

RESOLUTION FINDING A NEED FOR A MORATORIUM ON CONSIDERATION OR APPROVAL
OF APPLICATIONS FOR DATA CENTER OR ARTIFICIAL INTELLIGENCE AND ADOPTING AN
ORDINANCE IMPOSING A MORATORIUM

RESOLUTION

WHEREAS, the Village of Kekoskee has become aware of proposals for construction of data centers and artificial intelligence data centers in communities across the United States and the State of Wisconsin;

WHEREAS, existing zoning regulations and ordinances do not address the impact that a data center or artificial intelligence data center might have on the Village and the broader community because of the significant power requirements and possible use of water for cooling of the facility;

WHEREAS, the Village believes there is a need for careful study of the impact and benefits of data centers or artificial intelligence data centers, before any such facility is constructed in the Village;

WHEREAS, the Comprehensive Plan of the Village should be updated to address the natural resources, environmental, economic development and financial aspects of data centers and artificial intelligence data centers;

WHEREAS, Wis. Stats. sec. 66.1002 authorizes the Village to impose a moratorium on development if the conditions described in Wis. Stats. sec. 66.1002 (2)(a) are met;

WHEREAS, the Village has received a report from its planning and engineering consultants which indicates that there exists a concern that construction of a data center or artificial intelligence data center may overburden the electrical power grid in the Village and its vicinity, and may use a disproportionate amount of water;

THEREFORE, THE VILLAGE BOARD hereby resolves that a Moratorium on approval of data centers is necessary to prevent overburdening of facilities and resources in the Village.

Based upon that resolution, the Village of Kekoskee does hereby Ordain as follows:

Article One. As used in this ordinance, the following terms have the meanings stated:

- 1.01 (1) In this section, the term "data center" means buildings, equipment, structures, and other stationary items which exceed the threshold provided herein and which contain electronic equipment used to process, store, and transmit digital information for use by a software developer or customers of a software program or

programs. The term does not include computer servers or equipment which provide information technology services to a company such as a bank, insurance company, manufacturer, retailer or other company which derives the majority of its revenues from the sale of products or services other than software.

(2) "Artificial intelligence" means a computer algorithm, program, code or device which uses large language models, machine learning models, deep learning models, generative models, computer vision models, hybrid models or other software which seeks to emulate cognition or reasoning.

(3) a "large data center" means a facility or combination of facilities which are located on a single site or on contiguous, adjacent, or otherwise physically connected sites; are owned or operated by the same entity or by any entity that controls, is controlled by, or is under the common control of that entity, regardless of whether the site is a single-occupant or multi-occupant facility; and

(b) are used for the development or operation of artificial intelligence software, or operation or artificial intelligence programs, or data analysis using artificial analysis; and

(b) have, individually or in the aggregate, a maximum rated power capacity or total peak power load in excess of 20 megawatts or which will consume more than 200,000 gallons of water in a 24-hour period.

1.02 Findings. (a) The problem giving rise to this Moratorium is the proliferation of data centers throughout the United States, which are being constructed without adequate power supplies or cooling facilities.

(b) The Village intends to perform studies to update its comprehensive plan and ordinances to address the impact of data centers on the power grid and water resources of the Village.

(c) The moratorium created by this Ordinance will be in effect for twenty four months, which is the amount of time the Village believes will be necessary to study the impact of data centers and update the Village's comprehensive plan and ordinances.

(d) The length of time of the moratorium is based on the availability of professional staff resources, the length of time it will require to meet and discuss possible modifications of the Comprehensive Plan and ordinances, and the number of meetings which will be required.

(e) This ordinance will apply throughout the entire Village.

(f) The Village will consider exemptions for activities which would otherwise be subject to the moratorium but would have no impact or slight impact.

(g) This ordinance was preceded by a public hearing which was the subject of a Class 1 Notice which identified the name and contact information of a municipal official who was delegated to provide information concerning the proposed ordinance, and how to obtain a copy of the ordinance.

1.03 Moratorium. (a) Effective on the date of adoption of this Ordinance, no zoning amendment, certified survey map, plat or land division may be approved to authorize construction of a data center.

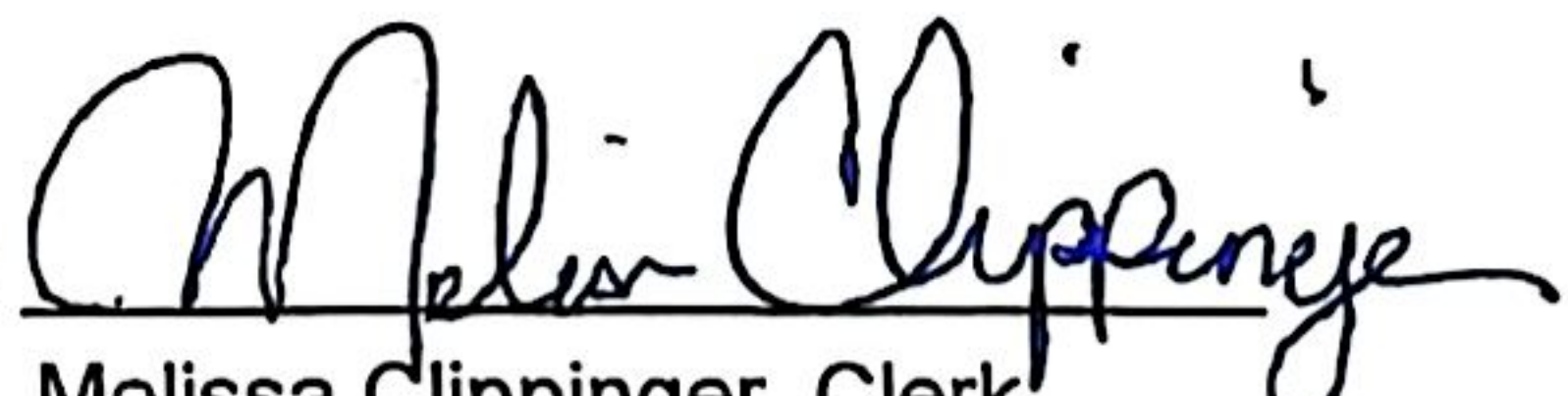
(b) Commencement of construction or construction of a data center subject to this moratorium constitutes a nuisance and a public harm which cannot be redressed by an award of damages.

Adopted and approved by the Village Board of the Village of Kekoskee this 20th day of October, 2026.


Donald Hilgendorf, Village President


Jake Margelofsky, Trustee #1


Loris Geschke, Village Trustee #2

Attest: 
Melissa Clippinger, Clerk