

**RESOLUTION
NO. 09-14-26-19
of the
VIENNA CHARTER TOWNSHIP**

DATA CENTER TEMPORARY MORATORIUM

At a regular meeting of the Township Board of the Charter Township of Vienna, Genesee County, Michigan, held on the 14th day of September 2026, at 5:30 p.m. Local Time.

Present: _____

Absent: _____

After discussion, the following resolution was offered by _____ and seconded by _____:

WHEREAS, Data centers may present unique land use considerations, including but not limited to electrical demand, water usage, stormwater management, noise, heat discharge, building scale, visual impacts, public safety concerns, and long-term effects on infrastructure; and

WHEREAS, Existing state statutes and the township zoning ordinance may not adequately or specifically address the siting, scale, intensity, and operational impacts of data center facilities; and

WHEREAS, Vienna Charter Township believes adequate time is necessary to determine whether recently introduced state legislation will have impact on local control of data centers, and to research, study, review best practices from other jurisdictions, evaluate infrastructure capacity, and consider whether other regulatory tools are warranted; and

WHEREAS, A temporary moratorium on data centers would allow Vienna Charter Township time to conduct this review in a deliberate and transparent manner without prejudicing future development decisions; and

WHEREAS, the United States Supreme Court has upheld imposing moratoriums as tool to temporarily pause the consideration of potential development to study appropriate regulations and ordinances. *Tahoe-Sierra Preservation Council v Tahoe Regional Planning Agency*, 535 US 302, 341; 122 S Ct 1465; 152 L Ed 2d 517, 552 (2002). Temporary moratoriums of a year or less in length are generally presumed to be valid; and

WHEREAS, 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, Apr. 1, 2021);

NOW, THEREFORE, BE IT RESOLVED, that the Vienna Charter Township hereby adopts this resolution creating a moratorium of 365 days, moratorium unless terminated earlier by subsequent ordinance or resolution. No datacenters, nor similar developments, shall be approved or otherwise allowed during the moratorium period, being 365-days from the effective date of this Resolution.

ADOPTED: September 14, 2026

Yeas: _____

Nays: _____

Joseph A. Rizk, Supervisor

Cynthia J. Bryan, Clerk

CERTIFICATION:

STATE OF MICHIGAN)
) SS:
COUNTY OF GENESEE)

I, the undersigned, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Charter Township of Vienna, Genesee County, Michigan, at a regular meeting duly called and held on the 14th day of September, 2026, the original of which is on file in my office.

Cynthia J. Bryan, Clerk