

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 Martinsburg

Local Law No. 3 of the year 20²⁵

A local law Extending the Moratorium of Commercial Solar Energy Systems and Battery Energy
(Insert Title)
Storage Systems

Be it enacted by the Town Board of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of Martinsburg

as follows:

See attached.

FILED
STATE RECORDS

NOV 19 2025

DEPARTMENT OF STATE
LOCAL LAWS INDEX NUMBER 3
OF THE YEAR 20²⁵

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

(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. 3 of 2025 of the (County)(City)(Town)(Village) of Martinsburg was duly passed by the Town Board on November 5, 2025, in accordance with the applicable provisions of law.

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. _____ 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 _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

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____.

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.

* 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 1 above.

Deanna L. Dvial

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

Date: 11/1/2025

(Seal)

TOWN OF MARTINSBURG

LOCAL LAW NO. [__3_] OF 2025

A LOCAL LAW EXTENDING THE MORATORIUM ON COMMERCIAL SOLAR ENERGY SYSTEMS AND BATTERY ENERGY STORAGE SYSTEMS (BESS)

WHEREAS, the Town of Martinsburg has previously enacted a moratorium on certain solar energy systems and battery energy storage systems (BESS) to allow time to review and update the Town Code; and

WHEREAS, the Town Board finds that additional time is necessary to review, amend, and update multiple chapters of the Town Code to ensure consistency with the Town's recently adopted Comprehensive Plan; and

WHEREAS, it is in the public interest to temporarily halt the acceptance and approval of applications for solar energy systems and BESS to ensure orderly and effective planning and code updates.

NOW, THEREFORE, BE IT ENACTED by the Town Board of the Town of Martinsburg as follows:

Section 1. Moratorium Extended

The moratorium on the construction, installation, and operation of commercial solar energy systems and BESS is hereby extended for a period of nine (9) months from the effective date of this Local Law. During this period, no permits, approvals, or other authorizations shall be issued for such systems.

Section 2. Purpose

The purpose of this extension is to provide the Town sufficient time to:

1. Review and amend the Town Code, including zoning and other regulations, to reflect the objectives of the Comprehensive Plan; and
2. Ensure that all commercial solar energy systems and BESS are properly regulated to protect the health, safety, and welfare of the community. This moratorium does not include any solar panel system or array undertaken by individual landowners, householders, or farmers for their own personal use or the use of a small business.

Section 3. Scope

This moratorium applies to all new applications or pending applications for permits, approvals, or authorizations related to medium and large solar energy systems and Tier 2 BESS within the Town of Martinsburg.

Section 4. Enforcement

Any construction, installation, or operation of solar energy systems or BESS during the moratorium period is prohibited and may be subject to enforcement actions under the Town Code.

Section 5. Definitions

BATTERY ENERGY STORAGE SYSTEM (BESS):

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 small or large battery energy storage system as follows:

- A. (Tier 1) also known as Small Battery Energy Storage Systems, which have an aggregate energy capacity less than or equal to 599kWh or are comprised of one storage battery technology in a room or enclosed area.
- B. (Tier 2), also known as large 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.

SOLAR ENERGY SYSTEM, LARGE:

Any solar energy system that cumulatively on a lot meets one or both of the following criteria:

- A. Has a rated direct current (DC) capacity equal to or greater than 25 kW,
- B. Is intended to supply energy for over 50% utilization into the utility grid for the purpose of off-site sale or consumption, or
- C. Has a total ground surface area of greater than 4,000 square feet.

SOLAR ENERGY SYSTEM, MEDIUM

A ground-mounted solar energy system that meets the following criteria:

- A. Has a rated direct current (DC) capacity of no more than 24.99 kW,
- B. The total ground surface area not exceeding 4,000 square feet,
- C. Is designed to produce energy for either on-site use or partial off-site consumption through net-metering or community solar arrangements.

Systems exceeding either the capacity or surface area threshold shall be classified as Large Solar Energy Systems.

Section 6. Severability

If any part of this Local Law is held invalid, the remainder shall remain in full force and effect.

Section 7. Effective Date

This Local Law shall take effect immediately upon the Town Board's adoption and/or filing with the Secretary of State and shall remain in effect for nine (9) months unless extended, amended, or repealed by the Town Board.

TOWN OF MARTINSBURG

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Town Clerk: Deanna Doviak

Highway Supt's: Tyler Jones (315) 376-2309

The Town of Martinsburg Board at a Public Hearing on November 5, 2025, held a roll call vote to extend the Solar Moratorium Law on Construction, Installation, and Operations of Solar Energy, Systems and Battery Energy Storage Systems nine (9) months. For Solar Law #1-2016 and Moratorium law #4-2024, Now Solar Law #3- 2025

The question of adoption of the forgoing Law #3-2025 was duly put to a vote, which resulted as follows.

| | |
|----------------------------|-----|
| Supervisor Terrance Thisse | aye |
| Councilman Brad Allen | aye |
| Councilman Darren Jantzi | aye |
| Councilman Janusz Karelus | aye |
| Councilman Robert Dening | aye |

Solar Law #3-2025 extending the Moratorium and establishing a temporary land use moratorium for solar law was thereupon declared duly adopted.