

**TOWN OF RED CEDAR
DUNN COUNTY, WISCONSIN**

ORDINANCE NO. 2026-9

**AN ORDINANCE TO CREATE SECTION 2026-9, DATA CENTER MORATORIUM
AND PROHIBITION OF DEVELOPER NDAS**

The Town of Red Cedar Board does ordain as follows:

SECTION 1. PURPOSE AND INTENT.

The purpose of this Ordinance is to establish a moratorium that would allow the Town of Red Cedar to fully explore, analyze, and research the environmental, economic, health and safety aspects of data centers and to develop reasonable ~~existing~~ regulations to be applied to Data Centers, consistent with the Town of Red Cedar Comprehensive Plan.

SECTION 2. MORATORIUM IMPOSED.

A twelve (12) month moratorium is hereby imposed on the acceptance, processing, or approval of any application, permit, building permit, driveway permit, or any other municipal authorization relating to the siting, construction, installation, expansion, or operation of any Data Center, including grading, excavation, remodeling of any current building/structure, utility installation, road construction, demolition, clearing, dewatering, transmission infrastructure, substations, battery storage systems, and other site preparation activities, within the Town of Red Cedar.

SECTION 3. PENDING APPLICATION.

Any application not deemed complete by the Town prior to the effective date of this Ordinance shall be subject to this moratorium. No application shall be deemed complete unless all required applications, plans, studies, fees, and supporting materials have been submitted in final form. No person shall acquire any vested right, protected use, or entitlement by virtue of expenditures, preliminary engineering, negotiations, or incomplete applications submitted prior to adoption of this Ordinance.

SECTION 4. DEFINITIONS.

(a) "Data Center" means any building, structure, facility, campus, installation, modular unit, containerized system, or combination thereof used primarily or substantially for the storage, processing, transmission, hosting, management, mining, training, inference, analysis, or operation of digital data, computer applications, artificial intelligence systems, cloud computing systems, cryptocurrency operations, or other computational or networking functions with associated power, cooling, and backup generation systems. Separate buildings, phases, structures, containers, or installations located upon contiguous parcels under common ownership or control shall be aggregated for purposes of determining applicability under this definition.

SECTION 5. EXEMPTIONS.

This moratorium does not apply to legally existing telecommunications centers.

SECTION 6. DURATION.

This moratorium takes effect upon passage and posting per Wis. Stat. § 60.80, and remains in effect for twelve (12) months or until adoption of a comprehensive permitting ordinance, whichever is first. Nothing herein shall be construed as a permanent prohibition of Data Center facilities. The purpose of this moratorium is solely to permit the Town adequate time to study, evaluate, and adopt reasonable regulations governing such uses.

SECTION 7. PLANNING ACTIVITIES DURING MORATORIUM.

During the moratorium period, the Town Board and Plan Commission shall evaluate and consider: (i) land use compatibility standards; (ii) groundwater protection measures; (iii) traffic and road use standards; (iv) emergency services impacts; (v) setback and buffering requirements; (vi) noise and lighting limitations; (vii) Data Center permitting standards; (viii) decommissioning requirements; (ix) bonding and financial assurance requirements; and (x) utility infrastructure impacts.

SECTION 8. NO NDA POLICY.

No Town Board member, officer, employee, or agent shall execute any non-disclosure or confidentiality agreement with any Data Center or Data Center developer.

SECTION 9. STATUTORY AUTHORITY.

This Ordinance is adopted pursuant to village and police powers under Wis. Stat. §§ 60.10(2)(c), 60.22(3), and 61.34, together with the Town's authority to protect public health, safety, welfare, and orderly development, and consistent with *Zwiefelhofer v. Town of Cooks Valley*, 2012 WI 7.

SECTION 10. EFFECTIVE DATE.

This Ordinance takes effect upon passage and posting per Wis. Stat. § 60.80.

ADOPTED this 14th day of September, 2026.

Town Chairperson: Robert J. Cook Date: 9-14-26
Town Clerk: C. Miller Date: 9/14/2026

Posted : Town Hall Bulletin Board
9/15/2026 Town Website