NEW YORK STATE | **Department of State**
**Corporations, State Records & UCC**

New York State
**Department of State**
**DIVISION OF CORPORATIONS, STATE RECORDS AND UNIFORM COMMERCIAL CODE**
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231-0001
dos.ny.gov

## Local Law Filing

**Pursuant to Municipal Home Rule Law §27**

**Local Law Number ascribed by the legislative body of the local government listed below:**

3 **of the year 20** 26

**Local Law Title:** A Local Law Establishing a Six Month Moratorium on Tier 3 Solar Energy Systems

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

☐ **County** ☐ **City** ☑ **Town** ☐ **Village**
*(Select one)*

**of** Germantown **as follows on the attached pages:**
*(Name of Local Government)*

**For Office Use Only**

FILED
STATE RECORDS
OCT 22 2026
DEPARTMENT OF STATE

**Department of State Local Law Index Number:** 3 **of the year 20** 26

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

## Local Law Filing

**(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 ascribed as local law number 3 of 20 26 of the (County)(City)(Town)(Village) of Germantown was duly passed by the Town Board on October 13, 20 26 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, ascribed as local law number _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____ and was

*(Name of Legislative Body)*

(approved)(not approved)(repassed after disapproval) by the _____

*(Elective Chief Executive Officer*)*

on _____ 20 _____ in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____ and was

*(Name of Legislative Body)*

(approved)(not approved)(repassed after disapproval) by the _____ on

*(Elective Chief Executive Officer*)*

_____ 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, ascribed as local law number _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____ and was

*(Name of Legislative Body)*

(approved)(not approved)(repassed after disapproval) by the _____ on

*(Elective Chief Executive Officer*)*

_____ 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, ascribed as local law number _____ of 20_____ of the City of _____ having 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 thereto, ascribed as local law number _____ 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 the paragraph 1 above.

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

*(Seal)*

October 13, 2026

(Date)

TOWN BOARD
TOWN OF GERMANTOWN
COLUMBIA COUNTY, NEW YORK

Local Law No. 3 of 2026

# A LOCAL LAW ESTABLISHING A SIX MONTH MORATORIUM ON TIER 3 SOLAR ENERGY SYSTEMS

**BE IT ENACTED** by the Town Board of the Town of Germantown as follows:

## SECTION 1. TITLE.

This Local Law shall be entitled "A Local Law Establishing a Six Month Moratorium on Tier 3 Solar Energy Systems."

## SECTION 2. PURPOSE AND INTENT.

This Local Law is intended to temporarily cease the processing of applications for, and the issuance of any permits, site plan approvals, special use permits, or certificates of occupancy/certificates of compliance for Tier 3 Solar Energy Systems (as defined in Article VI, Section BB of the Zoning and Subdivision Law for the Town of Germantown) within the Town of Germantown for a period of six (6) months, except as otherwise expressly provided herein. The Town is presently undertaking a comprehensive review and revision of its Zoning and Subdivision Law. As part of that process, the Town Board is considering whether amendments are appropriate to certain solar energy system provisions, including, without limitation, provisions relating to decommissioning security and the siting of solar energy systems on agricultural lands. This moratorium is necessary to provide the Town Board time to assess the current regulatory framework relating to Tier 3 Solar Energy Systems in conjunction with the broader revision of the Zoning and Subdivision Law and to amend such law, if necessary, to properly regulate such systems to protect the public health, safety, and welfare of the residents of the Town of Germantown.

## SECTION 3. AUTHORITY.

This Local Law is authorized by the Municipal Home Rule Law (Chapter 36-a of the Consolidated Laws of the State of New York).

## SECTION 4. SCOPE AND APPLICABILITY.

A. For a period of six (6) months, beginning on the effective date and continuing for six (6) consecutive months thereafter, no application may be accepted, processed, or reviewed and no permits, site plan approvals, special use permits, or certificates of occupancy/certificates of compliance may be issued or granted for any Tier 3 Solar Energy System, except as expressly provided below. "Tier 3 Solar Energy System" shall be defined as in Article VI, Section BB of the Zoning and Subdivision Law for the Town of Germantown:

**SOLAR ENERGY SYSTEM:** The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows:

a. Tier 1 Solar Energy Systems include the following:
   Roof-Mounted Solar Energy Systems
   Building-Integrated Solar Energy Systems

b. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with system capacity up to 25 kW AC and that generate no more than 110 % of the electricity consumed on the site over the previous 12 months.

c. Tier 3 Solar Energy Systems include all Solar Energy Systems which are not Tier 1 or Tier 2.

B. Notwithstanding the foregoing, this moratorium shall not apply to any Tier 3 Solar Energy System for which, prior to the effective date of this Local Law, the Planning Board has granted site plan approval and special use permit approval. Such project may continue in accordance with the previously granted approvals and applicable law, including seeking extensions, reapprovals or amended approvals that do not substantially undermine the revisions presently under review.

C. This moratorium shall not apply to Tier 1 or Tier 2 Solar Energy Systems.

D. This Local Law shall be binding on the Town Board, Planning Board, Zoning Board of Appeals, Code Enforcement Officer/Building Inspector, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or to receive a permit, certificate of occupancy/certificate of compliance, or approval in the Town.

**SECTION 5. TERM.**

This moratorium shall be in effect for a period of six (6) months, beginning on the effective date and continuing for six (6) consecutive months thereafter unless extended or repealed by the Town Board.

**SECTION 6. EFFECT ON OTHER LAWS.**

To the extent that any laws, ordinances, rules, regulations, or parts thereof, are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the Town Law of the State of New York concerning site plan review and issuance of licenses, permits, and certificates of occupancy, this Local Law shall control and supersede such law, ordinance, rule, or regulation.

**SECTION 7. HARDSHIP WAIVER.**

A. The Town Board may grant a hardship waiver from the strict application of this moratorium upon written application by an applicant or property owner. An application for a hardship waiver shall be submitted to the Town Clerk and shall include: (i) the name and address of the applicant and property owner; (ii) identification of the subject property; (iii) a description of the proposed Tier 3 Solar Energy System and the approvals or permits sought; (iv) a statement describing the specific hardship claimed; (v) documentation demonstrating that application of the moratorium would cause the applicant unnecessary hardship or practical difficulty unique to the applicant or property; and (vi) any other information reasonably requested by the Town Board.

B. Upon receipt of a complete application, the Town Clerk shall refer the application to the Town Board for consideration at a regular or special meeting of the Town Board. The Town Board shall schedule a public hearing on the application upon notice. In reviewing an application for a hardship waiver, the Town Board shall consider whether the applicant has demonstrated that strict application of the moratorium would impose an unnecessary hardship or practical difficulty that substantially outweighs the public purpose served by the moratorium.

C. The Town Board may grant, grant with conditions, or deny any hardship waiver application. Any waiver granted shall be the minimum relief necessary to address the hardship demonstrated and may include conditions deemed necessary to protect the public health, safety, and welfare and to preserve the purpose and intent of this Local Law. The grant of a hardship waiver shall not constitute approval of any underlying permit or land use application, and the applicant shall remain subject to all otherwise applicable laws, rules, regulations, and review procedures.

**SECTION 8. PENALTIES.**

In the event of violation of this Local Law, the methods of enforcement and penalties shall be those listed in Article XV, Section D of the Zoning and Subdivision Law for the Town of Germantown.

**SECTION 9. SEVERABILITY.**

If any section, provision or part thereof of this Local Law shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of this Local Law as a whole or any section, provision or part thereof not so adjudged invalid or unconstitutional.

**SECTION 10. WHEN EFFECTIVE.**

This local law shall take effect immediately upon filing with the Secretary of State.