

**NORTH EAST TOWNSHIP
ERIE COUNTY, PENNSYLVANIA ORDINANCE NO. 2026-**

AN ORDINANCE OF NORTH EAST TOWNSHIP, ERIE COUNTY, PENNSYLVANIA TO RECOGNIZE DATA CENTERS AS A USE REQUIRING SPECIAL REGULATIONS; PROVIDING FOR RECITALS, TITLE, DEFINITIONS, ALLOWING DATA CENTERS BY **CONDITIONAL USE** IN THE INDUSTRIAL DISTRICT AND ESTABLISHING PERFORMANCE STANDARDS, PROVIDING FOR DECOMMISSIONING, PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article XV of the Second Class Township Code, 53 Pa.C.S.A. § 66506, permits North East Township (hereinafter “Township”) to enact, amend, and repeal Zoning Ordinances within the Township; and

WHEREAS, North East Township Supervisors (hereinafter “Supervisors”) deem it be in the best interest and general welfare of the residents of the Township to update and amend provisions of the Township Zoning Ordinance to provide for Data Centers and Data Center Accessory Uses; and

WHEREAS, Data Centers and Data Centers Accessory Uses warrant special consideration related to energy and water utilization as well as noise and air pollution; and

WHEREAS, the Supervisors of the Township desire to add provisions to the Zoning Ordinance relating to Data Centers and Data Center Accessory Uses; and

WHEREAS, the Township believes that the amendment of the Zoning Ordinance to address Data Centers and Data Center Accessory Uses will be beneficial to the health, safety, and welfare of the citizens of the Township.

NOW THEREFORE, this ____ day of _____ 2026, be it enacted and ordained by the Township Supervisors of North East Township, Erie County, Pennsylvania, as follows:

1. **Recitals.** The recitals set forth above are incorporated herein as if more fully set forth.

2. **Title.** That this Ordinance will be known as the “North East Township Data Center Ordinance.”

3. **Definitions.**

Consumptive Use: The loss of water from a groundwater or surface water source through a manmade conveyance system, including such water that is purveyed through a public water supply system, due to transpiration by vegetation, incorporation into products during their manufacture, evaporation, diversion out of a basin or any other process to the extent that the water withdrawn is not returned to the waters of a basin.

Data Center: A facility whose primary purpose is the centralized storage, processing, management, or dissemination of digital data, information, or applications. This includes but is not limited to server farms, cloud computing hubs, colocation centers, and telecommunication switching hubs. Data Centers typically house large-scale computer systems and supporting infrastructure such as backup generators, air handlers, cooling systems, utility substations, and uninterruptible power supplies. A Data Center generally includes environmental controls such as air conditioning and fire suppression, redundant/backup power supplies, redundant data communications connections, and high security. This use shall also include crypto currency mining, blockchain transaction processing, and server farms. A Data Center may include Data Center Accessory Uses.

Data Center Accessory Uses: 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) and security features, provided such Data Center Accessory Uses/structures are located on the same tract. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

Data Center Electrical Substation: A facility used for the transformation or transmission and/or switching of voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, specifically for Data Center Users on the same or adjacent site, or on a site immediately across a road right-of-way.

Data Center Principal Building: A building that contains the office and/or data storage functions of a data center.

Diversion: A transfer of water from the basin into another watershed or from the watershed of the Great Lakes into that of another means of transfer, including but not limited to

pipeline, canal, tunnel, aqueduct, channel, modification of the direction of a water course, a tanker ship, tanker truck, or rail tanker.

Safe Yield: The amount of water that can be withdrawn from a water resource over a period of time without impairing long-term utility of a water resource, such as dewatering of an aquifer, impairing the long-term quality of a water resource, including a health threat, or causing irreparable or unmitigated impact upon reasonable and beneficial uses of a water resource. Safe yield of a particular water source is primarily to be determined based upon the predictable rate of natural and artificial replacement of the water resource over a reasonable period of time.

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

Withdrawal: The removal or taking of water from any source water resources, whether or not returned to the water source.

4. **Zoning District.** Data Centers and Data Center Accessory Uses are permissible as a **Conditional Use** in the Industrial District.

5. **Regulations for Data Centers and Data Center Accessory Uses:** All Data Centers and Data Center Accessory Uses shall comply with the following:

A. Environmental and Community Impact Analysis. Prior to the commencement of the **Conditional Use** hearing, the applicant shall provide an environmental and community impact analysis. The environmental and community impact analysis shall include:

- (i) A narrative description 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 materials.
- (ii) 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 five hundred (500) feet of the boundaries of the property.
- (iii) Evidence that the disposal of materials will be accomplished in a manner that complies with local, state, and federal regulations.

- (iv) An evaluation of the potential impacts of the proposed use, both positive and negative upon:
 - (a) Emergency services and fire protection.
 - (b) Water supply.
 - (c) Sewage disposal
 - (d) Solid waste disposal.
 - (e) School facilities and school district budget, and
 - (f) Municipal revenues and expenses.
- (v) 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. 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.
 - (a) Shall comply with all Industrial Performance standards.

B. Environment Impact Assessment.

An Environmental Impact Assessment shall be performed. The Assessment shall be prepared by a professional engineer, ecologist, environmental planner, or other qualified individual. An Assessment shall include a description of the proposed use, including location, relation to other projects or proposals, with adequate data and detail for the Township to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological relationships. At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include a detailed examination of public resources most likely impacted by the development and include the following focus areas:

- (i) Air pollution impacts emissions from vehicle operations, including from truck engines during idle time. The applicant shall identify all stationery and mobile sources of fine particulate matter (PM2.5), volatile organic compounds, and nitrogen oxides at the site. The applicant shall specify best management practices for preventing and reducing the concentration of air-polluting emissions at the site. The owner or operator of the facility shall have anti-idling

signs prominently posted in areas where 15 or more trucks may be parked or congregate.

- (ii) The potential for public nuisance to residents resulting from operations and truck traffic, including noise, glare, light, and visuals obstacles.
- (iii) The applicant shall submit an assessment report of the impact of the proposed use. The assessment report shall identify mitigation measures that may be undertaken to offset any degradation, diminution, or depletion of public natural resources.
- (iv) Additional considerations. The following shall also be addressed:
 - (a) Alternative analysis. A description of alternatives to the impacts.
 - (b) Adverse impacts. A statement of any adverse impacts that cannot be avoided.
 - (c) Impact minimization. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.
 - (d) Mitigation steps. A listing of steps/structural controls proposed to minimize damage to the site before and after construction.
- (v) Critical impact areas. In addition to the above, plans should include any area, condition, or feature that is environmentally sensitive or that, if disturbed during construction, would have an adverse impact on the environment.
 - (a) Critical impact areas include but are not limited to floodplains, riparian buffers, streams, wetlands and mature stands of native vegetation and aquifer recharge and discharge areas.
 - (b) A statement of impact upon critical areas and of adverse impacts that cannot be avoided.
 - (c) Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.

C. Noise and Vibration

- (i) A Noise Mitigation Plan shall be submitted with the land development application, including, at a minimum, a detailed acoustic study showing the amount of noise to be produced by normal operations and strategies to minimize noise and achieve a neutral impact on the surrounding community. The sound

generated by a Data Center and/or a Data Center Accessory Use during normal operations shall be limited to a maximum sustained daytime (7:00 a.m. to 8:00 p.m. Monday through Friday) decibel level of 80 dB(A) and a maximum sustained nighttime and weekend (8:00 p.m. to 7:00 a.m. Monday through Friday and all day Saturday and Sunday) decibel level of 70 dB(A) as measured from the property line of the use. All sound studies shall be conducted using Sound Level Meters described in ANSI S1.4-2104 and generally accepted methodology. The Plan shall be prepared and certified by a professional acoustical engineer. The Plan shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended plans based upon comments by the professional staff of the Township to any land development approval.

(a) A preliminary study shall be conducted as part of the application process. The preliminary study shall include recommended sound-reducing materials as needed.

(b) An interim 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 Use depicted on the building plans. Any sound-reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans to use.

(c) An as-built study shall be conducted six months after issuance of the certificate of occupancy and prior to the final escrow release of any land development phase. The Township may require a sound study at any time. If the sound limits set forth herein are breached, the Township will consider the breach a violation of this Ordinance.

(ii) 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. The study shall be conducted as part of the special exception process.

(iii) 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.

(iv) Data Centers and Data Center Accessory Uses shall not exceed a maximum sustained noise level of 70 dB(A{AS1.1}) at the

boundary of residential zoning districts or the lot line of any property developed with a sensitive receptor.

D. Air Quality

- (i) Backup power equipment shall minimize air pollutant emissions and meet or exceed applicable state and federal laws regulating emissions. In the case that backup generators are used, EPA Tier 4 emissions standards, or equivalent, must be achieved.
- (ii) Annual testing shall be performed, and reports shall be provided to the Township and other relevant state and federal agencies to ensure that data center equipment is performing as designed and emissions from the data center do not exceed allowable limits.

E. Energy Use

- (i) Data Centers shall make good faith efforts to maximize use of renewable and/or clean energy for all electrical and cooling needs.
- (ii) Any energy 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 by separate permits according to zoning regulations and federal and state regulations applicable to such use. An applicant must supply its own energy system and assure the Township that the same is safe, dependable, and sustainable for the anticipated duration of the Data Center and Accessory Data Center. An Applicant cannot utilize power or other energy sources provided, supplied, developed or used by Township and its residents.

F. Water Utilization

- (i) A Water Utilization report shall be submitted with the land development application detailing, at a minimum the total daily intake volume and source(s) of that water, discharge volumes and destinations, cooling system type, and efficiency, and shall demonstrate compliance with the Township's stormwater ordinances and regulations. The report shall be prepared and certified by a professional engineer. The Report shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended reports based upon comments by the Township prior to any land development approval.
- (ii) The Data Center applicant shall provide documentation from the applicable water service provider certifying that the necessary

capacity is available and that the public water service provider will serve the Data Center. Known impacts on water rates or availability for other uses directly attributable to the Data Center project shall be provided.

G. Stormwater Management The applicant shall meet all provisions of the Township stormwater management ordinance and associated requirements for post-construction stormwater management, as well as:

- (i) Identify the impacts of proposed impervious surfaces associated with the Data Center and Data Center Accessory uses on local groundwater recharge characteristics.
- (ii) Identify the impacts of proposed changes of stormwater runoff characteristics associated with the Data Center and Data Center Accessory Uses.

H. Wastewater

- (i) The applicant shall demonstrate the adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the Township Sewer Authority and the Pennsylvania Department of Environmental Protection.

I. Electronic Waste

- (ii) An Electronic Waste Plan shall be submitted with the land development application outlining procedures for safe removal and recycling or disposal of server infrastructure, hazardous materials, batteries, electronic waste, and related products, which will apply in cases when the data center is updated or decommissioned. The Report shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended reports based upon comments by the Township prior to any land development approval.

J. Heat Mitigation

- (i) A Thermal Impact Mitigation Plan shall be submitted with the land development application, including, at a minimum, strategies for waste heat reuse or dissipation and vegetative or green roof and/or site design to offset urban heat and island effects. The Plan will be prepared and certified by a professional engineer. The Thermal Impact Mitigation Plan shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended plans based upon comments by the Township prior to any land development approval. All Data

Centers and Data Center Accessory Uses must utilize a closed loop cooling system.

K. Floodplain Exclusion

- (i) No Data Center shall be located within a 100-year or 500-year floodplain as shown in the most recent Flood Insurance Map Rate Maps prepared by the Federal Emergency Management Agency for the Township.

L. Dimensional Standards

- (i) The minimum building height for a single-story Data Center shall be thirty (30) feet to allow for effective cooling methods within the Data Center.
- (ii) The maximum building height shall be forty-five (45) feet inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units, and Cooling towers.
- (iii) The maximum height of a Data Center Accessory Use shall be no greater than thirty (30) feet.
- (iv) The maximum lot coverage shall be no greater than 40% to include roads and parking lots.

M. Parking Requirements

- (i) One (1) parking space per employee on the largest shift.
- (ii) Off-street Loading: A minimum of one (1) loading space is required. Loading spaces/bays are only permitted to be located on one façade of the Data Center Principal Building.
- (iii) Parking shall comply in all other respects with Township zoning regulations.

N. Setbacks

- (i) All Data Centers and Data Center Accessory Uses shall be set back a minimum of five hundred (500) feet from the lot line of a property use for residential use, residential zone or sensory receptor.
- (ii) Ground mounted equipment used for cooling, ventilation, heat, or power shall be set back a minimum of three hundred five hundred (500) feet from the lot line of any property used for residential or community purposes and a minimum of three hundred (300) feet from any residentially zoned district.

O. Lot Coverage

- (i) The Data Center and Data Center Accessory uses shall not have a lot coverage exceeding forty percent (40%).

P. Fencing

- (i) Fences shall be constructed of good quality and visually appealing materials such as ornamental steel or other durable security-grade materials. Features such as barbed wire and razor wire are prohibited. The maximum height of such fence is ten (10) feet.

Q. Landscape Buffer

All Data Center operations shall provide buffer yards along all property boundary lines. Buffer plantings shall consist of native species planted as follows:

- (i) One (1) large evergreen tree per 25 linear feet of buffer. The size of the large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.
- (ii) One (1) deciduous canopy (shade) tree per 75 linear feet of buffer. The size of canopy (shade) trees shall be a minimum of 2 ½ inch caliper at the time of planting.
- (iii) One ornamental/flowering tree per linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi stemmed varieties, or 2 ½ inch caliper at the time of planting for single-stemmed varieties.
- (iv) Five (5) shrubs per twenty (20) linear feet of buffer. The size of the shrubs shall be fully branched and a minimum of three feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species with a minimum of 50% being evergreen.

A minimum fifty (50) foot-wide buffer shall be provided along the entire length of any public street frontage and one hundred (100) foot-wide buffer shall be provided along any property line which abuts property used for residential or community purposes or zoned residential. A minimum fifty (50) foot-wide buffer shall be provided along any property line adjacent to a non-residential use.

R. Screening

Screening shall be provided to reduce the noise output and visual impact on any facilities and equipment necessary for cooling, ventilating, or operating the facility, including but not limited to power generators, accessory electrical substations, or other power supply equipment that is

located within forty (40) feet of a public roadway, residential zoning districts or a lot line of any sensitive receptor must be fully enclosed, except where not mechanically feasible based on the manufacturer's specifications. If not mechanically feasible to fully enclose the equipment, it must be fully screened from view using one or more of the following:

- (i) The landscape buffer required in Q above.
- (ii) By existing vegetation that will remain on the property.
- (iii) By the principal Data Center building or an accessory building.
- (iv) A berm averaging a minimum of five (5) feet in height above the adjacent average ground level with a maximum side slope of 3:1, provided that the berm shall be covered by a well-maintained, all-season natural ground cover and any required screening plantings shall be arranged on the outside and top of the berm.
- (v) A visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior constructions of the principal building.

Ground-mounted facilities and equipment shall be fully enclosed when technically feasible. If full enclosure is deemed infeasible, the equipment must be screened by a visually solid barrier such as a wall, fence, building and/or natural materials that absorb noise and protect neighboring properties from noise pollution.

Rooftop facilities equipment shall be screened by a parapet wall, equipment penthouse, or visually solid screen on all four sides. 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.

- S. Negative Impacts: Any use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form shall be carried on in such a manner that is not perceptible at or beyond the property line.
- T. Connection to public water and public sewer is required. As part of the application process, Applicant must provide Township with an anticipated draw of the Township water system.
- U. Building Placement and Orientation. All principal and accessory structures associated with a Data Center shall be arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties.

V. Safety

- (i) A detailed Emergency Response Plan shall be submitted with the land development application, showing at a minimum that the Data Center has a plan in effect to deal with emergencies resulting from flood, fire, explosion, and catastrophic weather events. The Emergency Response Plan shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended plans based upon comments by the Township prior to any land development approval.
- (ii) The Emergency Response Plan (ERP) shall be prepared by a qualified professional and include the following:
 - (a) Be reviewed and accepted by the local fire Department (Fuller Hose Company) and emergency management services (Erie County Department of Public Safety, Emergency Management Division) as part of the Special Exception process;
 - (b) Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
 - (c) Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
 - (d) Ensure that all first responders receive adequate training specific to the installed system; and
 - (e) Include provisions for annual fire safety inspections demonstrating compliance with the fire safety standard to be performed by a qualified professional on behalf of the Data Center.
- (iii) Any Data Center Use proposing battery storage or any other devices 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.
- (iv) Each Data Center operation shall provide twenty-four (24) hour emergency contact signage visible at the access entrance. Signs shall include the company name, if applicable, the owner/representative's name, telephone number, and the corresponding local power company's name and telephone number.

- (v) 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.

W. Exterior Lighting

- (i) Where light fixtures are installed to provide exterior illumination, excluding overhead street lighting and warning, emergency, or traffic signals, the following restrictions shall apply:
 - (A) All outdoor lighting, whether or not required by this ordinance, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North American (IESNA) as contained in the IESNA Lighting Handbook.
 - (B) All future amendments to the recommended practices of the IESNA shall be made a part of the Ordinance without further action by the Township.
 - (C) Permanent street lighting fixtures, when required for safety considerations, shall be controlled by photocells for dusk to dawn operation.
 - (D) The lighting from any luminary shall be shaded, shielded, or directed to prevent direct light from being distributed onto adjacent properties and/or surrounding areas. Unshielded lighting is not permitted, except for temporary holiday lighting. Lighting shall be designed so that glare or direct illumination does not exceed two tenths (0.2) foot candle beyond the property line on which the lighting originates.
 - (E) Lighting on private property shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse (disabling glare).
 - (F) Pole-mounted lamps shall be placed directly above the area to be illuminated and shielded at the top and sides; or positioned near the perimeter of a property and aimed toward the area requiring illumination, subject to applicable yard setback provisions.
 - (G) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate

application of mounting height, wattage, aiming angle, fixture placement, etc.

- (H) The installation or erection of any lighting, which may be confused with warning signals, emergency signals, or traffic signals, shall not be permitted.
- (I) Lighting of parking lots shall be in accordance with Township ordinances.
- (ii) Maintenance of lighting fixtures shall be maintained as to always meet the requirements of Township ordinances.
- (iii) Nonconforming Lighting: Any lighting fixture existing on the effective date of this Ordinance which does not conform with the requirements of this Ordinance shall be considered a lawful, nonconforming lighting fixture. A nonconforming lighting fixture shall be made to comply with the requirements of this Ordinance when such fixture is replaced or relocated.

X. Decommissioning

- (i) The applicant shall submit a decommissioning plan that ensures the return of all participating properties to a useful condition, including removal of above-surface facilities and infrastructure that have no ongoing purpose. Applicants shall have the burden of demonstrating which facilities and infrastructure have an ongoing purpose and the same shall be reviewed during the **Conditional Use**/Land Development process and during the five-year updates as is set forth below.
- (ii) The Facility Owner or Operator is required to notify the Township immediately upon cessation or abandonment of use. The use shall be presumed to be discontinued or abandoned if the Data Center is not operated for a continuous period of twelve (12) months.
- (iii) The Facility Owner or Operator shall then have six (6) months in which to dismantle and remove the Data Center and the Data Center Accessory equipment. The Facility Owner and Operator shall also restore the land to its original preconstruction condition. If the facility owner or operator fails to dismantle or remove the Data Center and restore the land within the six (6) month time period, the Township may but not shall not be required to complete the decommissioning and land restoration at the Owner or Operator's expense.
- (iv) At the time of the issuance of the permit for the construction of the Data Center, the Facility Owner or Operator shall provide financial security to the Township to secure the expense of dismantling and

removing the Data Center, including accessory equipment, and restoration of the land to its original condition consistent with this Ordinance. The financial security shall be in the amount of one hundred fifty percent (150%) of the estimated cost of decommissioning. The decommissioning funds shall be posted and maintained during the life of the project in the form of a Performance Bond, Irrevocable Letter of Credit or other financial form of security acceptable to the Township. The same shall be with a financial institution acceptable to the Township. The Bond shall be posted prior to approval of the project.

- (v) An independent and certified professional engineer shall be retained by the Township at the facility owner or operator's expense to estimate the total costs of decommissioning of the Data Center. Thereafter, the Facility Owner or Operator shall retain an engineer to provide the Township with cost estimates of decommissioning after the first year of operation and every fifth year thereafter. The financial security shall be updated every five (5) years throughout the life of the project.
- (vi) Applicant shall provide a decommissioning plan as part of the **Conditional Use** application and any land development submission and shall show how the site will be returned to a neutral state, being a condition that is easily adapted to similar uses and the handling and removal of any Electronic Waste (also known as E-Waste) and/or any other hazardous material, including but not limited to contaminated water, that may be present on the site.
- (vii) The decommissioning plan shall include but is not limited to:
 - (A) Identification of all above-ground structures, equipment, and facilities that have no ongoing purpose which shall be removed;
 - (B) Hazardous materials, including batteries, fuel, or refrigerants shall be disposed of in compliance with all local, state, and federal regulations;
 - (C) Disturbed soil shall be stabilized and re-vegetated;
 - (D) Any utility connections shall be safely disconnected and capped; and
 - (E) The site shall be restored to a condition compatible with surrounding land uses or consistent with the most restrictive adjacent zoning district.

Y. Enforcement: Any violation of this Ordinance will subject the Applicant to any remedy available to the Township under the Municipalities Planning Code 53 P.S. §§ 10616.1, 10617, 10617.1 and 10617.2.

Z. Escrow. Applicant/operator shall submit a check payable to North East Township in the amount of \$10,000 to be held in escrow for engineering and legal fees incurred by the Township as part of the application and permitting process and replenish, as necessary, the escrow upon request.

6. **Severability.** If any sentence, clause, section, or amendment of this Ordinance is found for any reason 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 amendments 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 amendment thereof not been included.

7. **Repealer.** All other Ordinances or parts of Ordinances which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

8. **Effective Date.** This Ordinance shall take effect immediately upon enactment and adoption by the Board of Supervisors.

DULY ENACTED AND ORDAINED on the ____ day of _____, 2026 by the Township Supervisors of North East Township, Erie County, Pennsylvania.

ATTEST:

North East Township

Erica Carlstrom, Secretary

BY: _____
Russell LaFuria, Supervisor

BY: _____
August Neff, Supervisor

BY: _____
Fredrick W. Shunk, Supervisor

I hereby certify that the foregoing ordinance was advertised in the Erie Times News on _____, 2026, a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at a regular meeting of the North East Township Supervisors held on _____, 2026.

Erica Carlstrom, Secretary