

DETOUR TOWNSHIP CHIPPEWA COUNTY MICHIGAN

DATA CENTER ORDINANCE

ORDINANCE NO. O2025-0001

Adopted October 14, 2025

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At a regular meeting of the Township Board of DeTour Township, Chippewa County, Michigan, held at the DeTour Township Hall on October 14, 2025, at 5:30 p.m., Township Board Member Thomas Lehman moved to adopt the foregoing Ordinance, which motion was supported by Township Board Member Bob Vaught:

An Ordinance to regulate the location, construction, operation, and noise of data centers and related improvements to protect and safeguard the health, safety, and general welfare of the citizens of DeTour Township by establishing reasonable and uniform regulations for such projects.

THE TOWNSHIP OF DETOUR ORDAINS:

1.0 Title. This Ordinance shall be known as the DeTour Township Data Center Ordinance.

2.0 Purpose. The purpose of this Ordinance is to regulate data centers and related improvements to protect and safeguard the health, safety, and general welfare of the citizens of DeTour Township by establishing reasonable and uniform regulations.

3.0 Conflicts with Other Ordinances, Laws and Regulations. Except as expressly amended by this Ordinance, other DeTour Township ordinances shall remain unchanged and in full force and effect. It is not intended by this Ordinance to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of other laws and regulations, except those specifically repealed by this Ordinance.

4.0 General Responsibility. The Township Board or its duly authorized representative is hereby charged with the duty of enforcing this Ordinance and the Township Board is hereby empowered, in the name of DeTour Township, to commence and pursue any and all necessary and appropriate actions and/or proceedings in the appropriate court or agency having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate such non-compliance or violation.

5.0 Validity and Severability. If a court of competent jurisdiction finds any provision, clause, or portion of this Ordinance to be invalid, the balance or remainder of this Ordinance shall remain valid and in full force and effect and shall be deemed severable from the portion, clause, or provision deemed to be invalid by the court.

6.0 Effective Date. This Ordinance shall become effective immediately after a summary of this Ordinance is published as provided by law; except that any penalty provisions relating to the enforcement of this Ordinance shall be effective thirty (30) days after publication of a summary of this Ordinance as required by law.

7.0 Definitions. For purposes of this Ordinance, the following terms shall have the indicated meanings:

- (a) **Battery Energy Storage System (BESS):** Rechargeable electrical system that allows storage and disbursement of energy for on-site generating systems designed for a Data Center.
- (b) **Data Center:** 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.
- (c) **Data Center Accessory Use:** Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines, domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers; fire suppression, and related equipment), and security features, provided such Data Center Accessory Uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.
- (d) **Data Center Principal Building:** A building that contains the office and/or data storage functions of a Data Center.
- (e) **Data Center Substation:** A facility used for the transformation or transmission and/or switching of voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, specifically for Data Center users on the same or adjacent site, or on a site immediately across a road right-of-way.
- (f) **Daytime:** The period of a day beginning at 7:00 a.m. and ending at 10:00 p.m., each day of the week.
- (g) **Decibel (dBa):** A unit for measuring the volume of a sound on the A-weighted scale.
- (h) **Habitable Structure:** A residence, school, hospital, church, public library, business, office, store, retail establishment, or other buildings people frequently sleep in, occupy or congregate, excluding accessory structures. Generally, considered a structure occupied by humans.
- (i) **Lot Coverage:** The percentage of the lot or parcel covered by all buildings and structures located on a lot or parcel, elevated above the surface, on the surface or below the surface

of the ground and which impairs the percolation of surface water into the subsurface groundwater areas and causes additional surface runoff.

- (j) **Mechanical Equipment:** The networked computer systems along with supporting equipment such as batteries, backup generators, and cooling systems housed on the Data Center's lot or parcel.
- (k) **Nighttime:** The period of a day beginning at 10:00 p.m. and ending at 7:00 a.m., each day of the week.
- (l) **Noise Attenuation:** The reduction of noise levels through the use of sound-absorbing materials, architectural design techniques, and/or other suitable means.
- (m) **Noise Disturbance:** Any sound which annoys or disturbs a reasonable person of normal sensitivities or endangers or injures a person or real property.
- (n) **Person:** Any individual, corporation, partnership, limited liability company, association, or other legal entity.

8.0 Operational Standards and Requirements Scope. The following requirements shall apply to the application, review, construction, location and operation of all Data Centers.

8.1 Data Center Permit (DCP). The Township Board may approve and issue a DCP to a person to operate, maintain, construct, erect, or modify a Data Center within DeTour Township. The Township Board shall approve and issue a DCP to a person when all conditions and specifications as presented in this Ordinance hereinafter are met and satisfied.

8.2 Permit Application and Approval Procedure and Standards. No person shall install, construct, maintain, or operate a Data Center within DeTour Township without first duly obtaining a DCP from the Township Board under this Ordinance.

- (a) **Amount of Application Fee:** The Township Board shall adopt a fee schedule by resolution.
- (b) **Issuance or Rejection of the Permit:** The Township Board may, by resolution, after the application has been fully reviewed, grant, grant with conditions, or deny the application for a permit based on a determination of whether the Data Center satisfies this Ordinance. The Township Board may require changes to be made in the application to conform to the requirements of this Ordinance or impose reasonable conditions upon the construction or operation of the Data Center before issuing a permit. In the event the application is denied, a written explanation for the denial shall be given.
- (c) **Length of Permit:** Construction on an approved Data Center must begin within 2 years of issuance of a DCP. This period may be extended by the Township Board for a period of up to an additional 2 years upon showing good cause for the failure to begin construction within 2 years of issuance of the DCP.

8.3 Data Center and DCP Site Plan Information: All applications for a DCP shall be accompanied by a detailed site plan in bond and Portable Document Format (PDF) drawn to a scale of one (1) inch equals 300 feet on a sheet not less than 18" x 24" or larger than 24" x 36", and dimensioned, displaying all of the following information:

- (a) **Legal/Property Information:** Legal description, dimensions of site boundary lines, total site area, contours at ten (10) foot intervals, water courses and water bodies, and locations of all buildings, driveways, parking areas, and other structures on adjacent properties within 500 feet of the lot or parcel including those across the street of the lot or parcel or on adjacent properties. All lot lines and dimensions, including a legal description.
- (b) **Location and Height:** Location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the Data Center.
- (c) **Adjacent Buildings:** Locations of all adjacent buildings, structures, and above ground utilities located within 1200 feet of the exterior boundaries of the lot or parcel where the proposed Data Center will be located. Specific distances to other on-site buildings, structures, and utilities shall also be provided upon request.
- (d) **Electric Transmission/Distribution:** The location of all reasonably available existing and proposed overhead and underground electrical transmission or distribution lines shall be shown, whether to be utilized or not with the Data Center, located on the lot or parcel involved, as well as within 500 feet of the boundaries of such parcel or lot.
- (e) **Access:** Access driveway to the Data Center together with a detailed narrative regarding dimensions, composition, traffic control signs or devices and maintenance of the proposed driveway.
- (f) **Setbacks:** Proposed setbacks for the Data Center from all structures located on the lot or parcel where the Data Center will be located.
- (g) **Security:** Planned security measures to prevent unauthorized trespass and access, and to warn of potential dangers.
- (h) **Decommissioning:** The applicant shall provide the Township a written description of removal when determined to be obsolete or abandoned. The description shall include removal procedures and schedules if the Data Center becomes obsolete or abandoned.
- (i) **Stormwater/Drainage:** Any proposed modifications to site drainage patterns on the Data Center shall be identified on plan maps.
- (j) **Lighting:** Exterior lighting showing area of illumination and indicating the type of fixture to be used. All exterior lighting shall be pointed down and not cause any glare on adjacent properties.

- (k) **Legend on Site Plan:** North arrow, legend, graphic and written scale, and title block containing project name.
- (l) **Noise Study:** A report of the predicted sound impact of the proposed Data Center shall be included with the application, specifically taking into consideration the sound emission levels set forth in this ordinance. The report shall demonstrate that the predicted sound level limits are met at the lot or parcel line of the Data Center and any habitable structures within 1/4 mile receive no noise in excess of the maximum permissible noise standards provided within this Ordinance, and the report conforms with ANSI/ISO standards for outdoor measurements and predictions. The report shall be produced by a qualified acoustical consultant.
- (m) **Applicant Information:** The name and address of the person and firm who prepared the application, the seal of the professional engineer licensed in the State of Michigan responsible for the accuracy of the application and the date on which the application was prepared.
- (n) **Requested Details:** Reasonable additional detail(s) and information related to the standards contained in this Ordinance as requested by the Township Board.
- (o) **Additional Information:** Any additional information, diagrams, schematics or plans to show that the standards for approval of a permit are satisfied.

8.4 Standards and Operational Requirements: Any Data Center must meet the following standards as a condition of receiving an approved DCP to operate within DeTour Township:

- (a) **Building Placement and Orientation:** All Data Center principal building(s) associated with a Data Center shall be arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties. In general, Data Centers that visually approximate commercial office buildings are encouraged.
- (b) **Buildings shall be sited and oriented to:**
 - 1. Minimize visual impacts of the bulk of the building when examined on a line-of-sight basis from adjacent public streets.
 - 2. Provide safe and convenient vehicular access to the site, including on-site queuing areas at security gates.
 - 3. Accommodate adequate parking.
 - 4. Minimize impact to natural sources.
 - 5. Incorporate appropriate stormwater management practices.

- (c) **Lot Coverage:** Lot coverage shall be a maximum of sixty (60%) percent except when the lot or parcel is served by municipal public water in which case the lot coverage may be increased to a maximum of seventy-five (75%) percent.
- (d) **Public Water Required:** Connection to municipal public water is required unless waived due to satisfaction by the Township Board that the design will not cause an unreasonable burden on available potable water. Any water cooling must use a closed loop or recycled water system. Cooling water flushing and refills are limited to amounts as approved by DeTour Township in the DCP.
1. **Water Feasibility Study.** The applicant shall provide a water feasibility study. The purpose of the study is to determine if there is an adequate supply of water for the proposed Data Center and to estimate the impact of the Data Center on existing wells, groundwater, and surface waters in the vicinity. No Data Center shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity. The water feasibility study shall include the following information at a minimum:
- i. The projected water demands of the Data Center;
 - ii. The source of water to be used;
 - iii. A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g. cooling, humidity control, fire suppression, and domestic usage);
 - iv. The long-term safe yield of the water source;
 - v. A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means;
 - vi. A geologic map of the area with a radius of at least one mile from the site;
 - vii. The location of all existing and proposed wells within 1,000 feet of the property boundary, with a notation of the capacity of all high-yield wells;
 - viii. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within 1,000 feet of the property boundary;

- ix. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, surface waters, and the groundwater table;
 - x. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
2. No materials or wastes shall be deposited upon a lot in such a form that they might be transferred off the property by natural causes or forces, such as water, wind or snow.
 3. The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the Township.
- (e) **Adequate Electrical Capacity:** Prior to approval of the DCP, the Data Center shall have adequate electrical capacity from an applicable service provider. Such capacity shall satisfy the following:
1. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the service area is consistent with the normal projected load growth envisioned by the provider, and
 2. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the Data Center.
 3. The Data Center will not cause electrical interference or fluctuations in line voltage on and off the operating premises, and
 4. Prior to approval of the certification of completion, the applicant shall provide the Township with written verification that the electrical work has passed a third-party final inspection.
- (f) **Height of Data Center:** Unless a different height is approved by the Township Board, the maximum building height of the Data Center shall be no greater than 35 feet from the ground and shall comply with design standards.
- (g) **Potential External/Off-Site Impacts:** Any use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form shall be carried on in such a manner that it is not perceptible beyond the lot or parcel line. Stormwater shall be calculated and determined to not have pre-development stormwater run-off exceed post-development stormwater run-off as determined by the County under an applicable stormwater ordinance or regulation, or as approved by the Township in review of any Data Center.
- (h) **Setbacks:** Data Center buildings, Mechanical Equipment, supporting BESS, and all other associated equipment must be set back as follows:

1. All principal buildings, accessory structures, and Data Center Electric Utility Substations must be set back at least 1000 feet from all property lines.
 2. All principal buildings, accessory structures, and Data Center Electric Utility Substations must be set back at least 2500 feet from the nearest point of a habitable structure.
 3. All principal buildings, accessory structures, and Data Center Electric Utility Substations must be set back at least 500 feet from the public road rights-of-way.
 4. Parking lots for Data Centers shall be set back at least 500 feet from public road rights-of-way, and 1000 feet from all property lines.
- (i) **Generators:** Routine generator operation maintenance is limited to Monday-Friday between the hours of 10 a.m. and 4 p.m.
1. Generators must be enclosed in order to limit sound to 70 dBA to be measured 23 feet from the generator. All equipment on site must comply with maximum sound levels at all lot lines.
 2. Onsite generators must meet or exceed EPA Tier 4 emission standards.
- (j) **Battery Energy Storage Systems:**
1. BESS shall be designed and constructed in accordance with the NFPA (National Fire Protection Association) 855 standard including as may be periodically updated.
 2. The components of a BESS shall be approved with the review of a DCP for a Data Center, and shall otherwise comply with the requirements of this Ordinance.
 3. The system and its components and equipment shall be listed by the nationally recognized testing laboratory, UL (Underwriters Laboratories) 9540 (standard for battery energy storage systems and equipment) or applicable nationally recognized standard with subcomponents meeting each of the following standards as applicable.
 - i. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications)
 - ii. UL 1642 (Standard for Lithium Batteries)
 - iii. UL 1741 or UL 62109 (Inverters and Power converters)
 - iv. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 and applicable codes, regulations and safety standards may be used to meet system certification requirements.
 4. All applicants shall include a detailed safety plan. Such a plan shall include, but not be limited to:

- i. Preliminary design with locations and descriptive details regarding components relating to fire prevention and detection and to explosion control.
 - ii. Information regarding equipment designed for providing proper temperature control recommended for safe operation of batteries.
- 5. All BESS shall be equipped with safety systems as outlined below:
 - i. Hazard detection system.
 - ii. Explosion detection system.
- 6. Specifically, and without limitation, BESS setbacks and sound emissions shall comply with the noise requirements prescribed in this Ordinance.

(k) Landscaping/Screening:

- 1. Fencing may not be placed in front of landscaping adjacent to roads. There must be landscaping in front of any fence adjacent to public roads. Barbed wire fencing is not permitted.
- 2. Tree plantings adjacent to public roads, residential and rural areas, must consist of a minimum of two staggered rows of evergreen trees from a list approved by the Township Board, planted 15 feet on center. The Township Board may require the plantings to be placed where they will best reduce noise from the facility and block the view from public streets and nearby properties.

(l) Parking Requirements: A minimum of 1 parking space per employee on the largest shift is required, plus an additional 3 visitor spaces. A minimum of one loading space is required. Loading spaces/bays are only permitted to be located on one facade of the Data Center Principal Building.

(m) Construction Codes: The Data Center shall comply with all applicable state construction codes. The Data Center shall comply with applicable utility, Michigan Public Service Commission, as well as the Environmental Protection Agency, Department of Energy, Federal Energy Regulatory Commission and all other state and federal agency standards.

(n) Electromagnetic Interference: Each Data Center shall be designed, constructed and operated so as not to cause radio, wireless internet, telephone (both landline and cell phone) and television interference. In the event that electromagnetic interference is experienced as a result of the Data Center, the applicant must take appropriate action to minimize such interference, and if that is not feasible, the applicant shall provide alternate service to each individual resident or property owner affected.

(o) Noise: Any noise that emanates from all activity associated with any Data Center is limited to a maximum sound level of 55 dBA during the daytime and 35 dBA at nighttime at the lot

or parcel line of the premises. The Township Board, at its discretion, may allow for an increase of 65dBA during the daytime and 45 dBA at nighttime if the Township Board makes a finding that any waiver increase would not exceed the ambient noise of daytime or nighttime for any dwelling within a ¼ mile of the site.

1. The maximum sound level in this section does not apply to:
 - i. Demolition work on buildings, structures, appurtenances and/or the testing of generators consistent with the requirements of any regulatory agency.
 - ii. Any situation arising from sudden and reasonably unforeseen events (beyond the control of the facility operator) that require the response of emergency vehicles or temporary use of emergency generators.
 - iii. All measurements and modeling shall be conducted in compliance with ANSI/ISO standards for outdoor sound measurements and be supervised by a qualified acoustical consultant with full member status with the Institute of Noise Control Engineering (INCE).

(p) **Mechanical Equipment:** Mechanical Equipment must be shown on any proposed plan and must be fully screened on all sides. Mechanical equipment not screened by a facade of the building must be screened by a visually solid fence, screen wall or panel, or parapet wall and constructed with the design, materials, details, and treatment compatible with those used on the nearest facade of the building.

(q) **Conditions:** The Township Board may impose additional reasonable conditions for the approval of a Data Center as conditions on the DCP.

(r) **Lighting:** A lighting plan for the Data Center shall be approved by the Township Board. Such plan must describe all lighting that will be utilized, including lighting that may be required by the FAA. Such a plan shall include but is not limited to the planned number and location of lights, light color and whether any lights will be flashing.

1. **Horizontal Surfaces:** For the lighting of predominantly horizontal surfaces, such as, but not limited to, parking areas, roadways, vehicular and pedestrian passage areas, loading docks, building entrances, sidewalks, bicycle paths, and site entrances, luminaires shall be aimed down, and shall meet Illuminating Engineering Society of North America (IESNA) full cut-off/fully shielded criteria.
2. **Non-Horizontal Surfaces:** For the lighting of predominantly non-horizontal surfaces, such as, but not limited to, facades, landscaping, and signs, luminaires shall be shielded and shall be installed and aimed to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward, or onto a public roadway.

3. **Adjacent Residential Uses:** The illumination projected onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight and from any point on the receiving residential property.
4. **Adjacent Non-Residential Uses:** The illumination projected from any property onto a non-residential use shall at no time exceed 0.5 initial footcandle, measured line-of-sight from any point on the receiving property.
5. **Glare:** Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily using such means as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle, and luminaire placement.
6. **LED Lights:** LED light sources shall have a correlated color temperature that does not exceed 3000K.
7. **Luminaires:** Luminaires shall not be mounted more than 20 feet above the finished grade of the surface being illuminated. No pole-mounted lighting on the roof shall be permitted.
8. **Lighting After Hours:** Lighting for parking areas and vehicular traffic ways shall be automatically extinguished nightly within ½ hour of the close of the facility. On/off control shall be by an astronomic programmable controller with battery or capacitor power-outage reset. When after-hours site safety/security lighting is proposed, such lighting shall not exceed 25% of the number of fixtures required or permitted for illumination during regular business hours. Where there is reduced but continued onsite activity throughout the night that requires site-wide even illumination, the use of dimming circuitry to lower illumination levels by at least 50% after 10:00 p.m. or after regular business hours, or the use of motion sensor control, shall be permitted.

8.5 Community Impact Analyses

- (a) **Community Impact Analysis:** An applicant for a Data Center or DCP shall submit a document that identifies impacts of a proposed project on community resources and services, including, but not limited to, roads, fire protection (including any necessary training or equipment), police protection, emergency medical services, and public drainage systems including culverts. Applicants shall demonstrate how they will ensure that impacts from a proposed project on community resources and services will be addressed and not borne by the Township.
- (b) **Noise Study Requirements:** An applicant shall conduct a sound study performed by a third party acoustic engineer to document baseline sound levels in the area of the proposed Data Center, including noise levels measured at the lot or parcel line in eight locations (north, south, east, west, northeast, northwest, southeast, southwest). The report of the

study must include sound mitigation recommendations based on the results of the sound study. The applicant must provide a copy of the report of the study with the application. The following noise propagation studies must be conducted:

1. A sound modeling study that demonstrates compliance with the maximum sound levels must be submitted. This study must be specific to the proposed site topography, layout and building type, scale, height and construction proposed. This study must show noise conditions at the site prior to project development at set locations determined by the Township and must provide model-predicted noise conditions resulting from the proposed project post-development.
2. The sound modeling study must include recommendations for sound mitigation measures, if they are necessary for the use to comply with maximum sound levels. These mitigation measures, if applicable, must be reflected on the site plan and incorporated into conditions of site plan approval.

(c) **Noise Attenuation Plan Requirements:** The applicant must consult with a third party architectural or design firm to develop a building plan that includes necessary noise attenuation measures in order to prevent the external sound level emanating from the Data Center from exceeding the sound level limitations within the Ordinance. The applicant is not required to adopt any or all of the noise attenuation recommendations so long as the plan includes noise attenuation measures that the architectural or design firm deems adequate to be in compliance with this Ordinance and does not create a noise disturbance. Noise attenuation measures may include but are not limited to:

1. Soundproofing walls, screens, panels, fences, or enclosures.
2. Buffer yards.
3. Other noise attenuation measures recommended by the third-party acoustic engineer.

(d) **Post Completion Noise Study Requirements:** Upon the Data Center's completion, the Data Center operator must conduct a post construction noise study performed by a third-party acoustic engineer to document noise levels emanating from the Data Center when mechanical equipment is running at full capacity, including all HVAC units and generators necessary for peak operation. The Data Center operator must provide a copy of the report to the Township and file with the Township Clerk within 30 days of completion of this study.

1. The Data Center shall not begin operations until the completion of the post-construction noise study and submission to the Township and Township Clerk as required above. In order for the Data Center to be in compliance, the noise study results must show that its operation is in compliance with this Ordinance. If the results show that the Data Center is not in compliance with this Ordinance, the Data

Center will be unable to commence operation until the noise attenuation measures and noise limits are met.

2. The Data Center operator must conduct noise studies every 5 years under the baseline and post-construction studies specifications in accordance with the above. The Data Center operator must provide the results to the Township and file with the Township Clerk within 30 days after the anniversary date of the first sound study report.
- (e) **Environmental Assessment:** With the application, the applicant shall provide an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife) as required by the Township for review by the Township regarding the area or surrounding areas where the Data Center will be placed. Each such study or report requested shall be provided to the Township prior to the time that a building permit is issued for the project. Any such study or report at the request of the applicant, shall be treated as a confidential document and not subject to disclosure, to the extent permitted under Section 13(1)(f) of the Michigan Freedom of Information Act.
1. The Environmental Analysis shall include:
 - i. A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total numbers of employees on each shift, the times, frequencies, and types of vehicle trips generated, the type of materials stored and the duration period of storage of materials.
 - ii. A site plan of the lot or parcel indicating the location of proposed improvements, flood plains, wetlands, waters of the State and cultural and historic resources on the lot or parcel and within 500 feet of the boundaries of the lot or parcel.
 - iii. Evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
 - iv. An evaluation of the potential impacts of the proposed use, both positive and negative, upon:
 1. Emergency services and fire protection
 2. Water supply
 3. Sewage disposal
 4. Solid waste disposal
 5. School facilities and school district budget, and

6. Township revenues and expenses

- (f) **Financial Impact Study:** With the application, the applicant shall provide a financial impact study for review by the Township of the impacts of Data Centers in communities similar to DeTour Township. Such study or report shall be provided to the Township prior to the time when the Township Board makes its final decision regarding the DCP.
- (g) **Complaint Resolution:** Applicants shall develop a process to resolve complaints from adjacent residents and /or property owners concerning the construction and operation of the Data Center. This process shall include a time limit for acting on a complaint. This process must be approved as a part of the application process. The process shall not preclude the Township from acting on the complaint. During construction and operation, the applicant shall maintain a telephone number during business hours where the adjacent residents and/or property owners can reach a project representative.

8.6 Traffic Impact Analysis: With the application, the applicant shall provide a traffic assessment or impact study and/or other relevant report(s) or studies as required by the Township for review by the Township regarding the area or surrounding areas where the Data Center will be placed. A traffic impact analysis meeting the following standards of this section shall apply:

- (a) A professional traffic engineer shall prepare the analysis.
- (b) Potential traffic hazards and/or congestion identified by the analysis shall be avoided and/or mitigated in compliance with accepted traffic engineering principles, subject to approval by the Township Board, upon recommendation of the Township Engineer and Planning Commission.
- (c) The traffic impact analysis shall include the following elements:
 - 1. Traffic impact on all roadways, intersections and interchanges within a one-half-mile radius of the site.
 - 2. Description of traffic characteristics of the proposed development.
 - 3. Traffic volumes for average daily traffic at peak hours, before and after proposed development.
 - 4. Source of trip generation rates used.
 - 5. Origin and destination analysis of projected traffic.
 - 6. Documentation of on-site and off-site improvements proposed to mitigate any adverse impacts.

7. All other information, findings, conclusions and recommendations necessary to produce a complete analysis in compliance with accepted traffic engineering principles and practice.

8.7 Abandonment: Any Data Centers that are not used for twelve (12) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the lot or parcel unless the applicant or its successor can demonstrate good cause for the non-operation of the Data Center. All above and below ground materials must be removed. The ground must be restored to its original condition within 60 days of abandonment.

8.8 Escrow: An escrow account shall be set up with the Township Treasurer when the applicant applies for a permit for a Data Center. The Township shall provide a budget for the monetary amount to be paid by the applicant. The agreed upon budget shall be estimated by the Township to cover all reasonable costs and expenses directly associated with the permit review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Engineer, and similar Township consultants. At any point during the permit review process, should the existing escrow amount filed by the applicant prove insufficient, after providing the applicant with a written reasonable explanation for why the budget has been exceeded, the Township may require that the applicant place additional monies into escrow with the Township Treasurer. If the escrow account needs replenishing and the applicant refuses to do so within 60 days of being notified in writing, the permit review and approval process may cease until and unless the applicant makes the required escrow deposit. The escrow account shall not be required to bear interest. Any applicable escrow resolutions or other ordinances adopted by the Township shall also be applicable. Any balance in the escrow account shall be returned to applicant within two (2) years after completion of construction and commencement of commercial operation of the Data Center.

8.9 Approval Standards: In addition to the other requirements and standards contained in this Ordinance, the Township Board shall not approve any Data Center unless it finds that the Data Center will not pose an unreasonable safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife.

8.10 Emergency Response: The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:

- (a) Be reviewed and accepted by the local fire department and emergency management services as part of the permitting process;
 1. Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
 2. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;

3. Ensure that all first responders receive adequate training specific to the installed system;
 4. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center.
- (b) Any Data Center use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.
- (c) No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.

8.11 Security/Decommissioning: If a DCP is approved pursuant to this Ordinance, the Township Board shall require security in the form of a surety bond (in a form, amount, time duration and with a financial institution deemed acceptable to the Township), which will be furnished by the applicant to the Township in order to ensure full compliance with this Ordinance and any conditions of approval. When determining the amount of such required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a permit has been approved but before construction commences upon a Data Center. At a minimum, the financial security shall be in an amount determined by the Township Board to be sufficient to have the Data Center fully removed and decommissioned (and all components properly disposed of and the land returned to its original state) should such structure or structures become abandoned, dangerous or not in compliance with this Ordinance or the permit approval. Such financial security shall be kept in full force and effect during the entire time while a Data Center exists or is in place. Such financial security shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then-owner of the Data Center for at least 25 years from the date of the permit approval, or until every Data Center has been completely removed as required by this Ordinance, whichever comes later. Failure to keep such financial security in full force and effect at all times while a Data Center exists or is in place shall constitute a material and significant violation of a permit approval and this Ordinance, and will subject the applicant to enforcement action and all remedies available to the Township by law.

9.0 Waivers: Where there are practical difficulties or unnecessary hardships that unreasonably prevent the carrying out of the strict interpretation of this Ordinance, the Township Board shall have the power, upon a clear and convincing showing by the applicant, to waive or modify any of the rules, regulations or provisions of the Ordinance, by granting waivers, provided that any waiver granted from this Ordinance:

- (a) Will not be contrary to the public interest.
- (b) Will not cause a substantially adverse effect upon property values.
- (c) Will relate only to the lot or parcel under the control of the applicant.
- (d) Will not jeopardize the preservation of a substantial right, so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.
- (e) Will not impair the adequate supply of water, electric, air and light to any adjacent property.
- (f) Will not increase the hazards from fire, flood or other natural or man-made dangers.
- (g) Will not produce nuisance conditions to occupants of nearby lots or parcels, whether by reason of dust, noise, fumes, odors, vibration, smoke or excessive light.
- (h) Will not otherwise impair the public health, safety and general welfare of the residents of DeTour Township.

9.1 Permit Renewal, Review, and Enforcement

- (a) **Renewal and Review:** Permits shall be approved by Township Board resolution for a period of 5 years. Following completion of construction of the Data Center, the permit vests for the life of the project or until abandonment or decommissioning of the Data Center, subject to continuing compliance with any conditions or requirements of this Ordinance and the permit. Following construction of the Data Center, the applicant shall provide the Township by December 21 each year a report of the operations of the Data Center, any violations of the conditions or requirements of this Ordinance or the permit, any complaints received in writing, and any known or projected changes or modifications from any information previously submitted to the Township for approval of a permit. The Township Clerk will then forward all material to the Township Board to be reviewed at the next regularly scheduled Township Board meeting. If the evidence discloses that the permittee is not in compliance with this Ordinance or the permit, the Township Board shall give the permittee 180 days to correct any such noncompliance. The permittee shall be given written notice by the Township Board with an itemized list of the items in noncompliance with this Ordinance or permit.
- (b) **Review:** The Township Board shall review the information in the annual report and the inspector's report each year. If the reports or other evidence indicate that the permittee is not in material compliance with this Ordinance and the permit, after providing notice of

such noncompliance, 180 days to correct any such noncompliance, and an opportunity for a hearing before the Township Board, the Township may order such action as is necessary to achieve immediate compliance with the Ordinance and the permit. The Township Board's action may be appealed to a court with applicable jurisdiction.

9.2 Nuisance *Per Se*: The operation of any Data Center in DeTour Township in violation of this Ordinance is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction, requiring such actions as may be necessary to abate the nuisance.

9.3 Violations and Penalties

- (a) **Applicability:** This Ordinance and any permit issued hereunder shall be applicable to all applicants, property owners and operators of any Data Center operating within the Township. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or the permit is subject to the violations set forth in this Ordinance.
- (b) **Civil Infractions:** Any person or other entity who causes or permits to continue a violation of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and is subject to a civil fine of not more than \$500.00 for each day a violation continues, plus costs, which may include all direct or indirect expenses to which the Township has incurred in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law, including without limitation injunctive relief against such violations.

ROLL CALL VOTE:

YEAS: 5 Johnny Fountain Jr., Thomas Lehman, Patti Loehr, Marilyn McGuire, Bob Vaught

NAYS: 0

ABSENT/ABSTAIN: 0

ORDINANCE DECLARED ADOPTED.

Tommy Lehman, Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the DeTour Township Board at a duly scheduled meeting of that Township Board held on October 14_____, 2025 pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the _____ newspaper, a newspaper that circulates within DeTour Township, on _____, 2025.
3. Within one (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 Chippewa County Clerk on _____, 2025.

ATTESTED:

Marilyn McGuire, Township Clerk