

**MARENGO TOWNSHIP  
CALHOUN COUNTY, MICHIGAN  
ORDINANCE NO. 2026-1**

**ORDINANCE ESTABLISHING DATA CENTER MORATORIUM**

At a regular meeting of the Township Board of Marengo Township, Calhoun County, Michigan, held at 14021 23 Mile Road Albion, MI 49224-8504 on the 24th day of February 2026, at 7 p.m., the following Ordinance was offered by Township Board Member Victor Potter and supported by Township Board Member Todd Hazel.

*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, Marengo Township, Calhoun County, Michigan, Ordains:**

**Section 1. Title:** This Ordinance shall be known and cited as the Marengo 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 Marengo 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: Withee, Tabiaddon, Hazel, Potter, Fountain

NAYS: 0 ABSENT/ABSTAIN: 0

ORDINANCE DECLARED ADOPTED.

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David Fountain, Marengo Township Supervisor      Date

**CERTIFICATION**

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Marengo Township Board at a duly scheduled and noticed meeting of the Township Board held on February 24, 2026 pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in The Morning Star, a newspaper that circulates within Marengo Township, on March 6, 2026.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the Township Board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Calhoun County Clerk on \_\_\_\_\_.

ATTESTED:

\_\_\_\_\_  
Deb Withee, Marengo Township Clerk

**MARENGOTOWNSHIP  
CALHOUN COUNTY, MICHIGAN  
ORDINANCE ESTABLISHING DATA CENTER MORATORIUM**

**Ordinance No. \_\_\_\_  
Notice of Adoption**

Please take notice that on \_\_\_\_\_, 2026 the Township Board of Marengo Township adopted Ordinance No. \_\_\_\_, which imposes a one (1) year moratorium on the permitting, consideration, approval, location, erection, construction, and/or installation of Data Centers in the Township in order to allow appropriate time to study and potentially adopt revised regulations governing Data Centers. Copies of the Ordinance may be obtained from Deb Withee, Marengo Township Clerk, at 14021 23 Mile Road Albion, MI 49224-8504, during regular business hours.

Published by Order of the Township Board  
Marengo Township, Calhoun County

Deb Withee  
Marengo Township Clerk  
14021 23 Mile Road  
Albion, MI 49224-8504  
(269) 781-8422  
[deb.withee@marengomi.gov](mailto:deb.withee@marengomi.gov)

Publication Date: \_\_\_\_\_