First Reading: July 14, 2026
Adopted: August 11, 2026
Effective: August 19, 2026

PERE MARQUETTE CHARTER TOWNSHIP
MASON COUNTY, MICHIGAN
ORDINANCE NO. 162

ORDINANCE ESTABLISHING DATA CENTER MORATORIUM

At a regular meeting of the Township Board of Pere Marquette Charter Township, Mason County, Michigan, held at 1699 S. Pere Marquette Hwy., Ludington, Michigan 49431 on the 11th day of Augusts 2026, at 4:00 p.m., the following Ordinance was offered by Township Board Member Tresnak and supported by Township Board Member Nordlund.

> *An ordinance to enact a temporary moratorium for a period of one (1) year, subject to an extension by resolution, on the permitting, consideration, approval, location, construction, and/or installation of any Data Center facilities.*

WHEREAS, due to concerns from the public and Township officials about appropriate regulations for the increasing amount of Data Center developments across Michigan, and to regulate Data Center development within the Township; and

WHEREAS, Data Center means a facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the Data Center; and

WHEREAS, the typical physical characteristics of Data Centers include, but are not limited to the following: (1) power systems; (2) cooling systems (3) battery energy storage energy systems (4) use of equipment to cool the hardware and operating space; and/or (5) power generators; and

WHEREAS, the Township's zoning ordinance, as currently written, does not define, address, or provide any regulations for Data Centers or regulate any similar use fitting the description above; and

WHEREAS, the Township has a legitimate purpose in addressing the proper design, size, location, and operation of a Data Center in the Township; and

WHEREAS, the amount of water and energy consumed by, and noise produced by, Data Centers raises concerns that necessary regulations may be required to protect the public health, safety, and general welfare; and

WHEREAS, the Township is reasonably concerned future Data Centers, without proper regulations, would be established in inappropriate or inadvisable locations within the Township; and

WHEREAS, the Township is desirous of studying the localized impacts of Data Centers and assessing its regulations to implement an appropriate approach for addressing and mitigating such

impacts within the Township in order to protect the public health, safety, and general welfare of the Township; and

WHEREAS, studies regarding the impacts of data centers are constantly evolving and present complex regulatory issues and thus the time to consider and assess the regulation of Data Centers within the Township will take several months; and

WHEREAS, it is appropriate to forestall such issues for the Township and to enact a temporary moratorium on such Data Centers for one (1) year or until any necessary regulations can be enacted; and

WHEREAS, the Township determines that the adoption of this ordinance, which is necessary to preserve the public health, safety, and general welfare by preventing the inappropriate location and establishment of Data Centers in the Township during the time needed to study and review, due to conditions within the Township.

NOW, THEREFORE, Pere Marquette Charter Township, Mason County, Michigan, Ordains:

Section 1. Title: This Ordinance shall be known and cited as the Pere Marquette Charter Township Data Center Moratorium.

Section 2. Definition: Data Center means a facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the Data Center.

Section 3. Moratorium: The Township enacts a temporary moratorium on the permitting, consideration, approval, location, erection, construction, and/or installation of all Data Centers in the Township for one (1) year, subject to a future extension by resolution, or the Township's implementation of regulations governing Data Centers. For the purposes of this ordinance, Data Center encompasses all like operations, whether or not referenced in the Pere Marquette Charter Township Zoning Ordinance.

Section 4. Severability: The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 5. Repeal: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 6: Waiver: In the event that the Township Board decides by resolution to extend this moratorium, and a landowner will suffer immediate and irreparable harm for the duration of the

extension by resolution, or such an extension otherwise violates applicable provisions of the state or federal constitution or other applicable law, a landowner may apply in writing for a waiver of the extended moratorium from the Township Board. At a public hearing held on such an application, the landowner must bear the burden of demonstrating immediate and irreparable harm as a result of the extended moratorium. The Township Board, upon a sufficient showing, may grant a waiver of the extended moratorium to the degree necessary to avoid the demonstrated immediate and irreparable harm.

Section 7. Effective Date: This Ordinance shall take effect immediately after publication.

YEAS: Soberalski, Rasmussen, Iteen, Smith, Enbody, Tresnak, and Nordlund.

NAYS: None.

ABSENT/ABSTAIN: None.

ORDINANCE DECLARED ADOPTED.