

**CITY OF NORTH MANKATO
COUNTY OF NICOLLET
STATE OF MINNESOTA**

ORDINANCE NO:

**AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A
MORATORIUM ON DATA CENTERS**

The City Council of the City of North Mankato does ordain:

SECTION 1. PURPOSE AND INTENT. The purpose and intent of this interim ordinance (“Ordinance”) is to protect the planning places and the health, safety and welfare of the citizens and future citizens of the city of North Mankato (the “City”) by imposing pursuant to Minnesota Statutes, Section 462.355 subdivision 4, a moratorium on data centers, as that term is defined herein, during the term of this ordinance and by authorizing a study related to the local regulation of large scale data centers.

SECTION 2. FINDINGS. The City Council of the City of North Mankato hereby finds and determines as follows:

- A. The City is a governing body, for the purposes of the Municipal Planning Act, Minnesota Statutes chapter 462 (the “Act”), and it has previously exercised its authority pursuant to the Act to adopt the North Mankato City Code Title XV Land Usage and Chapter 151 Zoning, which contains the City’s official codified land use controls.
- B. Minnesota Statute Section 462.355, subdivision 4 of the Act authorizes the city to adopt interim ordinances to regulate, restrict, or prohibit any use, development, or subdivision within the city, the purpose of which is to protect the planning process and the health, safety, and welfare of the residents and future residents of the city.
- C. Due to a significant transformation and evolution in new technologies, including artificial intelligence, cloud computing, and other digital infrastructure, Minnesota has recently seen an increase in developers looking for sites to construct new data centers.
- D. The City recently determined that although Title XV Land usage and Chapter 151 impose express regulations on numerous types of uses in its respective zoning districts, it does not impose any express rules or regulations specifically related to large-scale data centers.
- E. The City will benefit from establishing its own local rules and regulations related to data centers within the city limits.
- F. It is in the best interest of the public to place a City-wide moratorium on data centers to provide City staff, consultants, the City’s Planning Commission and the City Council

with a meaningful opportunity to study whether and how the city should amend its official controls to effectively regulate data centers moving forward

SECTION 3. DEFINITION. For the purposes of this Ordinance, the term “large-scale data center” means a building or other facility used principally for the storage, management, processing, and/or transmission of digital data, which houses computer or network equipment, systems, services, appliances, and/or other associated components related to digital operations and exceeds 150,000 square feet and/or 50,000 Gallons of Water Per Day or more. A data center may also include accessory and appurtenant facilities, such as offices, air handlers, power generators, water cooling systems, water storage facilities, utility substations, and other associated infrastructure necessary to support sustained digital operations. The term “large scale data center” shall not include computing facilities which are not the principal use of the building or other facility in extent or area, but which may perform similar functions in a manner that is merely accessory to a separate and lawful principal use.

SECTION 4. STUDY AUTHORIZED. City Staff, consultants, and the City’s Planning Commission are hereby authorized and directed to conduct a study on data centers, including without limitation, their relevant localized impacts and how other communities regulate them, and provide to the City Council recommendations on whether and how the City Code should be amended to better address the use and operation of Data Centers in the City of North Mankato/

SECTION 5. MORATORIUM. A moratorium is hereby imposed throughout the City of North Mankato on data centers, which during the term of the ordinance any new data center shall be considered a prohibited use within the City. During the period of the moratorium, no new or existing Data Center shall be constructed or expanded in the City and no application for any permit or application contemplating such construction or expansion shall be accepted, reviewed, processed, or approved by the City

SECTION 6. TERM. Unless earlier rescinded by the City Council, the moratorium established under this Ordinance shall remain in effect until twelve (12) months from its effective date.

SECTION 7. PENALTY AND ENFORCEMENT. The City may enforce this Ordinance through criminal provisions or by undertaking such civil actions or proceedings, including, without limitation, injunctive relief, as it determines appropriate to prevent, restrain, correct, or abate any violation or threatened violation of this Ordinance. The initiation of one type of enforcement shall not preclude the city from taking any other action or proceeding available to it under law or this ordinance. Any person, firm, partnership, corporation, or other entity violating any provision of this ordinance shall be guilty of a misdemeanor. Each day that a violation occurs is a separate offense.

SECTION 8. SEVERABILITY. Every section, provision and part of this Ordinance is declared severable from every other section, provision and part thereof. If any section, provision or part of

this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision or part of this Ordinance.

SECTION 9. EFFECTIVE DATE. This ordinance shall become effective 30 days after publication of notice of its adoption.

Passed this _____ of _____, 2026.

Scott Carlson, Mayor

ATTEST

City Clerk