

**BIG RAPIDS CHARTER TOWNSHIP  
MECOSTA COUNTY, MICHIGAN**

**DATA CENTER TEMPORARY MORATORIUM ORDINANCE**

At a meeting of the Township Board of Big Rapids Charter Township, Mecosta County, Michigan, held at The Township Hall, 14230 Northland Drive, Big Rapids Charter Township, Michigan 49307 on the 23rd day of February, 2026, at 5:00 p.m., the following moratorium was offered by Township Board Member Marek and supported by Township Board Member Bechaz.

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

**WHEREAS**, due to concerns from the public and Township officials about appropriate regulations to regulate Data Centers, among other issues, associated with Data Centers; 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 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**, it is appropriate to forestall such issues for the Township and to enact a temporary moratorium on such Data Centers for one year or until any necessary regulations can be enacted; and

**WHEREAS**, the United States Supreme Court has upheld imposing moratoriums as tool to temporarily pause the consideration of potential development to study appropriate regulations and ordinances. *Tahoe-Sierra Preservation Council v Tahoe Regional Planning Agency*, 535 US 302, 341; 122 S Ct 1465; 152 L Ed 2d 517, 552 (2002). Temporary moratoriums of a year or less in length are generally presumed to be valid; and

**WHEREAS**, Michigan courts have upheld the enactment of moratoriums to study and adopt new regulations. See *Central Advertising Co v St Joseph Twp*, 125 Mich App 548, 554; 337 NW2d 15 (1983). This includes Michigan courts upholding the enactment of moratoriums even by resolution and have held that the Michigan Zoning Enabling Act does not require moratoriums to be enacted by zoning ordinance amendment due to their temporary nature and governance over ministerial functions. *Metamora Twp v Am Aggregates of Mich, Inc*, \_\_\_NW2d\_\_\_; 2021 Mich. App. LEXIS 2090, at \*45 (Ct App, Apr. 1, 2021); and

**WHEREAS**, the Township determines that the adoption of this moratorium, which is necessary to preserve the public peace, health, and safety, 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, Big Rapids Charter Township, Mecosta County, Michigan, Ordains:**

**Section 1. Title:** This Moratorium shall be known and cited as the Big Rapids Charter Township Data Center Moratorium Ordinance.

**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, review, and/or installation of all Data Centers in the Township for one year, subject to six month or less extensions by resolution, or the Township's implementation of regulations governing Data Centers. For the purposes of this moratorium, Data Center encompasses all like operations, whether referenced in the Big Rapids Charter Township Zoning Ordinance.

**Section 4. Severability:** The provisions of this moratorium 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 moratorium which shall continue in full force and effect. In addition to being considered an ordinance upon publication, the above-mentioned provisions shall also be deemed to be passed as a resolution of the Township Board governing an issue on a temporary timeline and regulating the internal affairs of the Township (e.g., when the Township will accept applications for the Data Center land use and when it will schedule the review of such applications versus adoption of new regulations and standards that would bind third parties).

**Section 5. Repeal:** All ordinances and resolutions or parts thereof in conflict with this Moratorium are hereby repealed.

**Section 6: Waiver:** In the event that the Township Board decides by resolution to extend this moratorium for an additional period over 12 months, 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 because 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:** The moratorium shall take effect as an ordinance immediately upon passage by the Township Board upon roll call vote and publication.

YEAS: 6

NAYS: 0

ABSENT/ABSTAIN: 1 ABSENT, SAEZ

MORATORIUM ORDINANCE DECLARED ADOPTED.

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Bruce Borkovich, Big Rapids Charter Township Supervisor

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Hannah Saez, Township Clerk

STATE OF MICHIGAN     )  
  ) SS  
COUNTY OF MECOSTA    )

I, the undersigned, the duly qualified and acting Clerk of Big Rapids Township, Mecosta County, Michigan do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Township Board at a Special Board meeting on February 23, 2026 of which the original of which is on file in my office. Public notice of said meeting was given pursuant to and in full compliance with Act No 267, Public Acts of Michigan, 1976 as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed by official signature on this 23rd day of February, 2026 BV.

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Hannah Saez, Clerk  
Big Rapids Township