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**SUSQUEHANNA COUNTY
COMMISSIONERS**

SUSQUEHANNA COUNTY, PENNSYLVANIA
ORDINANCE NO. 2026-03

**AN ORDINANCE OF SUQUEHANNA COUNTY, PENNSYLVANIA, AMENDING ITS SUBDIVISION AND
LAND DEVELOPMENT ORDINANCE REGARDING THE DEVELOPMENT, CONSTRUCTION,
OPERATION AND DECOMMISSIONING OF DATA CENTERS IN THE COUNTY.**

WHEREAS, as authorized by the Pennsylvania Municipalities Planning Code (MPC), the Board of Commissioners of Susquehanna County regulates land use within the County through its Subdivision and Land Development Ordinance, currently codified as Ordinance #2005-1, as amended;

WHEREAS, upon the recommendation of the Planning Commission, the Board of Commissioners wishes to amend its Subdivision and Land Development Ordinance, as follows: amend Article VII Commercial and Industrial Land Development by adding new Section 713 Data Centers to provide for the development, construction, operation and decommissioning of Data Centers in the County;

WHEREAS, the County has, in accordance with the requirements of the MPC, submitted the proposed amendments to its Planning Commission, which gave its recommendations regarding the proposed amendments at a duly noticed public meeting;

WHEREAS, on January 5, 2026, the Board of Commissioners held a duly noticed and advertised public hearing to take public comment on the proposed subdivision and land development ordinance amendment; and

WHEREAS, the Board of Commissioners, having received such public comment as may have been given at the Public Hearings, and having received the recommendations of the Planning Commission, finds that enactment of the proposed amendment to the subdivision and land development ordinance will be beneficial to the health, safety, and welfare of the County and consistent with the MPC.

NOW THEREFORE, be it Ordained and Enacted by the County of Susquehanna Board of Commissioners, and it is hereby Ordained and Enacted by authority of same, as follows:

**SECTION 1: AMENDMENT REGARDING THE DEVELOPMENT, CONSTRUCTION, OPERATION AND
DECOMMISSIONING OF DATA CENTERS.**

That the County Subdivision and Land Development Ordinance, currently codified as Ordinance #2005-1, as amended, is hereby amended to add the following as subsection 713 to Article VII:

Section 713 Data Centers

713.1. Purpose The purpose of this Section is to provide for the development,

construction, operation and decommissioning of Data Centers in the County, subject to reasonable conditions that will protect the public health, safety and welfare.

713.2 Definitions Specific to Data Center Facilities

Data Center: A building or buildings that are occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred and/or stored, primarily to and from offsite locations. This use shall also include cryptocurrency mining, blockchain transaction processing, and server farms. A Data Center may include Data Center Accessory Uses. This use does not include computers or telecommunications-related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building.

Data Center Accessory Use: Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

Closed-loop cooling system: A cooling system that circulates a single contained coolant or fluid that is not discharged to the environment as a normal part of operation (may include plate-and-frame heat exchangers, rear-door heat exchangers, immersion, or other sealed liquid cooling approaches).

Sensitive Receptors: Residential uses, schools, preschools, daycare centers, in-home daycares, long-term care facilities, retirement and nursing homes, community centers, places of worship, parks (excluding trails), campgrounds, prisons, and dormitories.

713.3 Applicability This Section applies to all land development plans which provide for Data Centers to be constructed after the effective date of the addendum, Data Centers constructed prior to the effective date of this addendum shall not be required to meet the requirements of this Section; provided that any physical modification to an existing Data Center that materially alters the size and type or other equipment shall comply with the provisions of this Section.

713.4 Procedures and Standards: A Data Center shall be considered a land development as defined by this Ordinance, and the application for the development of a Data Center shall be processed in accordance with all the procedures established by this Ordinance for major subdivisions and land developments and shall comply with the following standards and requirements of this Section 713.

- A. Environmental and Community Impact Analysis:** The applicant shall provide an environmental and community impact analysis. The environmental and community impact analysis shall include:
1. A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials.
 2. A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waters of the Commonwealth and cultural and historic resources on the property and within 500 feet of the boundaries of the property.
 3. Evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
 4. An evaluation of the potential impacts of the proposed use, both positive and negative, upon:
 - i. Emergency services and fire protection,
 - ii. Water supply,
 - iii. Sewage disposal,
 - iv. Solid waste disposal,
 - v. School facilities and school district budget, and
 - vi. Municipal revenues and expenses.
 5. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts.
 6. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.

713.5 Data Centers and Data Center Accessory Uses

- A. Data Centers shall be permitted when approved in compliance with the procedures, standards, and criteria contained in this section.

713.6 Dimensional Standards The dimensional standards of Data Centers and Data Center Accessory Uses shall be in accordance with Section 713.4, with the following exceptions:

- A. The maximum building height for a Data Center shall be [60] feet, inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units and cooling towers.
- B. The maximum height of Data Center Accessory Uses shall be no greater than the height of the principal building.

- C. Data Centers and Data Center Accessory Uses shall be set back:
 - a. 200 feet from all adjoining property lines and public road rights of way.
 - b. 750 feet from any existing residential structure or sensitive receptor.
 - c. 500 feet from any body of water, perennial or intermittent stream or wetland.

713.7 Landscape Buffer

- A. An area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer. The buffer shall not be used for parking, storage or any other purpose except landscaping, crossing of access roads or required utilities and discharge/intake lines. In determining the type and extent of the buffer required, the Planning Commission shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- B. Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation in accordance with Section 707.2 and shall be a minimum of twenty-five (25) feet in width. The buffer shall be dense enough to block the view of interior objects from the exterior of the lot and to assist with sound reduction as much as possible. Ground-mounted equipment is prohibited in any setback.
 - 1. Design details of buffers shall be included in the site plan, and buffers shall be considered improvements for the purpose of guaranteeing installation in accordance with the requirements for land developments in this Ordinance.
 - 2. It shall be the responsibility of the applicant and/or operator to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.
- C. Screening and Fencing. The Data Center facility site shall be enclosed by a minimum six (6) foot high security fence.
- D. Rooftop. All rooftop-mounted equipment shall be screened by a parapet wall, equipment penthouse, or visually solid screen on all four sides that is constructed of materials complementary to those used in the exterior construction of the Data Center principal building. This shall be accomplished by setting the penthouse or screened area back from the façade of the building such that the top of the penthouse or screen is below a 45-degree line drawn from the top of the parapet. Roof-top equipment to be screened includes, but

is not limited to, the following: cooling, ventilation, and power supply machinery. Rooftop equipment that is visible above the parapet wall shall be set back from the exterior or parapet wall a distance no less than the height of said equipment.

- E. Sensitive Receptors. Unless physically impossible, loading bays, truck entries, and truck drive aisles shall be located away from nearby Sensitive Receptors. Screening as described in Section P below shall be provided. When making feasibility decisions, the planning commission must consider existing laws and regulations and balance public safety with the site development's potential impacts on nearby Sensitive Receptors.

713.8 Noise and Vibration

The applicant shall demonstrate through a sound study conducted by a professional acoustical expert that the sound generated by a Data Center and/or Data Center Accessory Uses during normal operations shall be limited to a maximum daytime (7:00 a.m. to 8:00 p.m. Monday-Friday) decibel level of 67 dB(A) and a maximum nighttime and weekend (8:00 p.m. to 7:00 a.m. Monday-Friday and all day Saturday and Sunday) decibel level of 57 dB(A) as measured from the property line of the use. Such sound study shall be conducted using Sound Level Meters described in ANSI S1.4-2104 and generally accepted methodology. A sound study shall be conducted at the following phases:

- A. A preliminary study shall be conducted as part of the [conditional use/special exception/land development] process. The preliminary sound study shall include recommended sound reducing materials or systems as needed to meet the aforesaid sound limits.
- B. An interim sound study shall be conducted during the building permit approval process based upon the proposed user or users of the Data Center and Data Center Accessory Uses depicted on the building plans. Any sound reducing materials or systems recommended by interim sound study shall be incorporated into the construction plans for the use.
- C. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy and prior to the final escrow release for any land development phase. An as-built sound study may also be required thereafter by the County. If it is determined by the as-built sound study that there is a violation of the aforesaid noise limits, it shall be considered a violation of this Ordinance.
- D. Maximum decibel levels specified herein shall not apply during times of power outage, however the sound studies shall also evaluate, and report anticipated decibel levels when all emergency power generation equipment is running, including backup generators.

- E. The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the Data Center, Data Center Accessory Uses, or associated equipment will be perceptible to the human sense of feeling beyond the property line.
- F. All costs for present and future noise and vibration studies, will be incurred by the applicant.
- G. A noise reduction barrier or device may be required at the discretion of the planning commission when it is inconclusive that noise level tests do not conform to acceptable noise levels.

713.9 Water and Sewer

- A. If the use will be served by a public water supply, the applicant shall submit documentation from the public authority certifying that the public authority will supply the water needed and the sewage system can accept the additional flow.
- B. If the use is to rely upon nonpublic sources of water, the applicant shall provide a water feasibility study. The purpose of the study is to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the use on existing wells, groundwater, and surface waters in the vicinity. Use of wells, groundwater and surface waters (including reservoirs, lakes and ponds) in the vicinity shall be limited to domestic uses (i.e., drinking, washing, sanitation). Water for cooling, humidity control, fire suppression and non-domestic uses shall be sourced from rivers and streams only. No Data Center shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity. The water feasibility study shall include the following information at a minimum:
 - 1. The projected water demands of the Data Center.
 - 2. The source of water to be used.
 - 3. A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g. cooling, humidity control, fire suppression, and domestic usage).
 - 4. The long-term safe yield of the water source.
 - 5. A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means.
 - 6. A geological map of the area with a radius of at least one mile from the site.

7. The location of all existing and proposed wells within 1,000 feet of the property boundary, with a notation of the capacity of all high yield wells.
 8. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within 1,000 feet of the property boundary.
 9. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, surface waters, and the groundwater table.
 10. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- C. The applicant shall provide proof of review and approval from either the Susquehanna River Basin Commission or Delaware River Basin Commission (whichever applies) for projects proposing:
1. Water withdrawals of 100,000 gallons per day (gpd) or more over a 30-day average from any source or combination of sources within;
or
 2. Consumptive water use of 20,000 gpd or more over a 30-day average from any water source.
- D. The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection.

713.10 Mandatory Cooling System Requirements

- A. Closed-Loop Required. All new data centers and qualifying expansions must employ closed-loop cooling for server racks and IT equipment. Use of open, evaporative cooling towers for facility heat rejection is prohibited unless an applicant demonstrates by clear and convincing evidence that closed-loop technology is infeasible for the specific project and the applicant obtains a conditional exemption under this Section and all applicable state permits. (Many recent model ordinances and drafts require closed-loop systems as a standard.)
- B. Conditional Exemption. An exemption may be granted by the County body upon a written request made at the time of land development or permit application and must include:
1. Detailed engineering documentation prepared by a licensed professional engineer demonstrating that closed-loop technology is infeasible for the specific project.

2. Proposed alternative technologies such as geothermal, air-cooled, direct-to-chip liquid cooling, or waste-heat recovery systems so long as they meet water-use, noise, and environmental standards set forth herein.
 3. The County may impose reasonable conditions on any exemption.
- C. Prohibition on private well dependency. Data centers may not be designed to draw primary cooling make-up water from private potable wells.

713.11 State Permits & Certifications (applicant responsibilities)

- A. Applicants must submit evidence of compliance with all applicable Pennsylvania DEP and federal NPDES requirements prior to issuance of any building or occupancy approvals. This includes:
1. Water withdrawal registration/permit where withdrawals exceed state thresholds (e.g., registration/notice for >100,000 gallons/day purchase or >10,000 gpd in some critical areas).
 2. NPDES coverage or individual permit for any planned discharge (cooling tower blowdown, process wastewater, etc.). Cooling tower blowdown is a known permitting category.

If the proposed system is truly closed loop and produces no discharge, the applicant must supply a sworn engineering statement and O&M manual explaining how the system will avoid routine discharge; the County reserves the right to require third-party validation.

713.12 Chemical Handling, Glycols, and Containment

- A. Anti-freeze or heat-transfer fluids (e.g., propylene glycol/ethylene glycol) used in closed loops must be non-hazardous where feasible. If hazardous materials are used, the applicant must provide spill prevention, secondary containment (sized for the full system volume), and a hazardous materials response plan.
- B. Routine testing for fluid leaks and an annual certification of containment integrity are required.

713.13 Energy, Efficiency, and Waste Heat Recovery

- A. Applicants must include a plan showing how the design minimizes energy and water use (PUC targets, closed-loop heat recovery opportunities).
- B. Power Supply
1. If the applicant proposes to connect the Data Center to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that:

- a. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the service area is consistent with the normal projected load growth envisioned by the provider,
- b. The provider will serve the Data Center,
- c. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use,
- d. Any system designed for cooling and operation of the facility (electricity, water, or other means) shall be adequate and will not negatively impact the surrounding region,
- e. The use shall not cause electrical interference or fluctuations in line voltage on and off the operating premises, and
- f. The applicant shall provide the planning commission with written verification that the electrical work has passed a third-party final inspection.
- g. Known impacts on electricity rates or availability for other uses directly attributable to the Data Center project shall be noted and addressed as follows:
 - i. The Applicant shall provide a full electric service plan to include metrics on usage and renewable sources used, which must be approved before construction.
 - ii. Any Data Center that draws at least 75 MW must complete a usage study of the electric grid for six months before construction begins to determine a baseline peak usage.
 - iii. The Applicant must agree to pay for any additional loading or transmission costs above the baseline peak, such that cost increases in electricity rates due to a Data Center not be surcharged back to residential customers.
 - iv. The Applicant shall provide monthly usage and billing reports to the County for the first six months after startup and quarterly reports thereafter to ensure that any additional cost to upgrade the grid and meet peak demand is not surcharged back to residential customers.
 - v. The Applicant shall be responsible for all costs associated with any required infrastructure upgrades required to supply electricity to the Data Center, including design, permitting,

and construction, unless otherwise provided in a written agreement with the serving utility.

- vi. The Applicant shall include remote disconnect capabilities to curtail power usage in the event of a grid emergency and on-site power generators capable of supplying 65% of the Data Center's peak demand. The applicant shall use Tier 4 or greater generators that are subject to stringent emission standards aimed at reducing pollutants and improving air quality and that operate at the lowest dBA levels
- vii. The County may require financial security (performance bond, letter of credit) to guarantee completion of the infrastructure upgrades.

2. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved according to all regulations applicable to such use.

C. **Undergrounding Requirement:** All new primary distribution lines and associated electrical infrastructure serving a Data Center shall be installed underground from the utility's point of supply (or nearest manhole/transformer point) to the Data Center's point of service.

1. **Design and Construction Standards:** Underground installations shall comply with:
 - a. The standards and specifications of the serving electric utility and any applicable national or industry standards (e.g., National Electrical Safety Code (NESC), National Electrical Code (NEC), and IEEE standards).
 - b. County and municipal subdivision and land development specifications related to trenching, backfill, restoration, and right-of-way work.
 - c. Minimum burial depths, conduit schedules, duct bank requirements, and warning tape/marker specifications as required by the County Engineer and the serving utility. (Typical minimum cover for primary feeder conduit shall be as required by the utility and NESC; applicant shall show compliance on plans.)
 - d. **Coordination with Utility:** The Applicant shall obtain written confirmation from the serving electric utility that the underground design is acceptable and shall include utility comments in the land development submission. No final permit shall be issued until written utility acceptance is provided.

e. Site Restoration: Applicants shall restore public rights-of-way, roads, sidewalks, and disturbed areas to pre-construction condition or better, including repaving, regrading, and revegetation as required by the County Engineer.

2. Exceptions and Waivers.

a. Technical Impracticability: A waiver may be granted by the County or municipal governing body upon a written finding that undergrounding is technically impracticable due to one or more of the following:

- i. Existing subsurface utilities, geology, bedrock, groundwater conditions, or other physical constraints that make burial infeasible or unsafe.
- ii. Conflicts with critical infrastructure (e.g., high-pressure gas mains, sewer interceptors) that cannot be reasonably relocated; or
- iii. A serving utility's refusal to provide underground service despite reasonable design changes.

b. Process: Requests for a waiver must be made in writing at the time of land development or permit application and must include:

- i. Detailed engineering documentation prepared by a licensed professional engineer demonstrating the basis for the waiver.
- ii. A statement of efforts made to avoid or mitigate impacts and to coordinate with the utility; and
- iii. Proposed alternative measures to protect reliability and aesthetics (e.g., screening, rerouting, buried/partially buried routes, enhanced design standards).

c. Emergency Repair Exception: Temporary above-ground installation for emergency repair of electric facilities is permitted provided that permanent underground replacement or remediation is completed within a period specified in the emergency authorization (not to exceed 180 days absent extension).

3. Financial Responsibility.

a. The Applicant shall be responsible for all costs associated with the underground installation, including design, permitting, trenching, conduit/duct bank, cable installation, connection fees, utility coordination, and final restoration, unless otherwise provided in a written agreement with the serving utility or municipality.

- b. The County or municipality may require financial security (performance bond, letter of credit) to guarantee completion of underground utility installation and site restoration.

713.14 Emergency Management

The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:

- A. Be reviewed and accepted by the local fire department and emergency management services as part of the [conditional use/special exception/land development] process.
- B. Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
 - 1. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
 - 2. Ensure that all first responders receive adequate training specific to the installed system;
 - 3. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center.
 - 4. All projects that require the additional use of new, special or advanced fire protection equipment or solutions designed for environments where water-based systems are ineffective or destructive, such as clean agents, foam, dry chemicals, CO₂ or similar specialized agents, products, materials or systems, by the local agency providing fire response service, shall obtain approval from the local agency providing such service prior to project approval. Nonavailability of approved fire response services shall be considered grounds for denying permits until such services are available. The agency providing fire response services is not obligated to extend or supply such specialized services if they do not exist at the time of application. The extension of services and purchase of required specialized equipment, agents, products, materials or systems, shall be provided at the cost of the applicant.
- C. Any Data Center use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855,

Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.

- D. No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.
- E. The Data Center shall provide a 24-hour emergency signage visible at the access entrance to include a contact representative's name and 24-hour telephone number.

713.15 Signal Interface

The Applicant shall make all efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Data Center.

713.16 Parking

- A. Data Centers are to be provided with at least one parking space per 8,000 square feet of floor area designed and intended to be accessible regularly by employees, or one parking space for every one employee, based upon the maximum number of employees on site during the largest shift, whichever is greater, plus three spaces for visitors.

713.17 Lighting

A. Lighting and Glare

Lighting shall be controlled in both height and intensity; and lighting design shall be an inherent part of the project design. The standards of the Illuminating Engineering Society of North America shall be used as guidelines for the said design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for Article V.

B. Areas to be Lighted

All access ways, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted for safety purposes. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and directional signs.

C. Intensity

Maximum on-site lighting levels shall not exceed ten (10) foot-candles, except for loading and unloading platforms where the maximum lighting level shall be twenty (20) foot-candles. Light levels measured twenty (20) feet beyond the property line of the development site (adjacent to residential uses or public rights-of-way) shall not exceed one-tenth (0.1) foot-candle as a direct result of the on-site lighting.

D. Shielding

No light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are fully shielded to project the light substantially below the horizontal plane of the lowest point of the fixture. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source.

E. Glare

No direct or sky-reflected glare, whether from overhead lighting, floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted so as to be visible at the property line.

F. Nuisances

The intensity, height and shielding of lighting shall provide for adequate and proper safety and shall not be a nuisance or hazard to drivers and residents of adjacent properties.

713.18 Decommissioning

- A. The Data Center (hereinafter “Facility”) Owner and Operator shall, at its expense, complete decommissioning of the Facility, within twelve (12) months after the end of the useful life of the Facility. The Facility will be presumed to be at the end of its useful life if it’s not used for a continuous period of twelve (12) months. The Facility Owner or Operator shall report to the County within 48 hours any cessation or discontinuation of use. If the County becomes aware of the cessation or discontinuation of use of the Data Center Facility by observation or report from a third party without receiving notification from the Facility Owner or Operator. In that case, the County may notify the Facility Owner or Operator of the report or observation in writing or by posting a notice on the premises that decommissioning must be completed within six (6) months of said notice.
- B. Decommissioning shall include removal of all hazardous materials and contents, including cabling, electrical components, and any other associated facilities. The Facility Owner or Operator shall certify that all hazardous materials and contents have been removed at the end of the twelve (12) or six (6) month period in Section A as applicable.
- C. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- D. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (“Decommissioning Costs”) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (“Net Decommissioning Costs”). Said estimates shall be submitted to the Planning Commission after the first year of operation and every fifth year thereafter.

- E. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs +10%. The Decommissioning Funds shall be posted and maintained with a bonding company, Federal or Commonwealth chartered lending institution chosen by the Facility Owner, Operator, and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the County.
- F. Decommissioning Funds may be in the form of a performance bond, surety bond, or other form of financial assurance that are acceptable to the County. These funds must be delivered before construction begins on the proposed project. This bond will be maintained by the County.
- G. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Section 713.17 then the landowner shall have six (6) months to complete decommissioning.
- H. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Sections 713.17, A and G the municipality may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the County shall constitute agreement and consent of the parties to the agreement, the respective heirs, successors and assigns that the County may take such action as necessary to implement the decommissioning plan.
- I. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.
- J. In the event of sale or transfer of the Facility, the acquiring agency shall adhere to the original monetary and operational decommissioning requirements set forth for the original developer.

713.19 Liability Insurance There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$3 million per occurrence and \$3 million in the aggregate. Certificates shall be made available to the County upon request.

713.20 Administration and Enforcement In addition to the provisions of Article XI of this Ordinance, the following provisions shall apply to Applications for Data Centers:

A. Applications

- 1. Applications shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the Data Center, including all buildings and property lines.

2. The approval shall be revoked if the Data Center, whether new or preexisting, is moved or otherwise altered, either intentionally or by natural forces, in a manner that causes the Data Center not to be in conformity with this Ordinance.
3. The Data Center must be properly maintained and kept free from all hazards, and unsafe conditions detrimental to public health, safety, or general welfare.

B. Fees and Costs

1. The Applicant shall pay all land development application fees and engineer review fees when seeking approval of a Data Center under this Ordinance. All fees shall be paid before final approval is granted.

C. Enforcement

Any person, partnership, or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement initially brought before a district justice by the Commission, pay a judgment of not more than \$5000 plus all court costs, including reasonable attorney fees incurred by the Commission as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Commission may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

Nothing herein shall prevent the County from seeking such other legal remedies available to prevent or remedy any violations of this code.

SECTION 2: SEVERABILITY.

That if any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3: CONFLICT.

Any ordinances or any part of any ordinance that conflict with this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4: EFFECTIVE DATE.

That this Ordinance shall take effect immediately upon enactment as provided by law.

ENACTED AND ORDAINED into Law this the 29th day of December, 2025.

BOARD OF COMMISSIONERS:

ATTEST:

Alan M. Hall

Rebekah Hubbard, Chief Clerk

David Darrow

Robert McNamara

APPROVED AS TO FORM:

County Solicitor