above.

  
\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 3/16/2018

(Seal)