

ORDINANCE NO. 2026-04

**AN INTERIM ORDINANCE FOR THE CITY OF HASTINGS, MINNESOTA,
PROVIDING FOR A MORATORIUM ON THE ESTABLISHMENT OF
DATA CENTERS WITHIN THE CITY**

**THE CITY COUNCIL OF THE CITY OF HASTINGS, MINNESOTA, ORDAINS AS
FOLLOWS:**

SECTION 1: Authority. Pursuant to Minnesota Statutes, section 462.355, subdivision 4, the City of Hastings, Minnesota ("City") is authorized to adopt an interim ordinance for the purpose of protecting the planning process and the health, safety and welfare of its citizens. The interim ordinance may regulate, restrict, or prohibit any use or development in all or a part of the City while the City is conducting studies, or has authorized a study to be conducted, or has scheduled a hearing to consider adoption or amendment of the comprehensive plan, or official zoning controls. The City Council declares that this Interim Ordinance ("Ordinance") is adopted pursuant to this statutory authority.

SECTION 2. Findings. The City Council is concerned about potentially unknown or adverse impacts that the increased siting, development, re-development or expansion of data centers might have on the City as a whole and the neighborhoods and zoning districts in which such uses are located. The City's official controls do not currently define or permit data centers as a separate use category although the prevalence of such facilities is expanding on a national, regional, and local basis. The City Council finds that this Ordinance should be adopted to protect the planning process and the health, safety and welfare of the citizens.

SECTION 3. Definition. For purposes of this Ordinance, the term "data center" means a building or other facility used principally for the storage, management, processing, and/or transmission of digital data, which houses computer or network equipment, systems, services, appliances, and/or other associated components related to digital data operations. A data center may also include accessory and appurtenant facilities, such as offices, air handlers, power generators, water cooling systems and water storage facilities, utility substations, and other associated infrastructure necessary to support sustained digital data operations. The term "data center" shall not include computing facilities which are not the principal use of a building or other facility in extent or area, but which may perform similar functions in a manner that is merely accessory to a separate and lawful principal use.

SECTION 4. Study. The Community Development Department, in cooperation with other applicable departments, is authorized to conduct a study to evaluate the impact of data centers citywide and to propose amendments to the City of Hastings City Code that it deems necessary and advisable. The study area is the entire City.

SECTION 5. Restrictions. A moratorium is hereby imposed on data centers, which during the term of this Ordinance shall be considered a prohibited use within each zoning district in the City. No data center shall be established, re-established, or expanded. No zoning approval, building permit, construction permit, demolition permit, or other City permit for the establishment, reestablishment, or expansion of any data center shall be allowed or granted by the City.

SECTION 6. Duration. Unless rescinded by action of the City Council, the moratorium established by this Interim Ordinance shall remain in full force and effect until August 17, 2027. The

moratorium may be extended as provided in Minn. Stat. §462.355, subd. 4(d).

SECTION 7. Enforcement. The City may enforce this Ordinance through criminal prosecution or by undertaking such civil actions or proceedings, including, without limitation, injunctive relief, as it determines appropriate to prevent, restrain, correct, or abate any violation or threatened violation of this Ordinance. The initiation of one type of enforcement action shall not preclude the City from instituting any other action or proceeding available to it under law to enforce this Ordinance. Any person, firm, partnership, corporation, or other entity violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to imprisonment for up to 90 days, a fine of up to \$1,000, or both, plus the costs of prosecution. Each day that a violation occurs shall be considered a separate offense.

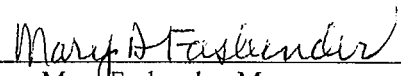
SECTION 8. Severability. Every section, provision and part of this Ordinance is declared severable from every other section, provision and part thereof. If any section, provision or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision or part of this Ordinance.

SECTION 9. Summary publication. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance.

On August 17, 2026, the City Council of the City of Hastings adopted Ordinance No. 2026-04 an interim ordinance providing for a moratorium on the establishment of data centers within the City of Hastings. Ordinance No. 2026-04 authorizes a study to be conducted on data centers to evaluate the impact of data centers citywide and establishes a citywide moratorium on data centers until August 17, 2027, unless rescinded by the City Council. During the moratorium, a data center shall be considered a prohibited use within each zoning district in the City and no data center shall be established, re-established, or expanded.

SECTION 10. Effective Date. This Ordinance shall be effective upon seven (7) days after its passage and publication.

PASSED this 17th day of August, 2026.



Mary Fasbender, Mayor

Attest:



Megan Schlei, Interim City Clerk

Published in the *Hastings Journal* on August 20th and 27th, 2026