

LOCAL LAW # ____ FOR THE YEAR 2026
TOWN OF ENFIELD TEMPORARY TOWN-WIDE MORATORIUM ON COMMERCIAL CRYPTOCURRENCY
MINING OPERATIONS AND DATA PROCESSING CENTERS

Section 1. Enactment and Title.

The Town Board of the Town of Enfield does hereby enact the Town of Enfield Moratorium (the “Local Law”) with respect to certain applications, reviews and approvals as may or could arise for facilities hereinafter defined as “Commercial Cryptocurrency Mining Operations” and “Data Processing Centers.” This Local Law shall impose a moratorium on applications or proceedings for applications for, the review of applications for, or the issuance of approvals or permits for the construction of any Commercial Cryptocurrency Mining Operation and/or Data Processing Center within the Town of Enfield.

Section 2. Authorization, Purpose and Intent.

Pursuant to the authority and provisions of the New York State Constitution, and Section 10 of the Municipal Home Rule Law, and the statutory powers vested in the Town of Enfield to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board hereby declares a temporary one (1) year town-wide moratorium on the review and/or approval of any new or modified existing Commercial Cryptocurrency Mining Operation or Data Processing Center.

The Town Board adopted its most recent (2019) Comprehensive Plan in September 2020 and has limited laws that deal with the concerns related to Commercial Cryptocurrency Mining Operations and Data Processing Centers. The purpose of this Local Law is to provide the Town of Enfield time to address through planning and legislation, the promotion of the protection of the safety, health and well-being of the residents of the Town and to protect and enhance the Town’s natural, historic, cultural and infrastructure resources including its water and electrical resources. By Resolution #46-2026, adopted May 13, 2026, the Town Board directed the Planning Board to review, draft and recommend appropriate new legislation or revised legislation that addresses the issue of “AI Data Centers, Cryptocurrency mines and related facilities,” legislation that the Town Board may consider for adoption.

Additionally, the Town Board, in conjunction with the Planning Board, has currently undertaken a review of its 2019 Comprehensive Plan. The moratorium on Commercial Cryptocurrency Mines and Data Center authorization sought by this Local Law will provide the Planning Board, and then the Town Board, adequate opportunity to incorporate the consideration of Data Processing Centers within the revised Comprehensive Plan and will allow sufficient time for the Town Board to draft, convene a Public Hearing, and subsequently adopt the revised Comprehensive Plan.

The Town Board finds and determines that the consideration of any Data Processing, without the adoption of appropriate local laws could have a harmful effect on the health, safety and welfare of any exiting or future residents of the Town.

The Town Board further finds and determines that it needs the period of time covered by the moratorium imposed herein in order to carefully complete the enactment of the necessary land use revisions, including but not limited to, the Town’s efforts to draft proposed amendments to existing Town Local Laws, schedule and hold the required public hearing on either amendments to existing Local Laws or the enactment of new Local Laws, perform the appropriate environmental reviews thereof, comply with applicable provisions of law, adopt the Local Law(s), and file the same with the Secretary of State of the State of New York.

Section 3. Definitions.

"Cryptocurrency" is defined herein as a digital currency in which encryption techniques are used to regulate the generation of units of currency and verify the transfer of funds, operating independently of a central bank.

"Commercial Cryptocurrency Mining" is defined herein as the commercial process by which cryptocurrency transactions are verified and added to the public ledger, known as the block chain, and also the means through which new units of cryptocurrencies are released, through the use of Data Processing Centers employing data processing equipment.

"Data Processing Center" is defined herein as a facility housing multiple banks of computers within a building, modular facilities containing processors in multiple storage-like containers, server clusters commonly known as "Data Processing Centers" and other operations related to cryptocurrency mining, blockchain authenticating, Artificial Intelligence (A.I.) processing general data computing, processing and storage, and other large-scale electronic-based centers of the like.

"Site Plan Review Law" shall mean the Town of Enfield Local Law #2 of 2012, Town of Enfield Site Plan Review Law, adopted August 8, 2012, including all amendments thereto.

"Town" shall mean the Town of Enfield, NY.

"Planning Board" shall mean the Town of Enfield, NY Planning Board.

"Code Enforcement Officer" shall mean the Code Enforcement officer for the Town of Enfield, NY.

"Applicant" shall mean all landowners and all those claiming through or on behalf of the owner(s), whether by license, lease, easement, contract, or by owner's designation as an agent for purposes of making any application or any land use review or approval, whether for a permit or otherwise.

Section 4. Scope of Controls.

- A. During the effective period of this Local Law, the Town Board and/or any other municipal body or officer, including but not limited to the Planning Board and Code Enforcement Officer, shall not begin or continue to review any applicant's submission for or grant any approvals relating to a Commercial Cryptocurrency Mining Operation or Data Processing Center within the Town.
- B. No new or existing applications for a Commercial Cryptocurrency Mining Operation or Data Processing Center in the Town shall be considered by any board, officer or agency of the Town, nor shall any applicant's building permits be issued while the moratorium imposed by this Local Law is in effect.
- C. The Town Board reserves the right to direct the Code Enforcement Officer to revoke or rescind any Building Permits or Certificates of Occupancy issued in violation of this Local Law. Nothing in this Local Law shall be construed such as to result in any default approval for any application heard or considered during the moratorium imposed by this Local Law. This moratorium shall apply to all such applications, whether pending or received prior to the effective date of this law.

Section 5. Term.

The moratorium imposed by this Local Law shall be in effect for a period of one (1) year from the effective date of this Local Law. The Town Board reserves the right to enact subsequent short-term periodic moratoria in the future, in the event it determines that such subsequent local laws or extensions are necessary and in the public interest. The Board reserves the right to terminate this moratorium prior to the end of the one (1) year period in the event that the new law or laws and/or revisions are enacted before such expiration.

Section 6. Location.

The moratorium imposed by this Local Law shall apply to the territorial limits of the Town of Enfield. Any dispute as to whether a property is encompassed within the geographic area detailed above shall be resolved by reference to the Tompkins County Office of Assessment and the official New York corporate boundary maps for the Town of Enfield.

Section 7. Grandfathering of Legal, Pre-Existing Use.

Notwithstanding any provision hereof to the contrary, any Commercial Cryptocurrency Mining operations or Data Processing Centers in the Town of Enfield that have been duly approved as of the effective date of this Local Law, which are being operated in accordance with all applicable laws and regulations and in compliance with all valid permits required to be issued by all federal, state and local regulating agencies, shall be considered a pre-existing use and shall be allowed to continue, subject, however, to the provisions of this Section.

Any expansion of a lawful, pre-existing use shall not be grandfathered under this Section, and instead shall in all respects be prohibited as contemplated by this Local Law. "Grandfathered" and lawful pre-existing uses neither have nor possess any right to expand such pre-existing use, whether above or below ground, and no such right shall be deemed, construed, or implied to exist.

Section 8. Hardship.

Should any owner of property affected by this Local Law suffer a hardship, hereinafter defined, in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town of Enfield in writing for a Waiver from the strict compliance with this Local law upon submission of proof of such hardship for a legally operating use.

The Town Board of the Town is hereby authorized to accept and review (after public notice and hearing and in accordance with the requirements of law and of this Local Law) requests for a Waiver application of the provisions of this Local Law by persons aggrieved hereby.

A. Substantive Requirements. No such Waiver shall be granted by the Town Board without a showing by the Applicant that applicable regulations and restrictions have caused unnecessary hardship.

1. **Unnecessary Hardship.** In order to prove such unnecessary hardship the Applicant is required to demonstrate to the Town Board that, with respect to every permitted use under Town land use, each of the following four criteria is satisfied: (i) the Applicant cannot realize a reasonable return on the entire parcel of property, and such lack of return is substantial as demonstrated by competent financial evidence; (ii) the alleged hardship relating to the property in question is

unique, and does not apply to a substantial portion of the district or neighborhood; (iii) the requested waiver, if granted, will not alter the essential character of the rural, hamlet, or other neighborhood; and (iv) the alleged hardship has not been self-created.

2. **Reasonable Rate of Return.** In evaluating whether the Applicant can realize a reasonable rate of return, the Town Board must examine whether the entire original or expanded property holdings of the Applicant are incapable of producing a reasonable rate of return (and not just the site of the proposed development project). No waiver shall be granted unless, in addition to satisfying all other applicable provisions of law and this Law, the Town Board finds that the Applicant has clearly demonstrated by detailed “dollar and cents” proof, the inability to obtain a reasonable return for the entire parcel (and not just the site of the proposed project) and for each and every permitted use in the area of the Town the property is located.
3. **Unique Hardship.** No waiver shall be granted unless, in addition to satisfying all other applicable provisions of the law and this Law, the Town Board finds that the entire parcel of which the project is a part possesses unique characteristics that distinguish it from other properties in the area.
4. **Essential Character of the Neighborhood.** In making its determination, of whether the proposed development project will alter the essential character of the neighborhood, the Town Board shall take into account factors that are of vital importance to the citizens of the Town including without limitation: (i) the rural residential and agricultural character of the Town, (ii) its irreplaceable recreation, historic, and tourism sites, (iii) the extent of hazard to life, limb or property may result from the proposed development project, (iv) health impacts, (v) the social and economic impacts of traffic congestion, noise, dust, odors, emissions, solid waste generation and other nuisances, (vi) the impact on property values, and (viii) whether the Applicant will engage in the type of development that will result in degradation to the air quality, water quality or scenic or other natural resources of the Town. In order to find that the proposed development project does not alter the essential character of the neighborhood, the Board shall interpret the public interest in said essential character of the neighborhood to require, at a minimum, that the project will not do any of the following: (x) pose a threat to the public safety, including public health, water quality or air quality, (y) cause an extraordinary public expense, or (z) create a nuisance.
5. **Self-Created Hardship.** The Town Board may find that the Applicant suffers from a self-created hardship in the event that the Board finds that (i) the Applicant’s inability to obtain a reasonable return on the property as a whole results from having paid too much or from a poor investment decision; (ii) the Applicant previously divided the property and is left with only a portion which suffers from some unique conditions for which relief is sought and which did not apply to the parcel as a whole; (iii) when the Applicant purchased the property, he or she knew or should have known the property was subject to the land use restrictions; or (iv) that the Applicant transferred or obtained property rights with only a unilateral expectation of development or return on investment, particularly if the development or project envisioned was speculative or of an investment character, and it shall be material to this question to examine the degree to which the investment in land rights or use rights was partial (such as leasing, easements, or licensure) as opposed to in fee (actual acquisition of fee simple title), and whether the anticipated income, profits, or receipts were conditional, contingent, or guaranteed.

B. Procedural Requirements. The following process and procedures shall apply, and whenever there is doubt the due process rights of property owners shall be deemed primary, particularly including the right to petition for relief, the right to a timely hearing, the right to be heard, and the right to have a full and fair opportunity to present evidence and testimony in favor of any application for a waiver:

1. Upon submission of a written application to the Town Clerk by any person seeking a Waiver, the Town Board shall schedule a public hearing within 45 days, upon 10-days published and posted notice, with due and similar notice to such applicant by personal service or by mailing notice thereof to the address of the applicant, which shall be set forth in such application.
2. An application shall consist of all general materials required for a general sketch plan meeting or, if desirable or beneficial in the opinion of the applicant, such materials as would be necessary to allow for preliminary Planning Board review under the Site Plan Review Law, together with a description of the proposed land or facility use. The applicant shall also include a delineation of the issues, facts, conditions, and features, or mitigation of impact features, as will be proposed in such action, including such information as addresses the evidence needed to support the findings required for a Waiver. The applicant shall be solely responsible to determine the extent to which factual and evidentiary matters are alleged and relevantly explained in the application seeking a Waiver, and all applications shall contain a subscribed certification of the applicant stating that the foregoing application, and its exhibits, constitute the applicant's full and complete application and set forth all bases upon which applicant relies upon for a Waiver.
3. At said public hearing, applicant and all other persons shall be entitled to submit evidence and have an opportunity to be heard, and the Town Board shall hear and accept all evidence regardless of formal rules of evidence, instead giving weight to such testimony and evidence as it deems worthy of relevance and reliability.
4. Within 30 days of the close of the public hearing, or 45 days of the date of the first public hearing, whichever shall first arrive, the Town Board shall issue its written findings and decision and grant the Waiver in whole or in part, with or without conditions, or deny the same. Denial without prejudice to re-applying is proper where the basis for denial is any of the following: (i) the application was incomplete; or (ii) the applicant advanced a new theory, or new facts or evidence, which are not addressed or described in the application. The fact that a hearing was conducted or concluded is not relevant to, or an acknowledgement that, any application was substantially complete at any time.
5. All determinations as to the criteria and findings set forth for Waivers shall be and be deemed discretionary actions in respect of a legislative determination by the Town Board, and all determinations shall be subject only to review in accord with Article 78 of the New York Civil Practice Law and Rules. Approving a Waiver in whole or in part is not an approval of the Action, which must still undergo formal review, including environmental reviews as required under Article 8 of the New York Environmental Conservation Law and its implementing regulations.
6. All persons who submit testimony, applications, documents, surveys, site or development designs, or other evidence, undertake to prepare and submit the same at their own and sole

cost and expense, including all surveying, engineering, planning, legal, and general or other costs and expenses. The results of, and determinations issued upon, any Waiver application entitle no person, applicant, party, or participant to recover any portion of such fees, costs, or expenses.

C. Post-Granting Requirements. In the event the Town Board grants a Waiver from the provisions of this Local Law to the Applicant, the Applicant shall be required to comply with all provisions of the Town's then applicable land use regulations and other laws and regulations, together with any amendments to such law or regulations which may be enacted during the term of this Local Law. Any Waiver that is granted shall grant only the minimum waiver that the Town Board deems necessary and adequate to address the unnecessary hardship proven by the Applicant, and at the same time preserve and protect the character of the neighborhood and health, safety, and welfare of the community.

Section 9. Penalties.

The following provisions shall apply generally, and the violation of this Local Law shall allow and permit enforcement in any one or more of the following manners:

- A. When any term, provision, or requirement of this Local Law is violated the Enforcement Officer may issue a written notice of violation to the Applicant (or other Person in violation hereof). The notice of violation shall contain; (i) the name and address of the Person alleged to have violated this Local Law; (ii) the address, when available, or a description of the building, structure or parcel upon which the violation occurred or is occurring; (iii) a brief statement specifying the nature of the violation; (iv) a statement of the fine or penalty that may or could be assessed against any Person to whom the notice of violation is directed; and (v) a clear statement identifying whether the notice commences or may commence a civil or criminal proceeding. The failure to comply with a written notice of violation by correcting the violation is in itself a separate violation of this Local Law and may be further enforced as such. In addition, Executive Law § 382 may be duly enforced separately from any such notice, and both notices may take the form of a single notice which must, in addition to the above, contain the information and be served as required by said § 382.
- B. The Enforcement Officer may issue stop work orders for violations of this Local Law. Any Person receiving a stop work order shall be required to halt all clearing, grading, construction, renovation, and any other or related activities, until the Enforcement Officer or a court of competent jurisdiction allows work to recommence.
- C. Town may also maintain actions or proceedings in the name of the Town in a court of competent jurisdiction to compel compliance with, restrain by injunction the violation of any provision or requirement of this Local Law, including to prevent, enjoin, correct, enforce, or abate any violation of, or non-conformance with, any provision or requirement of this local law or the terms and conditions set forth in any waiver or approval issued hereunder. In any such proceeding the Town shall not be required to: (i) prove the lack of an adequate remedy at law; or (ii) to post a bond or other undertaking as a condition or requirement for any preliminary, interim, or permanent restraining order or injunction. No such action or proceeding shall be commenced without the appropriate authorization from the Town Board.
- D. This Local Law may be enforced civilly or criminally by seeking fines, penalties, and like punishments to deter future violations and sanction offenders. All provisions of New York law and process generally applicable to misdemeanors shall apply to any criminal proceeding

brought upon any violations of this Local Law, including for purposes of conferring jurisdiction. The following civil and criminal fines and penalties shall apply to any violation of the requirements or terms of this Local Law:

1. For a first offense, any Person that violates any of the provisions of this Local Law shall be (i) guilty of a violation and subject to a fine of not less than \$500 nor more than \$1,000, or (ii) subject to a civil penalty of not less than \$500 nor more than \$1,000 to be recovered by the Town in a civil action. Every such Person shall be deemed guilty of a separate offense for each week that such violation, disobedience, omission, neglect or refusal shall continue. Similarly, a separate civil penalty shall apply and be assessable for each week that such violation, disobedience, omission, neglect or refusal shall continue.
 2. For a second offense, being any violation that is found to have occurred within 2 years of any prior civil or criminal determination of any violation of this Local Law, a Person shall be (i) guilty of an unclassified misdemeanor and subject to a fine of not less than \$1,000 nor more than \$2,500, or (2) subject to a civil penalty of not less than \$1,000 nor more than \$2,500 to be recovered by the Town in a civil action. Every such Person shall be deemed guilty of a separate unclassified misdemeanor for each week that such violation, disobedience, omission, neglect, or refusal shall continue. Similarly, a separate civil penalty shall apply and be assessable for each week that such violation, disobedience, omission, neglect, or refusal shall continue.
 3. The above fines are in addition to any penalty, fine, or sentence allowed or imposable pursuant to said Executive Law § 382.
- E. Upon any violation of this Local Law by an Applicant or any Person, the Town may, and the Enforcement Officer shall, decline and refuse to issue any approvals, endorsements, certifications, building permits, certificates of occupancy, certificates of compliance, and any similar or other document or approval until the Applicant or Person rectifies and cures such violation.
- F. Any Person violating this Local Law may be required to restore land or buildings to their prior or undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town may take necessary corrective action, the cost of which shall become a lien upon the property until paid. In addition, the Town may commence any one or more civil proceedings in the Town Court, or any other court or tribunal of competent jurisdiction, to recover the costs of such restoration.
- G. For purposes of this Local Law the Justice Court of the Town is hereby vested and imbued with jurisdiction to: (i) issue administrative or other warrants in compliance with the New York Criminal Procedure Law and administrative codes of the State of New York; and (ii) hear and adjudicate allegations relating to the criminal or civil violation of this Local Law and to thereafter, if appropriate, impose any fine, penalty, or sanction.
- H. Criminal matters arising in relation to enforcement matters under this local law shall be and be classified as offenses per the following guidelines: (i) first offenses shall be deemed violations; (ii) second offenses shall be deemed unclassified misdemeanors; and (iii) violations of Executive Law § 382 shall be classified as set forth by New York State in such § 382.

Section 10. Validity.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law which can be given effect without such invalid provision.

Section 11. General Provisions

- A. The Code Enforcement Officer is hereby designated as the enforcement officer for purposes of interpreting and enforcing this Local Law.
- B. The section and other headings and titles to clauses and phrases in this Local Law are for convenience only, and shall not be used or construed to limit or define the scope or application of the clauses and phrases so following such headings or titles. Each section of this Local Law, whether in the nature of a preamble or otherwise, is a material part of this Local Law.

Section 12. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.