

**LOCAL LAW NO. 1-2024 TO IMPLEMENT A TEMPORARY MORATORIUM  
RELATIVE TO SOLAR FACILITIES AND BATTERY STORAGE, EXCEPT FOR  
RESIDENTIAL ROOFTOP SOLAR**

BE IT ENACTED, by the Town Board of the Town of Walworth, Wayne County, State of New York, as follows:

Section I. Authorization

The adoption of this Local Law is in accordance with Section 10 of New York's Municipal Home Rule Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. \_\_-2024 of the Town of Walworth to Implement a Temporary Moratorium Relative to Solar Facilities and Battery Storage, Except for Residential Rooftop Solar.

The purpose of this local law is to enact a moratorium in the Town of Walworth in order to temporarily halt for a period of six months the development of new solar facilities and battery storage except for residential rooftop solar, while the Town of Walworth examines and studies the impacts of the development of solar facilities and battery storage and develops and adopts local legislation to regulate such solar facilities.

Section III. Legislative Findings

The Walworth Town Board finds and hereby determines that the State of New York is currently experiencing and has over the recent has experienced significant new development of solar facilities and continues to receive more interest for additional development of solar facilities. In addition, battery storage, particularly for energy generated via solar facilities, has also received significant interest. The Town has noted popularity of new solar facilities in New York as well as the interest in battery storage and would like to examine the potential impacts thereof in the Town of Walworth as well as develop and adopt local legislation to regulate solar facilities and battery storage. Thus, pursuant to the Town's recently approved update to the Comprehensive Plan, the Town seeks to implement local laws to address development of solar facilities; and

While the Town considers the aforementioned impacts and develops local legislation to regulate the same, the Town Board finds that any development of solar facilities and battery storage should be prohibited for a temporary period of time until completion of said studies in order to protect the health, safety and welfare of the Town of Walworth, including to better promote community planning and development values in the context of the rapidly changing technology and industry of large scale solar facilities and battery storage.

During the pendency of the moratorium, the Town Board will consider how best to permit such solar facilities and battery storage installations so as to harmoniously integrate such installations with the existing community.

## Section IV. Moratorium Provisions

### A. Definitions:

#### **SOLAR ENERGY SYSTEM**

Equipment and associated structures and materials that directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy.

#### **RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM**

A solar energy system servicing a one- or two-family dwelling, designed primarily to provide energy to the subject dwelling(s), where the solar panels are wholly contained on the rooftop of the dwelling (not including solar shingles).

#### **BUILDING-INTEGRATED SOLAR COMPONENTS**

Components of a building which harness solar energy for usable forms of electric or thermal energy. These components are directly integrated into the building itself. By way of example, these may comprise specially treated windows and glass, shingles, etc. This does not include roof-mounted solar panels. Building-integrated solar components are not considered solar energy systems for purposes of these regulations and are thus not subject to these regulations.

#### **LARGE BATTERY ENERGY STORAGE SYSTEM**

A rechargeable energy storage system consisting of batteries, battery chargers, controls, power conditioning systems and associated electrical equipment designed to provide electrical power to a building or to provide electrical grid-related services, having an energy capacity greater than 20 kilowatt hours.

### B. Moratorium

The development, including the new construction, addition, or expansion of Solar Energy Systems, except for Residential Rooftop Solar Energy Systems and Building-Integrated Solar Components, and/or the new construction, addition, or expansion of Large Battery Energy Storage Systems shall be prohibited within the Town of Walworth until six months pass from the date of the adoption of this Local Law. Notwithstanding the foregoing, the length of this Moratorium may be modified by the subsequent repeal or amendment of this law.

During the Moratorium implemented herein, 1) there shall be no granting or amendment of site plan approvals, subdivisions, special use permits or rezoning that would have the effect of the establishment or construction of any Solar Energy Systems (except for Residential Rooftop Solar Energy Systems and Building-Integrated Solar Components) or Large Battery Energy Storage Systems, 2) the Town of Walworth may refuse to review or accept applications involving the development of Solar Energy Systems (except for Residential Rooftop Solar Energy Systems and Building-Integrated Solar Components) and Large Battery Energy Storage Systems, and 3) the Town of Walworth reserves the right to rescind any approvals issued in violation of this Local Law.

This Moratorium shall be applicable to any and all development of Solar Energy Systems (except for Residential Rooftop Solar Energy Systems and Building-Integrated Solar Components) and Large Battery Energy Storage Systems occurring after the adoption of this local law. Any development of Solar Energy Systems or Large Battery Energy Storage Systems which has been approved prior to such date shall not be subject to this Moratorium.

#### C. Application for Relief

Any party considering itself aggrieved by this local law may apply to the Zoning Board of Appeals for a use variance from the limitations in this local law, all pursuant to those regulations governing use variances.

#### D. Penalties

It shall be a violation of this local law to develop Solar Facilities (except for Residential Rooftop Solar Energy Systems and Building-Integrated Solar Components) or Large Battery Energy Storage Systems in the Town of Walworth during the Moratorium as established herein.

Any person, firm or corporation that violates this Local Law shall be subject to penalties and enforcement provisions as set forth at Article X of Chapter 180, entitled "Zoning," of the Walworth Town Code.

#### Section V. Validity and Severability

Should any word, section, clause, paragraph, sentence, part or provision of this Local Law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

#### Section VI. Repeal, Amendment and Supersession of Other Laws

All other Ordinances or Local Laws of the Town of Walworth which are in conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect during its effective period.

#### Section VII. Effective Date

This Local Law, after its adoption by the Town Board of the Town of Walworth, shall take effect immediately upon its filing with the Secretary of State of NY.