

APPLE CREEK TOWNSHIP MORATORIUMS

MORATORIUM ONE

MORATORIUM ON THE ESTABLISHMENT, CONSTRUCTION, AND OPERATION OF DATA CENTERS

Section 1. Purpose and Intent

Pursuant to the Township's authority under the North Dakota Century Code, including but not limited to N.D.C.C. 58-03-11 and the Township's inherent responsibility to protect the public health, safety, and welfare, the Township's Board hereby enacts a moratorium on the establishment, construction, expansion, or operation of data centers within the jurisdictional boundaries of the Township.

The Township anticipates inquiries into the development of data centers within its boundaries. Due to the significant potential impacts of such facilities on land use, energy and water consumption, noise levels, traffic, public infrastructure, and environmental conditions, the Township finds it necessary and appropriate to conduct a comprehensive study and consider the adoption of permanent regulations as they pertain to the Apple Creek Township.

This moratorium is intended to preserve the status quo while the Township conducts necessary planning, obtains public input, and formulates appropriate zoning and land use policies specific to data centers.

Section 2. Definitions

For the purposes of this Moratorium:

- (a) **Data Center** shall mean any facility used to house computer systems and associated components, such as telecommunications, data storage systems, crypto mining, and which may include backup power supplies, redundant data communications connections, environmental controls (e.g., air conditioning, fire suppression), and security devices.

Section 3. Moratorium Imposed

Effective upon the adoption of this moratorium, no permit, license, certificate of occupancy, site plan approval, conditional use approval, zoning change, or any other official action shall be issued or granted by the Township, or its agents, boards, or commissions, that would permit or authorize the establishment, construction, expansion, or operation of any data center within the Township during the period of this moratorium.

Section 4. Duration

This moratorium expires 730 days from the date of adoption. It may be extended only through a new ordinance following a public hearing and justification based on ongoing evaluations.

Section 5. Effective Date

This moratorium shall take effect immediately upon adoption and publication as required by law.

MORATORIUM TWO

MORATORIUM ON DIRECT AIR CARBON CAPTURE FACILITIES (DACC)

Section 1. Purpose and Intent

This moratorium prohibits acceptance, review, processing, permitting, or construction of any direct air carbon capture (DACC) facilities within township limits. The aim is to protect public health, property rights, environmental integrity, and to provide time for thorough study of safety, land-use compatibility, emergency response, and regulatory frameworks.

Section 2: Definitions

- (a) **Direct air carbon capture facility** means any industrial-scale mechanical or chemical facility that utilizes powered equipment, engineered systems, or chemical processes to capture carbon dioxide (CO₂) directly from ambient atmospheric air for the purpose of compression, injection, sequestration, storage, transportation, or commercial utilization.
- (b) **Permit** includes any local zoning, building, conditional-use, or development permits applicable to DACC projects.
- (c) **Person** means any individual, corporation, company, partnership, or any other legal entity.

Section 3: Moratorium Imposed

Effective immediately upon adoption, the Township shall not accept, consider, process, or approve any applications or permits for new or expanded DACC facilities or related infrastructure—such as compressor stations, sequestration equipment, or CO₂ transportation systems.

Section 4: Duration

This moratorium expires 730 days from the date of adoption. It may be extended only through a new ordinance following a public hearing and justification based on ongoing evaluations.

Section 5: Findings and Justification

The Township Board finds that:

- (a) The technology for direct air carbon capture is relatively nascent, with potential risks related to noise, land disturbance, chemical processing, and road traffic.
- (b) Safety protocols, setback distances, environmental impact standards, and emergency response plans for DACC remain undeveloped or untested at the local level.

Section 6: Effective Date

This moratorium shall take effect immediately upon adoption and publication as required by law.

MORATORIUM THREE

MORATORIUM ON NUCLEAR AND INDUSTRIAL WASTE DISPOSAL SITES

Section 1. Purpose and Intent

This moratorium prohibits the acceptance, approval, siting, permitting, or construction of nuclear and industrial waste disposal facilities within the township. Its purpose is to safeguard public health, safety, and welfare while allowing township officials time to review existing regulations, environmental data, and best practices.

Section 2. Definitions

- (a) **Nuclear waste** means low- or high-level radioactive waste, spent fuel, or byproducts.
- (b) **Industrial waste** means hazardous or industrial waste defined under N.D.C.C. 23.1-04-02 and ND Administrative Code 33.1-20-01.1-03.
- (c) **Facility** means any proposed or existing site for disposal, treatment, storage, or transfer of nuclear or industrial waste requiring any local, state, or federal permit.

Section 3. Moratorium Imposed

Effective immediately upon adoption, the township shall not accept, process, approve, or issue any permit (including zoning, conditional use, building, or state/local environmental) for any new or expanded nuclear or industrial waste disposal facility within township boundaries.

Section 4. Duration

This moratorium expires 730 days from the date of adoption. It may be extended only through a new ordinance following a public hearing and justification based on ongoing evaluations.

Section 5. Effective Date

This moratorium shall take effect immediately upon adoption and publication as required by law.

MORATORIUM FOUR

MORATORIUM ON RENEWABLE-ENERGY BATTERY STORAGE FACILITIES

Section 1. Purpose and Intent

This moratorium prohibits the acceptance, review, processing, permitting, or construction of any commercial-scale energy storage installations—such as lithium-ion or flow batteries—within township boundaries. The moratorium is intended to protect public health and safety while the township reviews safety standards, land-use compatibility, setbacks, emergency response, and regulatory alignment.

Section 2. Definitions

- (a) **Battery storage facility** means any commercial-scale system using electrochemical or other technology to store electrical energy, typically coupled with renewable generation.
- (b) **Related infrastructure** includes enclosures, transformers, inverters, safety systems, or vehicle access plans connected to battery storage operations.
- (c) **Permit** refers to any required local zoning, conditional-use, building, or development permit.

Section 3. Moratorium Imposed

Effective immediately upon adoption, Apple Creek Township will not accept, process, approve, or issue any permit or authorization for new or expanded battery storage facilities or associated infrastructure.

Section 4. Duration

This moratorium expires 730 days from the date of adoption. It may be extended only through a new ordinance following a public hearing and justification based on ongoing evaluations.

Section 5. Effective Date

This moratorium shall take effect immediately upon adoption and publication as required by law.

MORATORIUM FIVE

MORATORIUM ON ESTABLISHMENT, CONSTRUCTION, AND OPERATION OF SOLAR FARMS

Section 1. Purpose and Intent

Pursuant to the authority granted by the North Dakota Century Code, including N.D.C.C. 58-03-11 and the Township's inherent responsibility to protect public health, safety, and general welfare, the Township's Board hereby adopts this moratorium on the establishment, construction, expansion, or operation of solar farms.

Solar Farm projects raise significant concerns regarding land use compatibility, aesthetic impact, environmental effects, long-term land conservation, and potential effects on nearby property values and agricultural land.

Section 2. Definitions

(a) **Solar Farm** means a utility-scale or commercial solar energy facility that generates electricity from solar radiation for off-site use, whether connected to the public utility grid or operated independently, and typically consisting of multiple solar panels, inverters, transformers, mounting systems, energy storage systems, and associated infrastructure on one or more contiguous parcels of land.

Section 3. Moratorium Imposed

(a) Effective immediately upon the adoption of this moratorium, the Township, including any of its officers, boards, commissions, or agents, shall not accept, review, process, approve, or issue any permits, licenses, site plan approvals, special or conditional use permits, building permits, zoning changes, or any other official approvals related to the establishment, siting, construction, expansion, or operation of a solar farm within the boundaries of the Township.

Section 4. Duration

This moratorium expires 730 days from the date of adoption. It may be extended only through a new ordinance following a public hearing and justification based on ongoing evaluations.

Section 5. Effective Date

This moratorium shall be in full force and effect upon its adoption and publication as required by law.

MORATORIUM SIX

MORATORIUM ON ESTABLISHMENT, CONSTRUCTION, AND OPERATION OF WIND FARMS

Section 1. Purpose and Intent

Pursuant to the authority granted under the North Dakota Century Code, including but not limited to N.D.C.C. 58-03-11 and the Township's inherent responsibility to regulate land use for the protection of public health, safety, and general welfare, the Township's Board hereby adopts this moratorium on the establishment, construction, expansion, or operation of wind farms.

Wind farms may have significant impacts on agricultural land, rural character, wildlife habitat, property values, aesthetics, noise levels, shadow flicker, and aircraft safety. The moratorium is intended to protect public health and safety while the township reviews safety standards, land use compatibility, setbacks, emergency response and regulatory alignment.

Section 2. Definitions

For the purposes of this moratorium:

- (a) **Wind Farm** means a wind energy conversion system consisting of one or more wind turbines together with any associated infrastructure such as substations, transmission lines, meteorological towers, access roads, operation and maintenance facilities, which is intended to generate electricity for off-site or commercial use.

Section 3. Moratorium Imposed

Effective upon adoption of this moratorium, the Township, including its officers, boards, commissions, and agents, shall not accept, review, process, issue, or approve any applications, permits, variances, conditional use approvals, zoning changes, site plans, or other official actions related to the establishment, construction, siting, expansion, or operation of a wind farm within the boundaries of the Township.

Section 4. Duration

This moratorium expires 730 days from the date of adoption. It may be extended only through a new ordinance following a public hearing and justification based on ongoing evaluations.

Section 5. Effective Date

This moratorium shall take effect immediately upon its adoption and publication according to law.

