

TOWN OF DENMARK LOCAL LAW NO. 1 OF 2026

ESTABLISHING A TWELVE (12) MONTH MORATORIUM ON COMMERCIAL SOLAR ENERGY SYSTEMS, BATTERY ENERGY STORAGE SYSTEMS (BESS), AND/OR COMPRESSED AIR ENERGY STORAGE SYSTEMS (CAESS)

SECTION 1. MORATORIUM

The moratorium on the construction, installation, and operation of commercial Solar Energy Systems, Battery Energy Storage Systems (BESS), and/or Compressed Air Energy Storage Systems (CAESS) is established for a period of twelve (12) 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 moratorium 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 its developing Comprehensive Plan; and
2. Ensure that all commercial solar energy systems, BESS, and CAESS are properly regulated to protect the health, safety, and welfare of the community. This moratorium does not apply to any solar panel system or array installed by individual landowners, householders, or farmers for their own personal use or the use of a small business (on-site consumption).

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, Tier 1 & 2 BESS, and CAESS within the Town of Denmark.

SECTION 4. ENFORCEMENT

Any construction, installation, or operation of solar energy systems, BESS, or CAESS 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, 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.

Compressed Air Energy Storage System (CAESS):

A system that stores energy by compressing air and storing it in underground caverns or above-ground tanks, which is later released to generate electricity. This includes any system designed for commercial energy storage and discharge, excluding small-scale systems used solely for on-site residential or agricultural purposes.

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. TERMINATION BY TOWN BOARD

This Local Law may be terminated by Town Board Resolution at any time before the expiration of the twelve (12) month moratorium.

SECTION 7. SEVERABILITY

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

SECTION 8. EFFECTIVE DATE

This Local Law shall become effective after filing in the Office of the NYS Secretary of State. It shall remain in effect for twelve (12) months unless amended, repealed or sooner terminated by Resolution by the Town Board.