

**TOWN OF WALTON**

**A LOCAL LAW ESTABLISHING A ONE (1) YEAR MORATORIUM ON “SOLAR ENERGY SYSTEMS”**

**IN THE TOWN OF WALTON**

**LOCAL LAW NO.   3  -2026**

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

**Section 1. Authority.**

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Walton and the general police power vested with the Town of New Walton to promote the health, safety and welfare of all residents and property owners in the Town of Walton.

**Section 2: Purpose, Intent and Findings.**

The purpose of this local law is to declare a temporary moratorium on the issuance of building permits, special permits, certificates of occupancy and site plans by the Town of Walton for the approval, construction, establishment and/or operation of any additional or new Solar Energy Systems and Solar Energy Facilities within the limits of the Town of Walton.

The solar industry has grown in recent years due to increased demand to obtain economic and environmental advantages of renewable energy, the federal and state tax benefits and solar industry innovation. Regulations currently exist on solar energy systems in the Town of Walton. The Town Board is concerned about the possible increase in demand and potential impacts of solar energy facilities and solar energy systems and believes it is necessary to establish a Local Law to enact a temporary one (1) year moratorium in order to protect public health, safety and welfare of its community. The Town Board hereby declares said moratorium on the establishment, constructions, enlargement or erection of solar energy facilities or solar energy systems. Recognizing this need, the Town believes that a moratorium is necessary to allow the Town Board to study our code and update our solar energy system and facilities regulations.

**Section 3. Moratorium.**

Pursuant to the statutory authority vested in the Town to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town of Walton hereby declares a one (1) year moratorium on the review and approval of new as of yet unfiled and any and all pending applications for any and all land use approvals, including site plan approvals, subdivision plats, building permits, special use permits and variances (hereinafter “Land Use Approvals”) for all Solar Energy Systems and Solar Energy Facilities within the Town.

For a period of one (1) year following the effective date of this Local Law, no application may be processed, and no permits, certificates of occupancy, approvals, variances, denials, determinations or interpretations may be issued or granted for any land uses relating to solar energy, including but not limited to, solar farms.

The term “lands use” relating to solar shall be broadly construed to include any facility designed to generate or store electric power to be marked, sold or used for other than the power demands of the improvements on the property on which such facility is located. Not included within the scope of this moratorium are solar facilities designed to generate electric power solely for the use of the improvements located on the same property. The term “solar farm” shall not include photovoltaic panels that are mounted on or affixed to residential dwellings for personal use, or photovoltaic panels that are mounted on municipal or commercial or industrial buildings.

**Section 4: Term.**

The moratorium imposed by this Local Law shall be effective for one (1) year from the effective date of this Local Law. This Moratorium may be extended for an additional period by resolution of the Town Board.

**Section 5. Effect on Other Laws.**

To the extent that any law, ordinance rules or regulation, or parts thereof are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit, and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such law ordinance, rule, or regulation.

**Section 6. No Variances.**

No application for variance from the terms of this moratorium may be submitted, or considered or granted by the Town. Any pending application for a variance from the moratorium shall be null and void upon the effective date of this law.

**Section 7: Authority.**

This moratorium is adopted pursuant to Article IX of the New York State Constitution, §2(c)(6) and (10), New York Statute of Local Governments, § 10, Subdivisions 1 and 7, § 261 through 263 of the Town Law, and § 10 of the Municipal Home Rule Law of the State of New York. In particular, this chapter shall supersede those any provisions of the Town Code and New York State Law which require the Town Board, Planning Board, and/or Zoning Board of Appeals to accept, process, and/or approve applications or issue permits for the development of Solar Energy Facilities and Solar Energy Systems within specified statutory time periods.

**Section 8: Severability.**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which

judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Walton hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 9:** Effective date.

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