

ORDINANCE NO. 2026-1

AN ORDINANCE AMENDING THE MUNCY TOWNSHIP ZONING CODE TO DEFINE AND ADD SPECIFIC REQUIREMENTS, STANDARDS AND CRITERIA FOR DATA CENTERS, DATA CENTER ACCESSORY USES, POWER INFRASTRUCTURE AND CAMPUSES; AND SETTING DECOMMISSIONING REQUIREMENTS

WHEREAS, Muncy Township contains significant agricultural lands, rural residential communities, environmentally sensitive areas, aquifer recharge zones and public natural resources that require protection; and

WHEREAS, the proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, public improvements, public sites or right-of-way, or other matters affecting the public health, safety and general welfare for the health, safety and welfare of present and future residents; and

WHEREAS, Data Centers and related high-intensity technology and infrastructure uses may involve substantial impacts related to land use compatibility, woodland disturbance, water consumption, energy demand, noise, lighting, traffic, environmental resources and emergency services; and

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10601, et seq., authorizes the Township to enact, amend and repeal Zoning Ordinances to prevent harm to public resources, ensure compatibility of uses and promote orderly development; and

WHEREAS, Article I, Section 27 of the Pennsylvania Constitution, also known as the Pennsylvania Green Amendment, recognizes and protects the environmental rights of all people of the Commonwealth, including future generations, as Trustee of these resources; and

WHEREAS, the Board of Supervisors of Muncy Township deem it to be in the best interest and general welfare of the residents of Muncy Township to update and amend provisions of the Zoning Ordinance to provide expressed standards to regulate Data Centers carefully, ensuring they are appropriately sited and conditioned to avoid adverse impacts on surrounding communities, infrastructure and natural resources; and

WHEREAS, on July 8, 2026, the Supervisors declared the Zoning Ordinance invalid as it did not contain any requirements for Data Centers.

WHEREAS, on August 5, 2026, the Supervisors passed Resolution 2026-5 invoking a Municipal Cure period pursuant to 53 P.S. Section 10609.2 to adopt a Curative Zoning Amendment by January 4, 2027.

NOW, THEREFORE, BE IT RESOLVED AND ENACTED by the Board of Supervisors of Muncy Township, Lycoming County, Pennsylvania, that:

SECTION 1. TITLE AND GENERAL REGULATIONS

1.1. **Short Title.** This Ordinance shall be known and may be cited as the “Muncy Township Data Center Land Use Ordinance”.

1.2. Data Centers shall be permitted by CONDITIONAL USE in the Industrial Zoning District when approved in compliance with the procedures, standards and criteria contained in this Ordinance.

1.3. Applicability.

a) This Ordinance applies to all land development plans for Data Centers submitted after the effective date.

b) Data Centers constructed prior to the effective date shall not be required to meet these requirements, provided that any physical modification to an existing Data Center that materially alters the size and type of the facility or equipment shall require a new application under this Ordinance.

c) Any transfer of ownership of a Data Center, or change in the majority owner shall require written notice to the Board of Supervisors and written confirmation by the new owner that the Data Center complies with all conditions of approval and certification that it shall continue to remain in compliance.

SECTION 2. AMENDMENTS TO DEFINITIONS

Article 2 of the Muncy Township Zoning Ordinance is hereby amended to add the following definitions.

Ambient Noise Level. The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location constituting the normal or existing level of environmental noise at a given location without extreme atmospheric conditions, such as wind greater than three

meters per second or precipitation and then adjusting the noise level to eliminate any noise associated with then existing development of facilities.

a) **Area of Influence (AOI).** The outer limit of the effects of the cone of depression that is formed from a producing well withdrawing groundwater from an aquifer. The AOI becomes the intersection of the cone of depression and the land surface area above, where the water table or potentiometric surface is measurably lowered due to water withdrawal, altering natural groundwater flow towards the well. It is essentially the extent of the cone of depression at the land surface, representing the region where water resources may be measurably impacted by pumping, and the area from which a well can induce drawdown and recharge from groundwater or surface water features that are connected to the groundwater table.

b) **A-Weighted Fast Response Maximum Sound Level (LMAX).** The maximum sound pressure level in decibels (dB) measured over a given period of time with A-frequency weighting and fast response time-weighting applied.

c) **Closed-Loop Cooling System.** A cooling arrangement designed to circulate water (or other coolant/process fluid) within a closed circuit, allowing it to absorb heat from equipment and then release that heat through a heat exchanger or cooling tower. This system minimizes water loss and reduces environmental impact by reusing the same water repeatedly, and does not exchange process fluid with the ambient environment.

d) **Data Center.** A building or buildings, or any portion thereof, primarily used for the centralized storage, management, processing and dissemination of digital data and information, including any place that stores data, provides access to data, hosts websites or offers cloud computing as a service, networking and similar activities. This use includes facilities commonly referred to as server farms, web hosting facilities, cloud computing centers, hyperscalers, artificial intelligence (AI) centers supercomputer, cryptocurrency mining, and blockchain transaction processing. The use is specifically characterized by its potential for high electricity consumption and water consumption for cooling and operational purposes. Primary uses include housing computer systems and associated components, including servers, data processing systems and auxiliary infrastructure.

e) **Data Center Accessory Use.** Ancillary uses or structures secondary and customarily incidental to a Data Center principal use, located on the same lot or tract developed as a unified development, including but not limited to: administrative offices logistical/maintenance facilities, fiber optic/network

hardware, security buildings or structures, guardhouses, controlled access equipment and roadways.

f) **Data Center Campus.** A contiguous or non-contiguous parcel or parcels of land under single ownership or control, planned and developed as one integrated facility containing two or more Data Centers, Data Center Accessory Uses and/or Data Center Power Substations.

g) **Data Center Power Substation.** An electrical substation, transformers, switchgear, circuit breakers and associated equipment necessary for the transmission and distribution of high-voltage electrical power, either on-site or off-site, primarily dedicated to or significantly expanded to serve the power demands of a Data Center.

h) **Equivalent Continuous Sound Level (LEQ).** The steady sound pressure level in decibels (dB) which, over a given period of time, has the same total energy as the fluctuating noise measured over the same period of time.

i) **Full Cut-Off Fixture.** A lighting fixture designed and installed in such a way that no light is emitted at or above a horizontal plane running through the lowest point of the fixture's light-emitting source.

j) **Fully Shielded.** A source of light designed or shielded in such a manner that no light is emitted, either directly or indirectly, at or above a horizontal plane running through the lowest light-emitting part of the light source.

k) **Light Trespass.** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

l) **Lumen.** A unit of measure for the total amount of visible light emitted by a light source.

m) **Natural Environmental Sounds.** Environmental sounds that are inherent to the area and due to naturally occurring sounds such as insects, rustling leaves, wind, wild birds, wild animals, frogs, rain, lightning or weather, but not including the noise of domesticated animals.

n) **Normal Community Sound.** Sound that is inherent to and consistent with the norms of the community and which the average resident would reasonably expect to occur in their community. Normal Community Sound may include, but is not limited to, children playing, occasional dog barks, domestic power tools, residential HVAC equipment and reasonable transportation sounds that meet state, federal and local noise requirements and limits.

o) **Pure Tone.** A sound occurring at a discrete frequency as determined by a Fast Fourier Transform Measurement (narrow band analysis) of a sound using a dynamic analyzer.

p) **Recharge (Aquifer or Groundwater).** The replenishment of water by precipitation or connection from an overlying water body or watercourse. Recharge occurs as precipitation percolates through soils and unconsolidated overburden, generally moving downward until it reaches the upper saturated zone or water table.

q) **Sensitive Receptor.** Cemeteries, schools, preschools, daycare centers, in-home daycares, health facilities such as hospitals, long-term care facilities, retirement and nursing homes, personal care homes, community center, places of worship, playgrounds, designated parks (excluding trails), public open space, campgrounds, prisons, dormitories, recreational facilities, any residence where such residence is not located on a parcel with an existing industrial or commercial use, and any parcel where a residential use is permitted as a matter of right. This definition is based upon use, regardless of property ownership.

r) **Specimen Tree.** All healthy, non-invasive trees over 20 inches in diameter at breast height (dbh); all trees listed as a Species of Special Concern by the Commonwealth of Pennsylvania; and any unique, rare or historically important tree considered worthy of conservation by Muncy Township.

s) **Sustainable Yield.** The amount of groundwater that can be safely withdrawn from an aquifer annually without producing an undesirable result. Undesirable results including, but are not limited to, depletion of groundwater storage, intrusion of water of undesirable quality, contravention of existing water rights, excessive depletion of surface waters by induced infiltration and land subsidence.

t) **Un-Weighted Peak Sound Pressure Level (LPK).** The maximum instantaneous sound pressure level in decibels (dB) that occurs during a stated time interval, with no weighting applied.

SECTION 3. GENERAL STANDARDS FOR CONDITIONAL USE APPROVAL

3.1. **Plan Sufficiency.** The plan submitted for the project with the conditional use application shall meet the requirements of a preliminary land

development plan under the Township Subdivision and Land Development Ordinance.

3.2. General Criteria. The Board of Supervisors shall, in making decisions on applications for Conditional Uses, consider the following general criteria in addition to specific criteria established elsewhere:

- a) Compatibility with adjoining development and the character of the zoning district.
- b) Impact on the economic value of other property in the neighborhood.
- c) Satisfactory provision for ingress and egress, particularly regarding emergency access, traffic flow and control.
- d) The economic effects (noise, glare, odor) of the use on adjoining properties.
- e) Proof that the use will not impose any direct or indirect economic burden on municipal taxpayers or existing/future utility ratepayers for infrastructure upgrades, capacity expansion or operational impacts directly attributable to the Data Center.

SECTION 4. SPECIFIC DIMENSIONAL STANDARDS

Article 12 of the Muncy Township Zoning Ordinance is amended to require the following dimensional requirements to all Data Centers.

- a) **Minimum Tract Area:** 25 contiguous acres.
- b) **Maximum Building Size:** 220,000 square feet of floor area.
- c) **Maximum Lot/Impervious Coverage:** 20% of the total tract area (excluding stormwater management facilities).
- d) **Minimum Green/Open Space:** No less than 20% of the lot (excluding stormwater management facilities).
- e) **Maximum Building Height:**

Principal Building: In accordance with the Zoning Ordinance (35 feet). Building height shall be calculated from ground to the top edge of the main roofline.

Roof-Mounted Equipment: Ventilation systems, HVAC and cooling towers may extend a maximum additional 15 feet above the main roof line, provided they are screened.

Accessory Structures: No greater than the height of the principal building, except public utility facilities which may require waivers based on engineering necessity.

f) **Minimum Setbacks:**

- a) From any Sensitive Receptor property line: 250 feet.
- b) From all property lines, road rights-of-way, agricultural uses, streets, streams and/or delineated wetlands (subject to Sensitive Receptor restriction): 250 feet.

- g) **Prohibition in Setbacks:** No structure, accessory equipment, appurtenance, parking area or accessory use (except storm water management facilities or access driveways where necessary to cross perpendicularly) shall occupy any required setback area.

SECTION 5. LANDSCAPE BUFFER, FENCING AND WOODLAND PROTECTION

5.1. **Landscape Buffer Yard.** A continuous vegetative buffer shall be established and maintained along all property lines of any lot containing a Data Center principal or accessory use.

- a) **Width:** A minimum of 100 feet.
- b) **Location:** Installed along the exterior side of any security fencing.
- c) **Restrictions:** Free of structures dumpsters, storage/display areas, signs, loading areas or vehicle parking. Township approved points of ingress/egress and required utility crossings (by minimum traversal distance) may interrupt the buffer.
- d) **Planting Standards:** Plans must be prepared by a PA registered landscape architect. Plantings must achieve a dense opaque, four-season visual screen within 36 months of installation, consisting of native, non-invasive species.

e) **Large Evergreen Trees:** One (1) per linear feet of buffer. Minimum of eight (8) feet height at planting, arranged in diagonal offsets.

f) **Deciduous Canopy (Shade) Trees:** One (1) per linear feet of buffer. Minimum of 2-1/2 inch caliper at planting.

g) **Ornamental/Flowering Trees:** One (1) per 50 linear feet of buffer. Minimum of eight (8) feet height (multi-stem) or 2-1/2 inch caliper (single-stem) at planting.

h) **Shrubs:** Five (5) per linear feet. Minimum three (3) feet height at planting. Combination of species, with minimum 50% evergreen.

i) **Diversity:** Straight rows of single species are prohibited. Monoculture plantings are prevented by requiring variety. American arborvitae and similar weak-stem plants are prohibited for buffering. If more than 20 evergreen plants are used, no more than 50% shall be of one species.

j) **Maintenance:** Perpetually maintained by the property owner. Any dead, diseased or removed material must be replaced one-to-one within 100 days, practical for growing seasons.

k) **Guarantee:** Performance guarantee posted with the Township in an amount equal estimated cost of plantings and installation, released only after the second growing season following planting.

5.2. Fencing and Security.

a) **Requirement:** The entire facility site must be enclosed by security fencing.

b) **Height:** Minimum eight (8) feet, maximum height ten (10) feet above ground.

c) **Aesthetics:** Chain-link fencing along public or private roadways is prohibited unless fully screened from view by landscape buffering.

5.3. Woodland Protection and Replacement. Applicable to all lots one acre or larger.

a) **Specimen Trees:** Shall not be removed unless the landowner demonstrates removal is essential to eliminate a hazardous condition or permit lawful use of the lot.

- b) **Maximum Woodland Disturbance:** No more than 50% of existing woodlands on the tract may be disturbed.
- c) **Measurement:** Extent of woodlands is determined at the time of first application after adoption. Disturbance runs with the land.
- d) **Replacement:** Any disturbance in excess of 50% limitations requires replacement according to a PA registered landscape architect's plan. Native, free-fruited species must be used to reflect native woodland diversity.
- e) **Guarantee:** Replanted woodlands guaranteed and maintained for at least 18 months.

5.4. Equipment Screening

- a) **Requirements:** Ground-mounted and roof-mounted equipment (HVAC, power generation, etc.) must be fully enclosed within buildings or parapet walls.
- b) **Rooftop:** Visual screens must be constructed of materials complementary to the principal building, set back from the façade so the top of the screen is below a 45-degree line drawn from the top of the parapet.
- c) **Infeasibility:** If enclosure is not mechanically feasible per manufacturer specifications, equipment must be fully screened from view by a landscape buffer, existing vegetation, principal building, an earth berm averaging minimum five (5) feet in height or visually solid screen wall of compatible materials.

SECTION 6. NOISE, VIBRATION AND PERFORMANCE STANDARDS

6.1. Noise Standards.

- a) **Conflict:** Where this Section conflicts with other Township Noise Ordinances, this Section shall apply.
- b) **Sound Level Limits:** No Data Center or Accessory Use shall cause sound levels at any receiving property (defined as real property impacted by noise, excluding real property within the united Data Center development) to exceed the following limits.

Measurements shall follow ANSI standards using Type 1 or 2 integrated sound level meters.

- **Daytime Hours:** 7:00 AM to 6:00 PM weekdays; 9:00 AM to 6:00 PM weekends and holidays.
- **Evening Hours:** 6:00 PM to 10:00 PM
- **Nighttime Hours:** 10:00 PM to 7:00 AM weekdays; 10:00 PM to 9:00 AM weekends and holidays.

Table 1: Equivalent. Continuous Sound Level (LEQ) Limits

Receiving Property Type	Daytime	Evening
<u>Suburban Mix</u>	50 dB(A)	45 dB(A)
Industrial District	65 dB(A)	60 dB(A)

NOTE: Muncy Township must insert actual Zoning District names here if different.

- c) **A-Weighted Fast Response (LMAX):** Shall not exceed the LEQ value in Table 1 for the Zoning District and time of day by more than 10 dB(A).
- d) **Un-weighted Peak (LPK):** Shall not exceed the LEQ value in Table 1 for the Zoning District and time of day by more than 20 dB(A).
- e) **Pure Tones:** Pure Tone Level (LPTL) shall be at least 10 dB(A) below the nominal PTLxx curve at the corresponding frequency (16 Hz to 8000 Hz) as set forth in Table 2 below. Interpolation between curves is not permitted. Logarithmic averaging of tonal levels across frequencies is prohibited.

Table 2: Maximum Allowable Pure Toe Level (LPTL) in B by Tone Frequency (Hz) and LEQ limit (PTLxx)

LEQ Limit Curve	16	32	63	125	250	500	1000	2000	4000	8000
PTL6 (for 65 LEQ Limit)	96	91	86	81	76	71	67	63	59	55
PTL6 (for 60 LEQ Limit)	91	86	81	76	71	66	62	58	54	50

PTL5 (for 55 LEQ Limit)	86	81	76	71	66	61	57	53	49	45
PTL5 (for 50 LEQ Limit)	81	76	71	66	61	56	53	48	44	40
PTL4 (for 45 LEQ Limit)	79	74	68	62	56	51	47	43	39	35

- f) **Measurement:** Compliance measurements must exclude the significant effects of Natural Environmental Sounds and Normal Community Sounds. Sound will be measured in such a manor that it is not perceptible at or beyond the property line.
- g) **Exceptions:** Limits do not apply to legal motor vehicles, safety protective devices, emergency warning devise (alarms, law enforcement) or emergency work/equipment necessary for public health/safety.
- h) **Routine Testing:** Testing of backup generators is permitted only between 9:00 AM and 5:00 PM, Monday through Friday, excluding Federal Holidays. During these hours, generators may exceed sound level limits by no more than 50 dB(A) (20 dB(A) for LPK) for up to one (1) cumulative hour per seven (7) calendar day period. Generator testing must be announced on a public website at least 24 hours in advance and the Township must be notified.

6.2. **Vibration.** No source of mechanical or acoustically induced vibration shall cause or induce ground-borne or structural vibration on any property that exceeds the ISO Resident Day Vibration criteria (amplitude in any one-third octave frequency band of 200 um/s). Perceptibility to the human sense of feeling beyond the property line is prohibited.

6.3. Sound and Vibration Study.

- a) **Modeling Study:** Submitted with Conditional Use application, performed according to ISO 9613-2 series methods, including all significant noise sources.

- b) **As-Built Study:** Conducted six months after issuance of Certificate of Occupancy and prior to final escrow release, paid for by applicant. A violation determined by this study is a violation of this Ordinance.
- c) **Continuous Testing:** For Conditional Use review, pre-construction study must establish baseline ambient noise based on test performed during a continuous 72-hour time span including one 24-hour reading during a weekend. The Township may require ongoing monitoring or third-party verification of studies at the applicant's expense.

Compliance with these noise standards shall be determined by a qualified acoustical engineer by the Township, at the expense of the applicant. Measurements shall be taken in the fall AND winter, when the leaves are off of the trees, to accurately reflect the respective noise level requirements have been met.

- d) **Complaints:** In the event of any complaints of noise, Applicant or Occupant shall undertake timely corrective measures. The Township Supervisors, in their discretion, shall determine the time frame for any corrective action and what actions to take. Should the Township hire an independent noise expert to evaluate the noise, and it is determined that the Applicant or Occupant is in violation of the noise provisions of this Ordinance, Applicant or Occupant shall reimburse the Township for the full cost of same.

6.4. Air Quality, Odor and Disturbance.

- a) **Air Quality:** No use shall emit dust, dirt, fumes, vapors, gases, fly ash or particulate matter toxic or noxious to air which violates 25 Pa. Code Chapter 123, 131 or Pa. DEP Rules. Emission producing air, smoke, glare, exhaust, heat or humidity shall be carried on in such a manner that it is not perceptible at or beyond the property line. The operator shall have anti-idling signs posted in areas where 15 or more trucks congregate.
- b) **Odor:** No use (except agricultural) shall emit odorous gases or matter in such quantities as to be offensive at any point on or beyond lot lines. Process odors must have secondary safeguard systems.

- c) **Electrical, Radio and Electromagnetic Disturbance:** No use shall create radio or electrical disturbance adversely affecting the operation of equipment from off the lot, or producing electromagnetic interference with wired/wireless communication systems.

SECTION 7. WATER SUPPLY, ENVIRONMENTAL AND GEOLOGICAL IMPACT REQUIREMENTS

7.1. **General Water Adequacy.** No Data Center shall be approved without sufficient water for the proposed use and demonstration that proposed withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity.

7.2. **Water Source.** The Applicant must exhaust all reasonable efforts to utilize existing public or private waterlines before proposing withdrawals from local aquifers or surface waters. Private potable wells drilled within the Township shall not be used for heat mitigation or to cool a Data Center. Domestic uses (drinking, washing, sanitation) shall use public water or approved wells; non-domestic uses (cooling, fire suppression) shall use river/stream water sources only.

7.3. **Water Infrastructure Bonding.** A bond shall be required to cover all costs associated with installation/upgrade of necessary water supply infrastructure. Minimum bond amount shall be \$50,000.00.

7.4. **Closed-Loop Cooling Required.** The facility must deploy best available water-efficient technology. All data processing equipment and heat mitigation needs must employ closed-loop (air or liquid) cooling systems. Private well water shall not be used for heat mitigation. If quarry water is proposed as a cooling source, thermal studies and groundwater monitoring programs are required. An exemption may be granted by the Board of Supervisors upon a written request with detailed engineering documentation prepared by a licensed PE demonstrating closed-loop technology is infeasible for the specific project.

7.5. **Water Feasibility Study.** Submitted with a Conditional Use application for the purpose of determining adequate supply and estimate impact on existing wells, groundwater and surface waters in the vicinity, including agricultural irrigation. The Township may retain an independent hydrologist to review at the applicant's expense.

- a) **Applicability:** Required for all uses relying on nonpublic water sources. Usage over 10,000 gpd creates strict study requirements.

b) **Study AOI (Area of Influence):** Radius of at least one-half mile from the site, but extended based on geological model to entire potential AOI.

c) **Contents:** Projected average and peak demands, description of recycling/discharge means and temperature. Geological maps showing all wells (potable, agricultural, high-yield, test), surface waters, on-lot sewage and potential pollution sources within one mile of the site boundary (extended to full AOI if greater).

d) **Geological/Hydrogeologic Report:** Prepared by a PA registered professional geologist including hydrological setting analysis, delineating Area of Diversion and Groundwater Recharge Area. Includes results of aquifer testing conducted per Pa. DEP guidance, including Step Rate test, background test, 72-hour constant-rate test and recovery test. Analysis must determine horizontal extent of cone of depression and long-term sustainable yield. A hydrogeologic budget calculated for a one-in-ten-year drought severity.

7.6. Pre-Construction Residential Well Testing.

a) **Notification:** Applicant must notify each property owner within 3,000 feet of the property boundary or within the horizontal extent of any production well's cone of depression (whichever is greater) via certified mail.

b) **Testing:** Offer, at applicant's sole cost, to test owner's well for baseline water quality (EPA Primary and Secondary standards), total depth, static water level, yield and operating pumping water level.

c) **Consent:** Applicant hires certified lab and PA professional geologist to collect samples. Affected well improved at applicant's expense prior to operations if at risk of adverse impact.

7.7. Geological Impact Study. Applicant shall submit to the Township a study showing the geological impact of any proposed use, specifically analyzing potential impacts from karst features, slope stability and structural geology.

SECTION 8. POST-CONSTRUCTION MONITORING AND REMEDIATION (WATER SUPPLY)

8.1. Post-Construction Monitoring.

a) **Reporting:** Data Center Operator shall submit quarterly reports including daily withdrawal quantity, groundwater levels at all monitoring

wells and certification of accuracy of measuring devices to within 5% of actual flow.

b) **Inspection:** Monitoring wells and data loggers inspected at least monthly to ensure proper functioning.

8.2. Adverse Impacts, Presumptions and Remediation.

a) **Adverse Impact Prohibited:** Data Center shall not reduce existing rate of flow of wells, cause contamination or deplete surface water resources on surrounding properties.

b) **Process:** Well owners may file written complaints with the Township. *The Township shall notify the Operator within five (5) days. The Township Zoning Officer shall investigate the complaint and issue any appropriate citations and/or corrective notices.*

c) **Presumptions:** A Data Center Operator is presumed responsible for any adverse impacts to any water supply well within the AOI that occurs within 60 months (five (5) years) following the date that the production well is put into full production.

d) **Burden of Proof:** Operator must prove adverse impact is not caused by Data Center. If claim is outside AOI or after 60 months (five (5) years), burden of proof shifts to complainant.

e) **Remediation:** If determined responsible, Operator shall alleviate adverse impact at no expense to affected property owner to furnish reasonable quantity and quality of water. Remediation may include deepening affected well, drilling new well, connecting to public water.

8.3. Financial Security – Well Water Fund. Applicant shall deposit with Township financial security (bond/escrow/letter of credit) in an amount determined by multiplying \$5,000.00 by the number of all other groundwater wells within the Hydrologic Environment. Funds remain in escrow for ten (10) years. Township may draw down escrow to remedy impacted wells if Operator fails to remedy within five (5) days of final determination of responsibility.

SECTION 9. ENERGY INFRASTRUCTURE, POWER SUPPLY AND COMMUNICATIONS

9.1. Power Consumption Impact Studies. Applicant shall provide with the Conditional Use application documentation from utility provider certifying necessary capacity is available and that provider will serve the Data Center

campus. Report must include: projected power usage (average/peak), power supply sources, estimated impact on electric rates or availability for other uses directly attributable to project. Applicant must agree to pay for any additional loading or transmission costs, such that cost increase are not surcharged to other municipal customers. Remote disconnect capabilities to curtail usage in grid emergencies is required.

9.2. Transmission Lines. All new primary distribution or transmission lines serving Data Center, Accessory Uses, or Substations shall be installed underground from utility's point of supply. The Township may require underground lines at applicant's expense to preserve scenic viewsheds and agricultural character.

9.3. Separateness of Use. Any energy generation system designed to supply power directly during normal operations (solar, fossil fuel, nuclear) is not part of Data Center use. Such systems are considered separate uses and approved according to Zoning Regulations applicable to such use.

SECTION 10. EMERGENCY MANAGEMENT, AESTHETICS AND PARKING

10.1. Emergency Management

a) **Emergency Response Plan (ERP):** Submitted with application, accepted by local fire department and emergency management services. Must include detailed procedures for fire suppression, containment, ventilation, evaluation of access roads/hydrants.

b) **Knox Box:** Installed on all access gates for emergency access.

c) **Training and Equipment:** Prior to Certificate of Occupancy, applicants shall fund specialized annual training and necessary equipment for Township fire department regarding unique hazards (energy storage, hazardous materials handling, suppression systems). Ongoing training provided once (1) time a year paid for by the applicants.

d) **Energy Storage Systems:** Any battery storage must demonstrate compliance with National Fire Protection Association (NFPA) Standard 855 and include specific fire suppression systems designed for battery storage.

e) **Radio Coverage:** Applicant demonstrates adequate radio coverage for emergency responders within Facility building based on County Public Radio Communications System exterior coverage, installing enhancement

systems if needed. Annual fire safety inspections required at Operator's cost.

10.2. **Signage.** Data Center signs shall provide 24-hour emergency sign visible at the access entrance to include a local contact representative's name and 24-hour telephone number UPDATED every six (6) months.

- a) **Colors:** External building materials shall be of low-reflective, subtle or earth tone colors. Fluorescent and metallic colors are prohibited as exterior wall colors.
- b) **Lighting:** Dark-Sky compliant under most up-to-date industry standards, fully shielded, with zero spillover over Trespass beyond property line. Total illumination on adjacent residential property line, measured at ground level, shall not exceed 0.5 foot candles.

10.3. **Parking and Loading.**

- a) **Data Center Parking:** Provide at least one off-street parking space for every one employee based on maximum employees on site during the largest shift, or one space per 8,000 square feet of floor area regularly accessible by employees, whichever is lesser.
- b) **Loading:** Minimum of one loading bay required. Gated entrances must provide on-site queuing area for stacking of minimum three (3) tractor-trailers. Loading facilities must meet minimum Code requirements for industrial use.

SECTION 11. ENVIRONMENTAL IMPACT STATEMENT AND TRAFFIC IMPACT ANALYSIS

11.1. **Environmental Impact Statement (EIS).** Required for any Data Center use. The EIS is not exemptible for Data Center projects. Must identify, disclose and discuss all potential environmental consequences to protect water quality, supply, soil erosion, air quality, flooding, waste disposal, aquifers, existing underground utility's and quality of life. The EIS must include: USDA soil types, permeability, surface waters, runoff methods, ground cover/woodland disturbance, topography changes, groundwater depths. Applicant provides required environmental and utility rate impact analysis demonstrating no cost shifting to taxpayers/ratepayers.

11.2. **Traffic Impact Analysis.** Professional traffic engineer must prepare analysis of all roadways, intersections, bridges and interchanges within one-half mile radius. Analysis covers both construction and operation phases, including trip

generation rates, origin and destination analysis and documentation of on-site/off-site improvements proposed to mitigate adverse impacts.

SECTION 12. DECOMMISSIONING, WASTE MANAGEMENT AND ENFORCEMENT

12.1. Electronic and Hazardous Waste. A decommissioning plan and written operational procedures must be provided outlining procedures for safe removal and recycling or disposal of electronic waste (“E-Waste”), including computers, server infrastructure, batteries, hazardous and extremely hazardous substances in compliance with federal and state law.

12.2. Decommissioning Plan and Agreement. Data Center owner/operator shall execute a Decommissioning Agreement prior to Conditional Use approval. Agreement terms shall include:

- a) Decommissioning must begin within one year of cessation or abandonment of operations. Useful life ends if the facility is not operated for six (6) continuous months. Completion must be within 18 months thereafter unless extended by supervisors in writing.
- b) All above-ground structures, equipment and accessory facilities must be removed. Disturbed soil stabilized and re-vegetated with native seed mixes. The site must be restored to a useful condition compatible with agricultural land use or surrounding zoning and free from all hazards, detrimental unsafe conditions to public health, safety or general welfare.
- c) **Landowner Responsibility:** If Data Center operator fails to complete decommissioning within the time period, responsibility becomes landowners, having six (6) months to complete. Submission of participating landowner agreement constitutes consent for Township intervention if necessary.

12.3. Decommissioning Cost and Financial Assurance. An independent professional engineer licensed in Pennsylvania shall be retained by Data Center owner or operator to estimate total cost of decommissioning without regard to salvage value.

- a) **Financial Security Required:** Applicant must post a bond, escrow, letter of credit or other financial security acceptable to Township to cover the full cost of decommissioning. Minimum bond amount shall be **\$50,000.00**. Township may require a higher bond if deemed necessary upon review of Decommissioning Plan.

b) **Adjustment:** Financial assurance reviewed and adjusted every fifth year of operation based on updated cost estimates to reflect inflation and updated cost estimates. Security remains in place until restoration is satisfactorily completed.

12.4. **Conditional Use Fee and Escrow.** An application fee of \$10,000.00 shall accompany Conditional Use submission. Applicant shall further establish an escrow account sufficient to cover independent third-party review, legal review, monitoring and enforcement costs, as determined by Township. The escrow account amount will be no less than \$150,000.00 per year for each year of expected project life.

12.5. **Violations, Remedies and Fines.**

a) **Remediation:** Should monitoring indicate operations in violation of approved terms (noise, environment thresholds, traffic, water consumption, power demand, computing load beyond approved), Facility must promptly implement remediation measures.

b) **Complaints:** Code Enforcement Officer issues Notice of Violation for failures to comply with Ordinance terms or Permits. Separately arising offense for each section violated.

c) **Fines:** Summary offense and conviction requires payment of fines of not less than Five Hundred (\$500.00) Dollars nor more than One Thousand (\$1,000.00) Dollars plus all court costs, including reasonable attorney fees incurred by Commission. Each day the violation continues constitutes a separate violation. Township reserves the right to institute action in equity to enjoin violations.

SECTION 13. APPEALS, SEVERABILITY, CODIFICATION, REPEALER AND EFFECTIVE DATE

13.1. **Appeals.** All references in Pennsylvania Municipalities Code to Zoning Hearing Board regarding hearings, notice, party status and timeliness for decision-making shall be construed as references to the Board of Supervisors when governing hearings for Data Center Conditional Uses under this Ordinance.

13.2. **Severability.** If any sentence, clause, section or part of this Ordinance or of the Zoning Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any remaining provision.

13.3. **Codification.** The Muncy Township Zoning Ordinance and Zoning Map shall hereby be codified to incorporate the above-referenced amendments.

13.4. **Repealer.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

13.5. **Effective Date.** This Ordinance shall take effect five (5) days after its adoption.

ADOPTED

AND NOW, this ____ day of _____, 2026, the foregoing Resolution was adopted by the Board of Supervisors of Muncy Township at a duly advertised public meeting held in accordance with the Pennsylvania Sunshine Act and the Pennsylvania Municipalities Planning Code.

RESOLVED AND ADOPTED this ____ day of _____, 2026.

MUNCY TOWNSHIP BOARD OF SUPERVISORS

ATTESTED:

Township Secretary