**LOCAL LAW NO.: 4 - 2026**

**A LOCAL LAW AMENDING THE DEWITT TOWN ZONING CODE CHAPTER 192, AS HAS PREVIOUSLY BEEN AMENDED, TO ESTABLISH A NEW ARTICLE XXIV OF THE DEWITT TOWN CODE ENTITLED "MORATORIUM ON DATA CENTERS" IMPOSING A MORATORIUM PROHIBITING THE REVIEW AND APPROVAL OF APPLICATIONS AND ISSUANCE OF PERMITS FOR "DATA CENTERS," AS DEFINED HEREIN, IN THE TOWN OF DEWITT FOR A TERM EXTENDING THROUGH DECEMBER 31, 2027**

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**Be it enacted by the Town Board of the Town of DeWitt as follows:**

**Section 1:** The Town of DeWitt Zoning Code, being Local Law No. 6 of 2008, as has previously been amended, is hereby further amended to establish a new Article XXIV of Chapter 192 of the DeWitt Town Code entitled "Moratorium on Data Centers," as follows:

**Article XXIV Moratorium on Data Centers**

**§192-147 Intent.**

Pursuant to the statutory powers vested in the Town Board of the Town of DeWitt (hereinafter "Town Board") to regulate and control land use and to protect the health, safety and welfare of the Town's residents and occupants, it is the intent of the Town Board to impose a moratorium on the issuance of permits and/or approvals for Data Centers in the Town of DeWitt for a Term extending through December 31, 2027.

**§192-148 Legislative purpose.**

It is the policy of the Town Board to conserve, improve and protect the Town's natural resources and environment, and to prevent, abate and control water, land and air pollution in order to enhance the health, safety and welfare of the residents and visitors of the Town of DeWitt and their overall economic and social well-being.

The Town Board finds that rapid expansion of Data Centers, as defined in **§192-49** herein, and related data center infrastructure across the United States presents significant and documented concerns regarding energy consumption, environmental quality, land use and the economic welfare of local communities. According to data from the New York State Senate, the projected tripling of Data Centers across the nation over the next five years would result in data centers consuming more electricity than 28 million households combined. Data Center electricity usage in New York State alone has been projected to increase by more than 9,000 megawatts (MW), which is approximately double the total electricity consumption of all households in New York State. A Bloomberg analysis of wholesale electricity prices found that 70 percent of locations that experienced year-on-year price increases were located within 50 miles of significant Data Center

activity. Nationally, household electricity rates increased 13 percent in 2025, driven in substantial part by the rapid and unregulated development of Data Centers. The environmental impact of Data Centers extends beyond energy infrastructure to water resources as well. It is projected that a tripling of Data Centers nationwide would require water consumption equivalent to that of 18.5 million households – drawn solely for the purpose of cooling Data Center servers.

The Town Board takes the sustainability and viability of its electrical grid, overall water distribution system and public drinking water supply very seriously, and any potential or projected impacts to the electrical grid or overall water system in the Town of DeWitt caused by development of Data Centers must be fully investigated and identified before any action is taken to allow for development of Data Centers in the Town of DeWitt.

Beyond their impacts to energy infrastructure and water resources and other environmental impacts, Data Centers frequently convert agricultural land, woodland and other non-industrial parcels to heavy industrial uses, permanently removing farmland and other ecologically and economically valuable resources from community-oriented purposes. Such land use conversions place upward pressure on land values and property tax burdens throughout the Town, directly affecting the financial and economic and social well-being of Town residents and business owners. Further, such Data Centers can encroach on wetlands and other environmentally-protected areas and disrupt natural environments that are treasured and protected by the Town of DeWitt and New York State.

The Town Board recognizes that widespread concerns about Data Centers in New York State have been identified as matters of urgent statewide importance. In February of 2026, the New York State Legislature introduced Senate Bill S9144 proposing a three year, ninety day moratorium on the issuance of state or local permits for any kind of siting, construction, or commencement of operations of Data Centers capable of using 20 MW or more of electricity.

Given the foregoing findings, and the potential effects and impacts of Data Center development upon the public health, safety and general welfare of the Town of DeWitt and its residents, and given the New York State Senate's current proposal for three year, ninety day moratorium as referenced herein, the Town Board has determined that it is necessary and appropriate to enact a moratorium prohibiting the review and approval of any applications and/or issuance of permits for Data Centers in the Town of DeWitt for a Term extending through December 31, 2027.

This moratorium is intended to preserve the status quo while the Town Board conducts a thorough study of these issues and determines what regulations, rules, laws and/or controls, if any, are necessary for the safe, orderly and sustainable development of the Town and the protection of its residents and natural resources. Further, such moratorium will allow the Town of DeWitt to reasonably monitor New York State's progress in adopting rules and regulations for Data Centers and incorporate such State guidance into its local rules and regulations for Data Centers. During the moratorium period, the Town Board may adopt such interim regulations, rules, laws and/or

controls as it deems necessary to protect the community and further the goals and objectives of the Town of DeWitt Comprehensive Plan.

**§192-149 Definitions**

**DATA CENTER**
All buildings, equipment, structures, infrastructure within an existing structure, and other stationary items, such as server racks, that are located on a single site or on contiguous, adjacent or otherwise connected sites, and that are owned or operated by the same entity or by any entity who controls, is controlled by, or is under common control by such entity, regardless of whether the Data Center is a single-occupant site or multi-occupant site, that is capable of using twenty (20) megawatts of electricity or more and is designed or intended to be primarily engaged in data processing, data storage, data transport, web hosting, web streaming support, or other services described under Code 518210 of the 2022 North American Industry Classification System.

**192-150 Moratorium.**

A. During the term of the Moratorium:

   1. The Town of DeWitt Planning and Zoning Department (hereinafter "Planning and Zoning Department") shall not accept or review any application that includes the permitting, construction and/or development of a Data Center(s) within the Town of DeWitt.

   2. The Town of DeWitt Planning Board shall not accept or review any application, grant any approval to, or continue the review of a subdivision plat, site plan, special use permit, specific use permit or other permit that would have as a result the permitting, construction and/or development of a Data Center(s) within the Town of DeWitt.

   3. The Town of DeWitt Zoning Board of Appeals shall not accept any application, grant any approval to, or continue the review of a variance, special use permit, specific use permit or other permit that would have as a result the permitting, construction and development of a Data Center(s) within the Town of DeWitt.

   4. No applications for construction or development affected by this Moratorium or for approval for a site plan, variance, special use permit, specific use permit or any other permit shall be considered by any Board, Department, officer or agency of the Town of DeWitt.

B. The Town Board reserves the right to direct a Code Enforcement Officer to revoke or rescind any building permit(s), certificate(s) of occupancy or any other permits or certificates issued in violation of this Local Law.

C. Under no circumstance shall the failure of any Board, Department, officer or agency of the Town of DeWitt to take action upon any application for any approval(s) constitute approval by default or approval by virtue of expiration of time to respond to such application.

**§192-151 Term.**

The Moratorium imposed by this Local Law shall be in effect from the effective date of this Local Law through December 31, 2027. This Moratorium may be extended for up to two (2) additional periods of not more than one (1) year by resolution of the Town Board of the Town of DeWitt.

**§192-152 Penalties.**

Any individual, partnership, firm or corporation that shall establish, construct, reconstruct, relocate, enlarge or modify any site to be used for implementation and/or use of a Data Center(s) in the Town of DeWitt in violation of the provisions of this Local Law, shall be subject to the following:

A. A fine not to exceed one thousand dollars ($1,000.00). Each day a violation continues shall be deemed as a new and separate violation; and

B. A civil action inclusive of injunctive relief in favor of the Town to cease any and all actions which conflict with this Local Law and, if necessary, to remove any construction(s), improvement(s), or related items or byproducts which may have taken place in violation of this Local Law.

**§192-153 Enforcement.**

This Local Law shall be enforced by the Town of DeWitt Code Enforcement Office or any other zoning enforcement individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this Local Law.

**§192-154 Hardship.**

A. The Town Board reserves the power and right to vary or adapt the strict application of the requirements of this Local Law in case of unusual or unnecessary hardship depriving an owner of property affected by this Local Law of all reasonable use of the lands involved.

B. Should any owner of property affected by this Local Law suffer an unusual or unnecessary hardship by way of carrying out the strict letter of this Local Law, the owner of said property may apply to the Town Board in writing for a variation from the strict compliance with this Local Law upon submission of proof of such unusual or unnecessary hardship.

C. For the purposes of this Local Law, unusual or unnecessary hardship shall not be mere delay in being permitted to make an application for approval(s) or waiting for a decision on an application for a building permit, variance, special use permit, specific use permit, site plan review or any other permit during the term of this Moratorium.

D. Procedure. Upon submission of written application to the Town Clerk by the property owner seeking a variation from the strict application of this Local Law, the Town Board shall, within

thirty (30) days of receipt of said application, schedule a Public Hearing upon five (5) days written notice in an official newspaper of the Town. At the Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have the opportunity to be heard, and the Town Board shall, within thirty (30) days of the Public Hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer unusual or unnecessary hardship by the strict application of this Local Law to a particular property, the Town Board may vary the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance of this Local Law.

**§192-155 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, New York State Town Law, §§261 through 263, and the Municipal Home Rule Law of the State of New York, §10. In particular, this Local Law shall supersede any provisions of the Town Code and New York State Law which require the Town Board, Planning Board, Zoning Board of Appeals, or any other Board or officer or agency of the Town of DeWitt to accept, process and/or approve applications or issue permits for the development of Data Centers within specific statutory time periods.

**§192-156 Validity and severability.**

If any section or part of this Local Law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this Local Law.

**Section 2:** Local Law No. 6 of 2008 and as amended, remains in full force and effect except as hereinabove amended.

**Section 3:** This Local Law shall take effect immediately upon posting and publication as required by law and filing with the Secretary of State.