

TOWN OF WINFIELD – LOCAL LAW NO. 2 OF THE YEAR 2026

A local law enacting a temporary moratorium on Data Centers.

Be it enacted by the Town Board of the Town of Winfield as follows:

SECTION I. – SHORT TITLE

This local law shall be cited as Local Law #2 of 2026 of the Town of Winfield and is entitled the “2026 Temporary Moratorium Law on Data Centers.”

SECTION II. – LEGISLATIVE FINDINGS

The Town Board seeks to carefully draft, propose and pass legislation pertaining to Data Storage Facilities or Data Centers in the Town of Winfield.

The Town has not yet approved any kind of Data Storage Facility or Data Center and believes that the same should be evaluated to ensure the protection and promotion of public health, welfare, and safety within the Town of Winfield. This moratorium is necessary in order to temporarily prohibit the establishment of Data Storage Facilities or Data Centers in the Town to preserve the status quo while affording the Town Board sufficient time to evaluate and to amend Local Laws and/or ordinances, or to adopt new laws/ordinances relating to Data Centers.

SECTION III. – AUTHORITY

This moratorium is enacted by the Town Board of the Town of Winfield pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10.

SECTION IV. – MORATORIUM

- (A) For a period of twelve months from the effective date of this Local Law, no applications shall be accepted or considered by the Town of Winfield for any Data Storage Facilities or Data Centers, defined as facilities, or combination of facilities with a peak demand of 500 kilowatts or more used exclusively or primarily for: computing infrastructure, not including manufacturing; data processing services; web hosting services; streaming support services; or other related services and functions.
- (B) This moratorium may be extended by two additional periods of up to six months each by resolution of the Town Board upon a finding of the necessity for such extension.

SECTION V. – VARIANCES.

The Town Board shall have the authority, after a public hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose practical difficulties or extraordinary hardships upon an applicant and that the variance granted would not adversely affect the health, safety or welfare of the citizens of the Town or significantly conflict with the general purpose and intent of this Local

Law. Any request for a variance shall be in writing and filed with the Town Clerk and shall include a fee of Two Hundred Fifty Dollars (\$250.00) for the processing of such application. All such applications shall promptly be referred to the Town Board, which shall conduct a Public Hearing on the application on not less than five (5) days public notice and shall make its decision within thirty (30) days after the close of the Public Hearing.

The jurisdiction of the Zoning Board of Appeals to act pursuant to Section 267-b of the New York State Town Law relative to relief from this Local Law is hereby suspended and temporarily superseded by this Local Law for the purposes of any application for relief from this enactment during its period of effectiveness.

SECTION VI. – SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

SECTION VII. – REPEAL OF OTHER LAWS

All local laws in conflict with provisions of this Local Law are hereby superseded and suspended for the duration of this moratorium and for any additional period that this Local Law is extended. This Local Law also supersedes, amends and takes precedence over any inconsistent provisions of New York State Town Law, the Town's Municipal Home Rule powers, pursuant to Municipal Home Rule Law Sections 10 and 22. The courts are directed to take notice of this legislative intent and to apply such intent in the event the Town has failed to specify any provisions of law that may require supersession. The Town Board hereby declares that it would have enacted this local law and superseded such inconsistent provision had it been apparent.

SECTION VIII. – EFFECTIVE DATE

This Local Law shall take effect immediately, as provided by law, upon filing with the New York State Secretary of State.