

**FORKS TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 416

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF FORKS
TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA, TO
AMEND CHAPTER 200, ZONING, OF THE FORKS TOWNSHIP CODE
OF ORDINANCES TO AMEND THE USE REGULATIONS FOR DATA
CENTERS AND REPEALING ALL ORDINANCES INCONSISTENT
HEREWITH.**

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, *et seq.*, authorizes the Forks Township Board of Supervisors, to enact, amend and repeal Zoning Ordinances within Forks Township; and

WHEREAS, the Board of Supervisors of Forks Township desires to amend the use regulations relating to Data Centers;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Forks Township as follows:

SECTION 1. Article V, Use Regulations, §200-28 (G), Industrial Uses, Subsection (22)(g)(2)[f] is hereby amended to read as follows:

“[f] A geological map of the area with a radius of at least one mile from the site indicating any boundaries between carbonate/noncarbonate rock be documented and verified by site evaluations by a qualified professional; and that documented bedrock types should be documented through use of published sources.”

SECTION 2. Article V, Use Regulations, §200-28 (G), Industrial Uses, Subsection (22)(g)(3) is hereby amended to add the following new subsection [c]:

“[c] There must also be proof of review by the Delaware River Basin Commission that focuses on the impact of the Data Center on the quality and quantity of groundwater and surface water.”

SECTION 3. Article V, Use Regulations, §200-28 (G), Industrial Uses, Subsection (22)(g)(4) is hereby amended to read as follows:

“(4) 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 the Pennsylvania Department of Environmental Protection.”

SECTION 4. Article V, Use Regulations, §200-28 (G), Industrial Uses, Subsection (22) is hereby amended to add the following subsection (k):

“(k) Decommissioning

- (1) It is the facility owner’s responsibility that at the end of the project life, twelve months of inactivity, or six months prior to alternative use as a Data Center, the site must be restored to a condition that existed prior to the project or the facility altered in a manner that will allow for a beneficial reuse of the property. This would involve the removal of all equipment, structures, servers, cooling equipment, containment ponds, etc. that are no longer in use and cannot reasonably be reused. A decommissioning agreement will be required to be executed between the township and the facility owner to ensure requirements within the section are met prior to construction of a Data Center.
- (2) An estimate for 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) shall be submitted for review by the Township during the land development approval process and an updated cost estimate shall be provided every two years thereafter. The facility owner or operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided that at no point shall Decommissioning Funds be less than one hundred twenty-five percent (125%) of Decommissioning Costs. The Decommissioning Funds shall be posted with the Township. The Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the municipality. If the facility owner or operator fails to complete decommissioning within the required period, then the landowner shall within six (6) months complete decommissioning.
- (3) If neither the facility owner or operator, nor the landowner complete decommissioning within the required periods, then the municipality may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Landowner agreement to the municipality shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the municipality may take such action as necessary to implement the decommissioning plan. To the extent the municipality incurs costs to rightfully perform any act in furtherance of decommissioning, it shall submit documentation of such costs to the escrow agent, and the escrow agent shall release sufficient escrow funds to the municipality to cover such costs. The escrow agent shall release any remaining Decommissioning Funds to the facility owner or operator 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.

- (4) 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.”

SECTION 5. 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 of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance and the Zoning Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

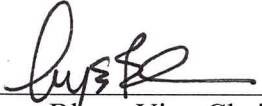
SECTION 6. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

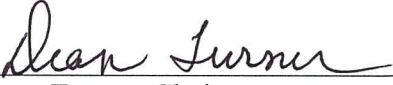
SECTION 7. Effective Date. This Ordinance shall take effect immediately after its adoption.

ENACTED AND ORDAINED at a regular meeting of the Board of Supervisors of the Township of Forks, County of Northampton on this 18th day of June 2026.

ATTEST:

FORKS TOWNSHIP
BOARD OF SUPERVISORS

By: 
Amy Blum, Vice-Chairperson

By: 
Dean Turner, Chairman