

**ORDER AND ORDINANCE OF COUNTY COMMISSION OF WEBSTER COUNTY,  
MISSOURI**

**AN ORDER AND ORDINANCE ENACTING A TEMPORARY MORATORIUM ON  
SOLAR ENERGY SYSTEMS, WIND ENERGY CONVERSION SYSTEMS, BATTERY  
ENERGY STORAGE SYSTEMS, AND DATA CENTERS WITHIN WEBSTER  
COUNTY, MISSOURI**

WHEREAS, § 49.650, RSMo., authorizes a county to adopt ordinances and resolutions relating to its property, affairs, and local government for which no provision has been made in the constitution or laws of Missouri regarding nuisance abatement and storm water control, excluding agricultural and horticultural property, the promotion of economic development for job creation purposes, and for emergency management when the safety and welfare of the inhabitants of the county are jeopardized; and

WHEREAS, recent advances have led to a rapid increase in the development of data centers across Missouri and the rest of the country; and

WHEREAS, the County Commission acknowledges that there is considerable interest and concern on the part of residents of Webster County, Missouri related to the possible development of Solar Energy Systems, Wind Energy Conversion Systems, Battery Energy Storage Systems, and Data Centers within the unincorporated territory of Webster County, Missouri; and

WHEREAS, the County Commission desires to study the potential impacts of Solar Energy Systems, Wind Energy Conversion Systems, Battery Energy Storage Systems, and Data Centers on local infrastructure, specifically regarding the large quantities of energy and water such facilities may consume, to ensure that such development does not negatively impact the availability or reliability of utilities for existing users; and

WHEREAS, the County Commission finds that data centers may consume substantial electricity, which requires further investigation and coordination with local electrical utilities to evaluate grid stability and to identify any potential risks of localized power availability and potential disruptions to critical residential, medical, and climate control systems; and

WHEREAS, because data centers may utilize continuous cooling systems and emergency backup generators, the County Commission requires time to assess the potential ambient noise impacts of these facilities and to determine what specific community noise standards or setbacks may be necessary to preserve public health and the quiet enjoyment of adjacent properties; and

WHEREAS, the construction of Solar Energy Systems, Wind Energy Conversion Systems, Battery Energy Storage Systems, and Data Centers introduces substantial impervious surface acreage, and the County Commission seeks to investigate how such development alters localized drainage patterns and storm water runoff in order to determine the appropriate scope of management controls necessary to prevent erosion, downstream flooding, or public health hazards related to water quality; and

WHEREAS, the County Commission intends to evaluate whether and to what extent the unique operational characteristics of Solar Energy Systems, Wind Energy Conversion Systems, Battery Energy Storage Systems, and Data Centers, including without limitation noise, utility strain, and storm water runoff, could impact adjacent property or the surrounding area's economic viability, so that any future regulations will appropriately safeguard the local tax base, protect property rights, and promote stable economic development pursuant to § 49.650, RSMo.; and

WHEREAS, the County Commission recognizes the need to collaborate with local emergency management and first responders to evaluate potential safety hazards unique to Solar Energy Systems, Wind Energy Conversion Systems, Battery Energy Storage Systems, and Data Center operations and to determine what emergency response planning and coordination should be required prior to construction; and

WHEREAS, § 192.300, RSMo., authorizes a county to make and promulgate orders, ordinances, rules or regulations as will tend to enhance the public health and the prevention of infectious, contagious, communicable, or dangerous diseases; and

WHEREAS, the County Commission desires to study the potential impacts of Solar Energy Systems, Wind Energy Conversion Systems, Battery Energy Storage Systems, and Data Center on the public health and the impact said facilities and systems may have within Webster County, Missouri, to ensure that such development does not negatively impact the public health of the residents of Webster County, now or in the future; and

WHEREAS, the County Commission of Webster County concludes that a temporary moratorium on the construction and operation of Solar Energy Systems, Wind Energy Conversion Systems, Battery Energy Storage Systems, and Data Centers is necessary to provide the County with the reasonable time required to investigate, study, and develop a comprehensive, evidence-based legislative framework that protects public health and safety, safeguards the local tax base, protects property rights, and promotes stable economic development as authorized pursuant to § 192.300, RSMo., and § 49.650, RSMo.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE COUNTY COMMISSION OF WEBSTER COUNTY, MISSOURI, AS FOLLOWS:

1. Incorporation of Recitals. The WHEREAS clauses set forth above are incorporated herein as the findings of the Webster County Commission as if fully set forth herein.
2. Moratorium. Webster County, Missouri, hereby enacts and establishes a moratorium on the construction, establishment, operation, or expansion of any Solar Energy Systems, Wind Energy Conversion Systems, Battery Energy Storage Systems, and Data Centers, including the issuance of any permits related thereto, with said moratorium to run from the date of passage for a period of six (6) months from the date of adoption of this Ordinance. The moratorium established by this Ordinance shall automatically terminate at the expiration of the moratorium period established herein unless the County Commission terminates this moratorium

at an earlier date or extends the moratorium by further order of the County Commission if comprehensive regulations cannot be adopted and finalized on or before the expiration of the moratorium period. During the moratorium period, the County Commission shall research the nature and extent of local impacts of Solar Energy Systems, Wind Energy Conversion Systems, Battery Energy Storage Systems, and Data Centers, evaluate potential methods of regulation suitable to minimize such impacts, and engage with elected officials, residents, stakeholders, and legal counsel to determine the type and extent of regulation permissible and advisable for Webster County following the moratorium period. Any construction, establishment, or expansion of a Solar Energy System, Wind Energy Conversion System, Battery Energy Storage System, or Data Center in violation of this moratorium shall be subject to enforcement action by the County, including injunctive relief. This moratorium shall not apply to any Solar Energy System, Wind Energy Conversion System, Battery Energy Storage System, or Data Center which is currently in existence or for which the owner or developer has physically commenced on-site construction activities beyond site grading or preparation prior to the date of adoption of this Ordinance.

3. **Definitions.** For the purposes of this Ordinance, the following terms shall apply:
  - a. **"Data Center"** shall mean a building, group of buildings, or facility of 2,500 square feet or more, or with an aggregate information technology power capacity of 250 kilowatts or more, whose primary use is data processing or data storage, and is used to house computer systems, servers, and associated components, such as, but not limited to, facilities housing central processing units, graphical processing units, quantum computing hardware, quantum processors, memory, data routing equipment, or data storage equipment, or facilities used for data warehousing, server farm, cryptocurrency mining or processing, virtual server hosting, artificial intelligence training or processing, image processing, cloud computing, email servicing, telecommunications hotel or colocation services, or associated infrastructure characterized by total peak power capacity exceeding 250 kilowatts, specialized industrial cooling systems, and/or significant noise-generating components, including any future technology or use that is substantially similar in operational characteristics to the foregoing, particularly with respect to high-density energy consumption, specialized industrial cooling requirements, or significant noise generation. "Data Center" shall not include any server room, network closet, or similar installation that (a) occupies no more than 500 square feet, (b) consumes no more than 250 kilowatts of power, and (c) is co-located on a business premises and used on-site solely to support the internal operations of such business and shall not include any such building, group of buildings, or facility that was existing or for which construction had commenced prior to the effective date of this Ordinance, as further set forth in Section 2 hereof.
  - b. **"Wind Energy Conversion System"** shall mean all necessary facilities that together convert wind energy into electricity and that delivery electricity to a

utility's transmission lines, including, but not limited to the rotor, nacelle, generator, wind energy conversion system tower, electrical components, wind energy conversion system found, transformer, electrical cabling from the wind energy conversion system tower to the substation or switchyard, communication facilities, transmission lines, poles, or towers, operations and maintenance building, and other appurtenances related to a wind energy conversion system. For purposes of this Ordinance, "Wind Energy Conversion System" shall not include any currently existing wind energy conversion system located within the unincorporated territory of the County and shall not apply to small-scale components co-located on a premise and meant to be used to generate electricity for use on site by the owner of the property.

- c. **"Battery Energy Storage System"** shall mean a system or facility that uses one or more batteries or other electrochemical devices, together with associated electrical, thermal, safety, control, communications, conversion, and monitoring equipment, for the collection, storage, management, conversion, and discharge of electrical energy for later use, grid support, peak shaving, backup power, load shifting, renewable energy integration, or other lawful energy-related purposes, including, but not limited to battery cells, modules, racks, containers, enclosures, inverters, converters, transformers, switchgear, substations, cabling, thermal management systems, fire suppression systems, ventilation systems, emergency shutdown equipment, fencing, security equipment, operations and maintenance structures, and other appurtenances related to a battery energy storage system. For purposes of this Ordinance, "Battery Energy Storage System" shall not include any currently existing Battery Energy Storage System located within the unincorporated territory of the County and shall not apply to small-scale components co-located on a premise and meant to be used to store or provide electricity for use on site by the owner of the property.
- d. **"Solar Energy System"** shall mean all necessary facilities that together convert solar energy into electricity and delivery electricity for use, and which shall include a device, array of devices, or structural design features, the purpose of which is to provide for generation or storage of electricity from sunlight, including, but not limited to solar photovoltaic systems, solar thermal systems, and solar hot water systems. For purposes of this Ordinance, "Solar Energy System" shall not include any currently existing Solar Energy System located within the unincorporated territory of the County and shall not apply to small-scale components co-located on a premise and meant to be used to generate electricity for use on site by the owner of the property.

4. Applicability. This Ordinance shall not apply to any railroad company, telecommunications or wireless company, public utility, rural electric cooperative, or municipal

utility, or other electrical corporation regulated by the Public Service Commission. This Ordinance shall only apply to the unincorporated sections of Webster County.

5. Enforcement. The County may seek injunctive relief in circuit court to prohibit construction or require removal of non-compliant facilities. In any enforcement action brought by the County under this Order and Ordinance, the County shall be entitled to recover its reasonable attorney's fees, costs, and expenses from the violating party.

6. Severability. If any section, subsection, or provision of this Ordinance is held invalid, the remainder shall not be affected.

7. Legal Effect. This Ordinance shall be in full force and effect from and after its passage and approval.

8. Order of Printing and Publication. Upon adoption of this Ordinance, the County Commission declares and orders that this Ordinance be printed and made available for distribution to the public in the Office of the County Clerk and orders a copy of this Ordinance to be published in a newspaper in the county for three successive weeks, not later than thirty (30) days after the entry of this Ordinance.

By Order of the County Commission of Webster County, Missouri on this 16 day of June, 2026.

Paul Ipock  
Paul Ipock, Presiding Commissioner



Dale Fraker  
Dale Fraker, Northern District Commissioner

Randy Owens  
Randy Owens, Southern District Commissioner

ATTEST:

Stanley D. Whitehurst  
Stanley D. Whitehurst, County Clerk