



DATA CENTER ORDINANCE GAP ANALYSIS

A Fact-Based Comparison of the City of Mandan and Morton County Data Center Ordinances

Data Center Ordinance GAP Analysis

Streamlined comparison of Mandan and Morton County ordinance provisions with outcome commentary.

Topic	Mandan Ordinance:	Morton County Ordinance:	Community member recommendation	Chamber EDC Recommendation
1. Public-hearing notice	§101-11-12, §2(d), p. 6: One-half mile	§5-310, "Notification Standard", p.5: 3 miles, reducible if over 300 addresses	Adopt the 3-mile standard or a similarly broad radius, with direct notice to affected public entities.	The ½-mile matches the sensitive receptor radius, notifying the sensitive properties is intentional. The 3-mile notification radius for the county is impractical for urban environments.
2. Preconstruction Notice	No express construction-specific mailed notice in §101-11-12; liaison in §2(d), p.6	§5-310, "Standards for Community Relations," pp. 12-13: 1 mile and affected roads, 14 days	Add this separate construction notice requirement.	Dust, noise, haul road, safety fencing, debris management, track-out, and right-of-way obstruction covered in other areas of the ordinance/building permit process. Mandan doesn't typically notify the public about private construction activity on private property. If construction activity along the haul significantly affected properties other than those included in the .5-mile notification, the City would include additional public engagement as a part of the required Development Agreement.
3. Electrical Capacity and Customer Cost	§101-11-12 (f), pp. 8-9: capacity verification and rate-structure statement	§5-310, "Electrical Service and Cost Responsibility," pp. 1-3: binding full-buildout certification and cost recovery	Require proof that existing customers Will not subsidize project-specific capacity or infrastructure.	The city has no authority to determine electrical utility rates, neither does Morton County. Federal Government has ordered "bring your own power" policies.

Topic	Mandan Ordinance:	Morton County Ordinance:	Community member recommendation	Chamber EDC Recommendation
4. Natural-Gas Capacity	§101-11-12, §3(f)(2), p. 9: projected peak use	§5-310, "Application Materials," p.4: volume, conveyance, and provider capacity confirmation	Add binding provider confirmation for full buildout and emergency operations.	Document & comments imply the city is only requiring projected peak use, which is incorrect. They will require the same information as electrical service providers, including capacity statements.
5. Traffic Study and Haul Routes	§101-11-12, §3(a)(3), p. 6; §4(a)(4)-(5), pp. 11-12: trips, PCI, and funding	§5-310, "Application Materials," pp. 4-5: trips, haul-route map, state highway and safety-triggered studies	Require traffic-impact studies for schools, unsafe roads, state highways, and high-volume corridors	The city would handle case-by-case scenarios in their required Development Agreement. Traffic studies and haul road impacts are among the most common items discussed in all Development Agreements. Morton County doesn't require either. Zoning administrator has discretion, or NDDOT if it's on a state highway.
6. Road-use Agreement	§101-11-12, §4(a)(4)-(5), pp. 11-12: PCI restoration and advance infrastructure funding; no express road-use agreement	§5-310, "Road Standards," p.12: agreement required before construction or permit	Make a road-use agreement a permit precondition	This is already included in the City of Mandan's Development Agreement (DA). Road condition restoration is a sub-item under the DA section.
7. Site Access and Sight Distance	§101-11-12, §3(b)(20), p. 7: access locations only	§5-310, "Use Standards," p.6: two access points, 500-foot sight distance, flaggers	Adopt objective access and traffic-control standards	Secondary access, and sight distance requirements are already included in Mandan's fire code, building code, and city ordinances. 500-ft sight distance requirement is appropriate for access onto a 45-55 mph roadway, and inappropriate for other speeds. Sight distance concerns are brought up and addressed during the regular

Topic	Mandan Ordinance:	Morton County Ordinance:	Community member recommendation	Chamber EDC Recommendation
				development review process.
8. Agency Determination Letters	§101-11-12, §3(3), p.8: studies plus list and schedule of other approvals	§5-310, "Application Materials," p.5: letters from USACE, NDDEQ, and NDDWR	Require agency determinations before the application is complete	The city requires an applicant to supply a list of the agencies necessary for project compliance. Mandan requires proof of solicitation or approval as part of the approval process. It includes the same agencies list in Morton Co's ordinance, but Mandan wouldn't require contacting agencies that aren't necessary for approval. Could be supplemented with an internal agency solicitation checklist list that the NDDOT uses.
9. Emergency Operations Plan	§101-11-12, §3(g), p.9: Preliminary plan demonstrating feasibility	§5-310, "Public safety Standards," pp. 10-11: six-month deadline, agency review, applicant-paid resources	Add deadlines, named reviewers, drills, equipment, staffing, and cost responsibility	Emergency requirements are mitigated through the normal development process. Fire Dept. checks emergency response access and building department checks for building and site safety. The city also requires cost participation in emergency response needs as part of the Development Agreement.
10. Incident Reporting	No express 24-hour/30-day incident rule in §101-11-12	§5-310, "Public Safety Standards," p.11: 24-hour notice and 30-day report	Adopt the reporting schedule and require public release of nonconfidential summaries	The city would be notified earlier than 24 hours of fires, explosions, or injured persons since they are all reported and responded to by EMS or Fire. The city would require notification of emergency backup generator use due to noise implications. All information

Topic	Mandan Ordinance:	Morton County Ordinance:	Community member recommendation	Chamber EDC Recommendation
				would need to be included in emergency operations plan for review and approval.
11. Construction Schedule	§101-11-12, §(a)(2), p. 6: General phasing plan	§5-310, "Noise Standards," pp. 10-11: schedule 14 days before construction	Require phase updates and notice of material schedule changes	The city would require a phasing plan to be submitted as part of the Special Use Permit process. The building permit inspection process also allows the city to understand the projects coming to Mandan.
12. Construction Hours	No project-specific construction hours in §101-11-12	§5-310, "Noise Standards During Construction," p.10: stated weekday and weekend hours	Adopt hours and authorize stricter limits near sensitive uses	The city has a nuisance noise limit in other parts of their ordinance. It would be inappropriate to define specific limits for data center construction, as any changes should be made broadly rather than project specific.
13. Soil, Vegetation, and Weeds	§101-11-12, §3(b)(9), p. 7: Erosion control only	§5-310, "Use Standards," p.6: Soil Conservation District, reseeded, grass, and weeds"	Add measurable restoration and ongoing vegetation-maintenance duties	The city has grass cover requirements in their stormwater control ordinance and design manual. They also have ground cover and water requirements in their new zoning code. Type C vegetative buffer and street tree planting requirements are also included.
14. Enforcement	§101-11-12, §7(c)(2), p. 19: notice, 60-day cure, throttling, and suspension	§5-310, "Use Standards," p.7 "Duration of Validity," p. 13: automatic suspension and revocation	Automatic consequences Add stop-work authority, daily penalties, and automatic revocation after and uncured period.	Mandan doesn't feel automatic suspension is appropriate (treating one business differently than others). The city feels inability to achieve compliance resulting in a permit suspension is reasonable escalation. Stop-work is inherent to the building permit process.

References:

City of Mandan. (n.d.). *Building inspections*. City of Mandan.

<https://www.cityofmandan.com/buildinginspections>

City of Mandan. (n.d.). *Chapter 101: Administration and planning*. In *Code of ordinances*. Municode Library.

https://library.municode.com/nd/mandan/codes/code_of_ordinances?nodeId=SPBLADEPUSE_CH101ADPL

City of Mandan. (n.d.). *Development agreement* (2026 draft).

https://www.cityofmandan.com/vertical/sites/%7B38C3EFDC-F4D8-4D02-9E13-0987A081A7A4%7D/uploads/2026_Draft_Developer_Agreement.pdf

City of Mandan. (n.d.). *Home rule charter*. City of Mandan.

Mandan Data Center. (n.d.). *Mandan North Dakota Data Center*. <https://mandandc.com/>

Mandan Data Center. (n.d.). *Mandan Data Center Project Overview* [Project overview exhibit/resource].

North Dakota Century Code. (n.d.). § 39-09-02 *Speed limitations*.