TOWN OF MERCER, MAINE

DATA CENTER MORATORIUM ORDINANCE

TO BE PRESENTED FOR ADOPTION ON OCTOBER 8, 2026

ATTESTED TO BE A TRUE COPY:

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NANCY J GOVE, TOWN CLERK

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DATA CENTER MORATORIUM ORDINANCE
FOR THE TOWN OF MERCER

Enacted on October 8, 2026 by the vote of Mercer Town Meeting

The **TOWN OF MERCER**, Maine hereby adopts a moratorium ordinance entitled "Data Center Moratorium Ordinance" as follows:

WHEREAS the Town of Mercer is potentially at risk of the siting and development of large-scale data centers, which are facilities used for the processing, storage, and transmission of digital information, due to the recent increase in interest within the State of Maine; and

WHEREAS residents of the Town of Mercer have expressed concerns about proposals for such developments, including concerns regarding quality of life, adjacent property values, environmental, health and safety concerns, decommissioning liabilities and costs, visual impacts, etc.; and

WHEREAS data centers require substantial and continuous electrical power to operate, which raises concerns regarding the impacts on local energy grids, and/or environmental effects of on-site electric generation, further resulting in an increase in residential utility costs; and

WHEREAS data centers require significant water consumption to operate, which places high demands on local water sources, aquifers and residential wells; and,

WHEREAS data centers utilize extensive machinery and systems that may generate noise, heat, and emissions that could affect surrounding properties and natural resources; and,

WHEREAS the initial construction and continued operation of data centers may cause strain on public infrastructure systems due to an increase in traffic and road degradation; and,

WHEREAS data center locations often occupy large areas of land, causing concern for efficient land use which aligns with current and future planning goals set forth by the Town; and,

WHEREAS the continued pressure for data center development is likely due to the growing demand regionally and nationally; and,

WHEREAS the development of said data centers could pose a significant threat to the quality of life, adjacent property values, and the environment, health and safety of the Town of Mercer residents; and,

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WHEREAS the development of data centers was not anticipated, therefore the Town of Mercer's current ordinances and regulations do not reflect the required frameworks or permitting process to ensure that Town resources and facilities are not overburdened, that the location and operation of data centers are effectively reviewed and regulated and that public harm is prevented; and,

WHEREAS the Town of Mercer requires at least 180 days to consider, develop, and implement the necessary ordinances and regulations to protect the health, safety, and welfare of the residents of the Town of Mercer; and,

WHEREAS in the judgment of the of the Planning Board, the Select Board, and a vote of majority of Mercer residents at a special town meeting, the foregoing facts constitute an emergency and demonstrate that a moratorium on the development of data centers is necessary pursuant to 30-A, M.R.S.A. §4356(1).

NOW, THEREFORE, the Town of Mercer hereby ordains that the following Moratorium Ordinance be enacted:

I. **Authority:** This Moratorium Ordinance is enacted pursuant to 30-A M.R.S.A. § 4356 and the Town of Mercer's home rule authority pursuant to the Maine Constitution and 30-A M.R.S.A. § 3001.

II. **Definitions:** The following definition shall be used in the interpretation and construction of this Ordinance:

a. **Data Center:** "Data Center" shall be defined as any facility which may be a freestanding structure or a facility within a larger structure, that primarily contains electronic equipment used to process, store, and transmit digital information and requires environmental control equipment to maintain the proper conditions for the continuous operation of the equipment.

III. **Purpose:** The purpose of this Moratorium Ordinance is to allow municipal officials a reasonable length of time to evaluate the concerns raised in regard to any potential data center development and determine the adequacy of existing land use ordinances and regulations, and, if necessary, develop additional ordinances and regulations to provide adequate protection for the property, health, welfare, and safety of the Town of Mercer's residents.

IV. **Moratorium on Data Center Facilities:** The Town of Mercer hereby declares and imposes a moratorium, prohibiting the development of any and all data centers within the Town of Mercer for a period of 180 days.

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V. **Moratorium on Procession Applications:** No official, officer, board, or body of the Town of Mercer, including but not limited to the Code Enforcement Officer, the Planning Board, or the Municipal Officers, shall accept, process, review, deny, approve, authorize, or issue any applications, petitions, plans, permits, licenses, or requests for approval or authorization involving any and all data center development, construction, operation, or use located, in whole or in part, within the Town of Mercer.

VI. **Severability:** To the extent any provision of this Moratorium Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium Ordinance shall remain valid.

VII. **Effective Date:** In view of the facts cited in the preamble, this Moratorium Ordinance shall take effect immediately upon passage by a majority vote at a special town meeting of the Town of Mercer and, notwithstanding the provisions of 1 M.R.S.A. § 302, be applicable, to the maximum extent permitted by law and subject to the severability clause above, to all filed, pending, or future applications and petitions for data centers which have not received all necessary development permits and licenses from the Town of Mercer and all proposed data centers that were not fully operational and/or did not have all the required State permits as of October 8, 2026, which is the date of enactment of this moratorium's adoption by a majority vote at special town meeting for the Town of Mercer.

VIII. **Enforcement:** The Municipal Officers are hereby authorized to institute any and all actions, either legal or equitable, that they deem necessary or appropriate to enforce the provisions of this Moratorium Ordinance.

IX. **Civil Penalties:** Any violation of this Moratorium Ordinance is subject to an enforcement action under 30-A M.R.S.A. § 4452. Any violation of this Moratorium Ordinance constitutes a nuisance. Each day of violation shall constitute a separate offense. All civil penalties shall insure to the benefit of the Town of Mercer.

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