

**FRASER TOWNSHIP
BAY COUNTY
ORDINANCE NO. 103**

**AN ORDINANCE TO IMPOSE A MORATORIUM ON
THE ISSUANCE OF PERMITS, LICENSES OR
APPROVALS FOR DATA CENTERS**

FRASER TOWNSHIP ORDAINS:

SECTION 1: Definition. Data Center. A structure that houses information technology infrastructure and equipment for building, running, and delivering applications, and the storage of digital data.

Section 2. Findings. In accordance with 2006 P.A. 110, as amended, and MCL 41.181, Fraser Township has determined that:

1. Pursuant to the Michigan Zoning Enabling Act, 2006 P.A. 110, being MCL 125.3101 *et seq.*, Fraser Township (“Township”) has adopted certain regulations to control the establishment and use of data centers.
2. The Township wishes to consider amendments to its regulations concerning data centers to better protect the public health, safety, and welfare of Township residents.
3. Pursuant to the Township’s authority to protect the public health, safety, and general welfare of persons and property in the Township, imposing a moratorium, on a limited temporary basis, is reasonable and necessary in order to allow time for review of and potential amendments to the Township’s Zoning Ordinance.
4. A moratorium should be imposed upon the issuance of any and all permits, licenses and approvals for any property subject to or under the jurisdiction of the Township’s Zoning Ordinance for the establishment and use of data center for one (1) year or until an amendment to the Township’s Zoning Ordinance, whichever occurs first.

Section 3: Moratorium. A moratorium is hereby imposed upon the issuance of any and all permits, licenses or approvals for any property subject to or under the jurisdiction of the Township’s Zoning Ordinance for the establishment or use of data centers, so long as the ordinance is in effect.

Section 4: Term of Moratorium; Renewal. The moratorium imposed by this ordinance shall remain in effect for one (1) year following the effective date of this ordinance, or until data center regulatory amendments to the Township’s Zoning Ordinance become effective, whichever occurs first. Before this moratorium expires, the Township may by resolution extend the moratorium as appropriate to allow sufficient time to complete amendments to its Zoning Ordinance. If an extension is adopted, the Township will publish notice of the extension.

Section 5: Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 6: Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 7: Effective Date. This ordinance shall become effective immediately following publication.