

ORDINANCE # 2026-05
TOWN OF ST. JOSEPH
ST. CROIX COUNTY

**An Ordinance of the Town Board of the Town of St. Joseph, St. Croix County, Wisconsin,
Establishing a Temporary Eighteen (18) Month Moratorium on the Establishment, Siting,
Construction, and Expansion of Data Centers Within the Town, and Directing a Study of
the Land Use Impacts of Data Centers.**

WHEREAS, the Town of St. Joseph (the "Town") is a town duly organized under the laws of the State of Wisconsin, and its Town Board (the "Town Board") is charged with the care of the affairs of the Town and with protecting the public health, safety, and general welfare of the Town and its residents; and

WHEREAS, the development of data centers—large-scale facilities that house networked computer servers for the storage, processing, and transmission of data—is an emerging land use that can involve substantial electrical demand, water consumption for cooling, backup power generation, noise, heat, traffic, and significant demands on public infrastructure and natural resources; and

WHEREAS, the Town's existing land use regulations were not adopted in contemplation of data centers and do not specifically address the unique characteristics and potential impacts of such facilities; and

WHEREAS, the Town Board finds that the Town needs a reasonable period of time to study the potential impacts of data centers, to evaluate whether and how such facilities should be regulated, and to determine whether amendments to the Town's land use regulations or comprehensive plan are necessary or advisable; and

WHEREAS, the Town Board finds that, absent a temporary moratorium, applications for the establishment, siting, construction, or expansion of data centers could be submitted, accepted, and approved under regulations that do not adequately address their impacts, thereby frustrating the Town's ability to plan for and regulate such uses and potentially resulting in development inconsistent with the results of the Town's study; and

WHEREAS, the courts of the State of Wisconsin have recognized that a municipality may, as a valid exercise of its police power, adopt a temporary ordinance to preserve the status quo and to prevent development that would frustrate a land use study or plan then under preparation; and

WHEREAS, the Town Board finds that a temporary moratorium of eighteen (18) months is a reasonable period within which to complete the study described in this Ordinance and to consider and, if warranted, adopt appropriate regulations; and

WHEREAS, it is the intent of the Town Board that this Ordinance not apply to small-scale, accessory data-processing uses such as server rooms, or to wireless communication facilities, which are regulated separately and, in the case of wireless communication facilities, are subject to state and federal law;

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF ST. JOSEPH, ST. CROIX COUNTY, WISCONSIN, ORDAINS:

Section 1. Purpose. The purpose of this Ordinance is to establish a temporary moratorium on the establishment, siting, construction, and expansion of Data Centers within the Town for a period of eighteen (18) months, in order to afford the Town Board and its committees, commissions, consultants, and advisors sufficient time to study the potential impacts of Data Centers and to determine whether, and in what manner, such facilities should be regulated within the Town.

Section 2. Findings. The Town Board adopts as its findings the recitals set forth above, each of which is incorporated into this Ordinance by reference as though fully set forth in this Section.

Section 3. Authority. This Ordinance is enacted pursuant to the Town's police power to protect the public health, safety, and general welfare, and pursuant to the powers conferred upon the Town and the Town Board under Chapters 60 and 61 of the Wisconsin Statutes and other applicable law, together with any village powers held by the Town Board. This Ordinance is intended to operate as a temporary measure to preserve the status quo pending the study described in Section 8.

Section 4. Definitions. For purposes of this Ordinance, the following terms have the following meanings:

(a) **"Data Center"** means a building, or a group of connected or related buildings, together with associated structures, equipment, and infrastructure, that is developed, constructed, operated, or used as a principal use for the primary purpose of housing a group of networked computer servers and related equipment to centralize the storage, processing, management, retrieval, communication, or dissemination of data and information. The term includes associated cooling systems, electrical supply and backup power generation, and similar supporting infrastructure. The term does not include any use exempted under Section 6.

(b) **"Establishment, siting, construction, or expansion"** means the new construction, installation, placement, enlargement, or physical or operational expansion of a Data Center, or the conversion or change of use of an existing building or structure to a Data Center.

(c) **"Server Room"** means computer, data-storage, or data-processing equipment, and the room or space housing it, that is accessory and incidental to a principal use of the property located on the same lot, and that supports the operations of that principal use rather than serving as a principal use in its own right.

(d) **"Wireless Communication Facility"** means equipment at a fixed location that enables wireless communications, including antennas, towers, poles, base stations, small wireless facilities, distributed antenna systems, equipment cabinets, shelters, and related support structures and equipment, as regulated under applicable state and federal law.

Section 5. Moratorium. For the duration of this Ordinance, and notwithstanding any other provision of the Town's ordinances to the contrary, no application for the establishment, siting, construction, or expansion of a Data Center shall be accepted, processed, or approved, and no permit, license, site plan approval, conditional use permit, zoning or rezoning approval, land division approval, building permit, or other Town approval shall be issued, for the establishment, siting, construction, or expansion of a Data Center within the Town. The Town and its officers, employees, boards, commissions, and committees shall not accept for filing, review, or otherwise act upon any such application during the term of this Ordinance.

Section 6. Exemptions. This Ordinance does not apply to, and nothing in this Ordinance shall prohibit, delay, or otherwise affect, the following:

(a) **Server Rooms.** A Server Room that is accessory and incidental to a lawful principal use on the same lot, provided that the Server Room does not exceed the lesser of two thousand (2,000) square feet of gross floor area or twenty-five percent (25%) of the gross floor area of the principal structure it serves; and

(b) **Wireless Communication Facilities.** The siting, construction, modification, collocation, or operation of Wireless Communication Facilities, which are regulated separately by the Town to the extent permitted by, and consistent with, applicable state and federal law, including the federal Telecommunications Act of 1996 and the applicable regulations of the Federal Communications Commission.

Section 7. Pending Applications; Existing Uses. To the maximum extent permitted by law, this Ordinance applies to all applications for the establishment, siting, construction, or expansion of a Data Center submitted to the Town on or after its effective date. Nothing in this Ordinance shall be construed to affect any application that, as of the effective date of this Ordinance, is required by law to be decided on the basis of the regulations in effect at the time the application was submitted. This Ordinance does not affect any Data Center or other use lawfully established and existing on the effective date of this Ordinance.

Section 8. Study; Recommendations. During the term of this Ordinance, the Town Board, together with such committees, commissions, consultants, and advisors as it may designate, shall study the potential impacts of Data Centers, including impacts on electrical and water supply and

infrastructure, public services, roads, noise, land use compatibility, the environment and natural resources, and the Town's comprehensive plan, and shall determine whether to recommend the adoption of regulations governing Data Centers. The Town Board shall endeavor to complete the study, and to consider any resulting regulations, before the expiration of this Ordinance.

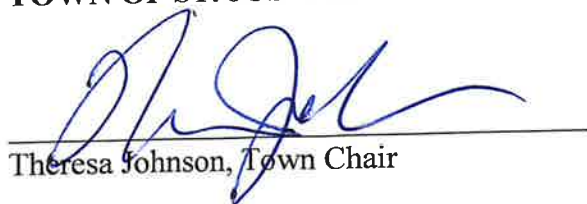
Section 9. Duration; Early Termination. This Ordinance shall be in effect for a period of eighteen (18) months from its effective date, and shall automatically expire and be of no further force or effect at the end of that period unless earlier repealed, extended, or modified by the Town Board in accordance with law. The Town Board may, by ordinance, repeal or modify this Ordinance prior to its expiration if the Town Board determines that the study described in Section 8 has been completed, or that the purposes of this Ordinance have otherwise been satisfied or no longer require the moratorium.

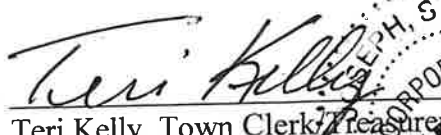
Section 10. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance. The Town Board declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, and phrase of it, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 11. Effective Date. This Ordinance shall take effect upon its passage by the Town Board and publication or posting as required by law.

APPROVED AND ADOPTED this 10th day of September, 2026.

TOWN OF ST. JOSEPH


Theresa Johnson, Town Chair

Attest: 
Teri Kelly, Town Clerk/Treasurer

