

WEST BRANCH TOWNSHIP  
MARQUETTE COUNTY, MICHIGAN

ORDINANCE NO. 2026-03

TEMPORARY MORATORIUM ON DATA CENTERS, ARTIFICIAL INTELLIGENCE COMPUTING FACILITIES, CRYPTOCURRENCY MINING FACILITIES, AND HIGH-DENSITY COMPUTING FACILITIES

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, REVIEW, AND APPROVAL OF APPLICATIONS FOR DATA CENTERS, ARTIFICIAL INTELLIGENCE COMPUTING FACILITIES, CRYPTOCURRENCY MINING FACILITIES, HIGH-DENSITY COMPUTING FACILITIES, AND RELATED USES WITHIN WEST BRANCH TOWNSHIP WHILE THE TOWNSHIP STUDIES SUCH USES AND DEVELOPS APPROPRIATE REGULATIONS.

THE TOWNSHIP OF WEST BRANCH ORDAINS:

SECTION 1. FINDINGS AND PURPOSE

The Township Board finds as follows:

- A. West Branch Township is a predominantly rural community characterized by forest resources, recreational opportunities, natural resource areas, low-density residential development, and limited public infrastructure.
- B. Recent advances in cloud computing, artificial intelligence computing, digital storage, and cryptocurrency mining have resulted in increasing demand for large-scale industrial computing facilities commonly referred to as data centers.
- C. Such facilities may require significant electrical infrastructure, cooling systems, backup power generation, road improvements, utility extensions, emergency response capabilities, and other public services.
- D. The Township's existing zoning regulations do not specifically address the unique impacts associated with such facilities.
- E. The Township is actively evaluating amendments to the Township Master Plan and Zoning Ordinance, including proposed regulations governing Data Centers, Artificial Intelligence Computing Facilities, Cryptocurrency Mining Facilities, and High-Density Computing Facilities.
- F. The Township requires additional time to evaluate the potential impacts of such facilities, review best practices from other communities, obtain legal and professional review, and develop regulations that protect the public health, safety, and welfare.
- G. Adoption of a temporary moratorium is necessary to preserve the status quo while the Township completes its planning and regulatory review.

H. The United States Supreme Court has upheld imposing moratoriums as a tool to temporarily pause the consideration of potential development to study appropriate regulations and ordinances. *Tahoe-Sierra Preservation Council v Tahoe Regional Planning Agency*, 553 US 302, 341; 122 S Ct 1465; 152 L Ed 2d 517, 552 (2022). Temporary moratoriums of a year or less in length are generally presumed to be valid.

I. 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, April 1, 2021).

## SECTION 2. MORATORIUM IMPOSED

Effective upon the effective date of this Ordinance, no application shall be accepted, processed, reviewed, approved, or acted upon for:

- A. Data Centers;
- B. Artificial Intelligence Computing Facilities;
- C. Cryptocurrency Mining Facilities;
- D. High-Density Computing Facilities;
- E. Any substantially similar use as determined by the Zoning Administrator.

## SECTION 3. APPLICABILITY

This moratorium shall apply to all zoning permits, site plans, special land use applications, variances, land divisions, building permits, and any other approvals necessary for the establishment or expansion of the uses identified in Section 2.

## SECTION 4. EXCEPTIONS

This Ordinance shall not apply to:

- A. Existing legally established facilities operating prior to the effective date of this Ordinance;
- B. Ordinary maintenance, repair, or replacement of equipment at existing facilities that does not increase the scale, capacity, electrical demand, or intensity of use.

## SECTION 5. TERM OF MORATORIUM

This moratorium shall remain in effect for twelve (12) months from the effective date of this Ordinance unless repealed earlier by the Township Board.

The Township Board may extend the moratorium upon making findings that additional time is necessary to complete the planning, review, and adoption of regulations addressing Data Centers, Artificial Intelligence Computing Facilities, Cryptocurrency Mining Facilities, High-Density Computing Facilities, and related uses.

The Township Board shall periodically review the status of the Township's planning and regulatory efforts during the moratorium period.

#### SECTION 6. WORK PLAN

During the moratorium period, the Township intends to:

- A. Review existing Township zoning regulations;
- B. Evaluate impacts associated with Data Centers and similar facilities;
- C. Consider amendments to the Township Master Plan;
- D. Consider amendments to the Township Zoning Ordinance;
- E. Conduct public meetings and hearings;
- F. Obtain legal, planning, engineering, environmental, and other professional review.

#### SECTION 7. SEVERABILITY

If any provision of this Ordinance is determined invalid by a court of competent jurisdiction, such determination shall not affect the remaining provisions of this Ordinance.

#### SECTION 8. REPEALER

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

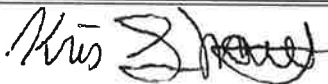
#### SECTION 9. EFFECTIVE DATE

This Ordinance shall take effect immediately upon publication as required by law.

Adopted by the West Branch Township Board on July 14, 2026.

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Township Supervisor

 KRIS SHAW

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Township Clerk

 Jane Taylor