

NEWBERG TOWNSHIP

COUNTY OF CASS

STATE OF MICHIGAN

Ordinance No. 2026-02

An Ordinance to protect the public health, safety, and welfare by establishing regulations relating to a temporary moratorium on considering applications for Data Centers, Battery Energy Storage Systems ("BESS"), all related infrastructure facilities, and accessory buildings and uses within Newberg Township, while the Township completes a study of the ordinances and regulations pertaining thereto and considers possible subsequent revisions to current ordinances pertaining thereto; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

Newberg Township Ordains:

SECTION I - FINDINGS

In accordance with Public Act 1945 PA 246, MCL 41.181 et seq., as amended, Newberg Township has determined the following:

1. The Newberg Township Board ("Township") determines that the approval of Data Centers, BESS, and all related infrastructure facilities and accessory buildings and uses may result in or produce negative impacts on permitted land uses and development and may harm the public health, safety and general welfare of property owners and residents of Newberg Township.
2. Recently, the Township Board has received significant comments and information from the public raising public health, safety, and welfare concerns about the impacts of Data Centers, BESS, related infrastructure facilities, and accessory buildings and uses on the residents and property owners of the Township.
3. The Township has a legitimate public purpose in assessing the regulation of the establishment and use of Data Centers, BESS, related infrastructure facilities, and accessory buildings and uses within the Township to ensure that these uses and structures do not interfere with other land uses, or have substantial negative impacts on the environment and public health and safety.
4. The Township Board finds that adopting a temporary moratorium is reasonable and necessary for the following reasons:

A. Michigan courts have recognized that a temporary moratorium is a common and legitimate tool to preserve the status quo while formulating a development strategy.

B. The Township Board desires to review and study the public health, safety, and welfare concerns regarding Data Centers and BESS, plus all related infrastructure facilities, accessory buildings and uses, and any Township regulations that may impact and/or regulate such projects.

C. The adoption of a temporary moratorium will allow the Township Board adequate time to study and possibly implement revisions to the Township's ordinances and regulations, including attention to and consideration of citizen input and involvement, public debate, and full consideration of all issues and points of view.

D. The Township Board accordingly determines that it is desirable and in the public interest for the reasons set forth above that the Township Board adopt a temporary moratorium on the acceptance and/or processing of any applications for Data Centers, BESS, related infrastructure facilities, and accessory buildings and uses.

SECTION II – MORATORIUM AND TERM

The Township Board adopts a temporary moratorium on the acceptance and/or processing of any applications for a Data Center and BESS, along with all related infrastructure facilities and accessory buildings and uses. The temporary moratorium is for one (1) year from the effective date of this Ordinance, or until the effective date of any amended or new Township ordinances or regulations addressing Data Centers are effective, whichever date occurs first.

SECTION III - EXTENSION BY RESOLUTION

Before this moratorium expires, the Township Board may extend the temporary moratorium by resolution of the Township Board as appropriate to allow sufficient time to complete amendments or additions to its ordinances and regulations.

SECTION IV -SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION V - REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VI - EMERGENCY ORDINANCE/EFFECTIVE DATE

This Ordinance shall take effect immediately upon publication.

Ordinance declared adopted this 11th day of May, 2026.


Amanda Norton-Duff, Township Clerk

Publication date: May 15th, 2026