

ORDINANCE NO. __83__

CARROLL TOWNSHIP, PERRY COUNTY, PA

**AN ORDINANCE OF CARROLL TOWNSHIP, PERRY COUNTY, AMENDING
THE CARROLL TOWNSHIP ZONING CODE**, said Ordinance stating as follows:

I. Section 138-7B, Definitions, is amended to add the definitions as follows:

Well Area of Influence:

The area surrounding a pumping or recharging well within which the water table or potentiometric surface is lowered or changed, often called a “cone of depression”.

Closed Loop Cooling Systems:

A mechanical or process cooling system in which a transfer medium (typically water or a water-based solution) circulates continuously within a sealed or contained piping network and heat exchangers, without routine direct discharge to the environment or reliance on once-through withdrawal from natural water sources. Heat is transferred from the system through indirect means and the circulating fluid is reused repeatedly with only minimal makeup water required to compensate for evaporation, leakage, or maintenance. The use of evaporation as a method of discharging heat to the environment is not a characteristic of a closed loop cooling system.

Battery Energy Storage Systems (BESS):

BESS are systems in which batteries, either individually or more often in groups, are used to store electricity produced by generation plants, and make it available when needed.

Components include battery blocks, inverters, transformers, and auxiliary systems (in particular cooling and fire protection).

II. Article 138-94U. Electric Power Generation Facilities Section (e) is amended as follows:

(c) All use standards pursuant to Section 138-105 and Section 138-94DD.

DD amended as follows: Data Centers, in districts where permitted Data Centers are a conditional use and shall be subject to the following amended criteria in addition to all other provided criteria:

(4) Water Feasibility Study. A water feasibility study prepared by a qualified professional shall be provided with the zoning permit application. The purpose of the study will be to determine if there is an adequate supply of water for the proposed facility and to estimate the impact of the facility on existing public system and/or wells in the vicinity. No facility shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity. For purposes of this section “sufficient” shall indicate the proposed development poses no increase in the risk of failure of an existing water source nor shall limit currently allowed development on an undeveloped parcel within the well area of influence which is not owned by the applicant. If the source is from a municipal system, the applicant shall include documentation that the public authority will supply the water needed. A water feasibility study shall include the following minimum information:

(c) The location of all existing and proposed wells within Well Area of Influence, with a notation of the capacity of all high-yield wells.

(g) Identification of how water will be purified and recycled into surrounding water bodies. For purposes of this section “purified” shall mean that it has gone through a mechanical or chemical process to remove containments such that the discharge meets all applicable standards set by a regulatory agency having jurisdiction.

(h) A plan to mitigate any unforeseen impacts to properties within the Township. A plan for curtailment of water use during declared droughts, emergency declarations issued by a governmental agency, or upon observations of monitoring conditions inconsistent with study findings.

(k) Method by which monitoring will be performed by a third party agreeable to the Township to ensure actual conditions are consistent with study findings.

(l) Method by which monthly water consumption reports shall be made to the Township via direct reading water meter(s) in which data is transmitted directly from the meter to the Township. Readings shall be cumulative and incorporate all water consumption. Township shall have the right to periodically inspect the metering equipment and water system.

(5) Electric. b. Onsite electric generation, beyond that required for Life Safety purposes under NFPA 101, shall meet the requirements of 138-94U. All combustion engine driven onsite generation shall meet Tier-4F emission standards.

(6) Noise. It shall be demonstrated through a sound study conducted by a professional acoustical expert that the installation of one or more sound reducing materials or systems, approved by the Township, will effectively reduce the sound generated by the facility and associated equipment during normal operations and testing and maintenance operations (i.e. all standby emergency equipment, , including but not limited to generators) to a maximum decibel level of 45 dB(A) and/or 45 dB(C). Such sound study or studies shall be conducted using Sound Level Meters described In ANSI S1.4-2014 and using generally accepted criteria. A sound study shall be conducted at the following intervals.

i. A preliminary study for the facility shall be conducted as part of the Conditional Use process and submitted with the Zoning Permit Application. The preliminary sound study shall set forth the sound levels at representative external property boundaries and recommend the sound reducing materials or systems to meet the aforesaid sound Limits. The Township may have a preliminary sound study generated on its behalf. The cost of the sound study shall be reasonable, and the Township shall solely select the entity conducting the sound study.

ii. An as-built sound study shall be conducted six (6) months after issuance of the certificate of occupancy for any facility to the final escrow release for any facility land development phase. The Township may have a sound study generated on its behalf at any time thereafter, by an entity selected by the Township, at the expense of the Developer.

iii. If it is determined by an as-built sound study that there is a violation of the aforesaid sound limits, then the issued Zoning Permit Is rescinded until the Developer provides a sound study showing that the sound does not exceed 45dB(A) and/or 45 dB(C) of an external property line. The Township may select an entity to conduct a sound study to verify that that the sound does not exceed the limits established by this Ordinance, and the cost of the sound study shall be borne solely by the Developer. Upon verification that the sound does not exceed the limits established by this Ordinance, the Zoning Permit shall be reinstated.

iv. In the event of a failure by the owner or occupant to remediate a sound violation, the Township may revoke any zoning permit(s) previously issued for the facility.

(8) Continued Care

a. Following the conclusion of construction, the owner/operator shall be responsible for conducting water quality testing on a quarterly basis to the water body located closest to the property. A copy of the water quality test result shall be provided to the Township within 30 days of the test.

b. Should testing yield negative results showing increased minerals or pollutants present attributable to facility operations, the owner/operator must report this to the Board of Supervisors and cut operations by 50%. Operations shall remain at 50% while the operator works to address the problem and can provide clean test results.

(9) Buffer yards and Screening shall be provided per Section 138-98.

(11) The applicant shall provide financial surety for all improvements. A bond shall be provided specifically to address the potential for water source depletion or contamination. The Bond amount shall be established by the Township based on the well area of influence, however, shall not be less than \$5 Million Dollars.

(12) Decommissioning, Remediation, and Disposal

1. A decommissioning plan shall be submitted as part of any Conditional Use submission and shall show the handling and removal of any Electronic Waste (also known as “E-Waste”) and/or any other hazardous material that may be present on the site.

2. The financial security required herein is imposed pursuant to the Municipality’s zoning authority under MPC § 603 to ensure mitigation of land use impacts and shall be limited to costs reasonably related to the removal of improvements and restoration of the site.

a. The applicant shall provide documentation, such as an affidavit or equivalent evidence, executed by the property owner and operator, confirming the existence of a lease or ownership agreement that includes decommissioning and successors-and-assigns provisions. The decommissioning provision shall ensure adequate funding for the dismantling and removal of all structures, equipment, and appurtenances, including but not limited to buildings, electrical infrastructure, cooling systems, access roads, ancillary facilities, and electronic equipment and materials. The successors-and-assigns provision shall bind all future owners and operators to these obligations.

b. The owner/operator shall notify Carroll Township in writing within thirty (30) days upon cessation or abandonment of operations. A facility shall be presumed abandoned if it ceases operations for a continuous period of twelve (12) months without

demonstrable efforts to resume use. If decommissioning is not completed within eighteen (18) months of cessation or abandonment, the Municipality may complete decommissioning at the property owner's expense.

3. The owner/operators shall notify Carroll Township within thirty (30) days of the commencement of any partial shutdown. A partial shutdown shall occur when a primary use or associated equipment permanently ceases operation of a substantial portion of its facility, equipment, or infrastructure, including but not limited to:

a. The permanent shutdown, removal, or de-energization of one or more halls, buildings, or major systems.

b. A reduction in operational capacity of fifty percent (50%) or more of the approved or constructed floor area, power capacity, cooling capacity, or server capacity; or

c. The permanent cessation of operations of any major equipment, including but not limited to power generation equipment, battery energy storage systems, cooling systems, or substations.

4. Notice Requirement. The owner and/or operator shall provide written notice to the municipality within thirty (30) days of the commencement of any partial shutdown. Such notice shall include: The scope and the extent of the shutdown; equipment, buildings, or systems taken out of service; Whether the shutdown is temporary or permanent; and a proposed schedule for removal, mothballing, reuse, or decommissioning of affected facilities or equipment.

5. Prior to permit issuance, the applicant shall provide financial security in an amount acceptable to the Municipality to guarantee proper decommissioning. The amount shall be based on an engineer's estimate of decommissioning costs and shall not be less than one hundred ten percent (110%) of the approved estimate. The estimate shall include costs associated

with the removal, transportation, recycling, or lawful disposal of electronic waste (e-waste), including but not limited to servers, storage devices, networking equipment, backup power systems, batteries, cabling, and related components. Financial security may be provided in the form of: Cash or funds deposited with Carroll Township; a performance bond; or other financial instrument upon approval by Carroll Township.

6. All e-waste generated during decommissioning shall be managed in accordance with applicable federal, state, and local laws and regulations. Electronic equipment shall be recycled, reused, or disposed of at facilities authorized to handle such materials, and no waste shall be buried, abandoned, or disposed of on-site.

7. The financial security shall remain in effect until the facility is fully decommissioned, all e-waste is properly managed, and the site is restored in accordance with approved plans. Carroll Township may draw upon financial security to cover costs associated with dismantling, removal, e-waste management, site restoration, and administrative expenses. Any funds utilized shall be promptly replenished by the facility owner.

8. An updated engineer's estimate of decommissioning costs shall be submitted every ten (10) years during facility operation and upon any material modification to the facility. Upon approval, the financial security shall be adjusted to reflect not less than one hundred ten percent (110%) of the revised estimate.

(13) During building operation vibration levels (peak particle velocity) may not exceed 0.02 in/sec at the property line. A post construction study will be provided by the owner/operator following the same process/schedule/requirements as 138-94 DD (6) Additional low frequency and vibration studies may be requested by the Township based on the specifics of the application.

(14) The applicant will include a study on how the project may affect the local and regional climatological environment. The applicant will be responsible for showing or including

provisions to mitigate such impacts so that the proposed project does not cause a measurable increase from the naturally occurring weather metrics such as temperature, humidity, or air flow outside of the parcel on which the project is located.

(15) Maximum individual building size shall be 25,000 SQ FT.

(16) Pre-approval site disturbance prohibited

a. No tree removal, deforestation, woodland clearing, stump removal, grading, stripping, filling, earth disturbance, installation of access roads, installation of utilities, or other site-clearing activity, other than surveying, soil testing, geotechnical borings, wetland delineation, environmental sampling, or other minimally invasive investigative work authorized by law, shall occur on any lot proposed for a facility prior to: (a) approval of the conditional use; (b) approval of any required subdivision or land development plan; (c) issuance of any required zoning, grading, stormwater, NPDES, driveway, or building permits; and (d) expiration of all applicable appeal periods.

b. If tree removal, clearing, grading, or disturbance occurs in violation of this section, the Township may review and apply all woodland-preservation, buffering, screening, landscaping, and natural-resource protection requirements as though the site remained in its pre-disturbance condition, and the applicant shall remain responsible for restoration, replacement, and mitigation based on such pre-disturbance condition.

c. Before issuance of any permit authorizing tree removal, clearing, grading, earth disturbance, or building construction for an applicable facility, the applicant shall submit executed purchase orders, binding procurement contracts, manufacturer commitments, or other documentation acceptable to the Township showing that critical long-lead equipment necessary for the proposed use has been materially committed for procurement. Critical long-lead equipment shall include, as applicable, major server or processing equipment, transformers,

switchgear, generators or other backup-power equipment, cooling equipment, and major electrical-distribution equipment.

d. No tree removal, deforestation, site clearing, grading, or building construction shall commence earlier than ninety (90) days before the earliest documented contractual delivery date for the first critical long-lead equipment necessary for operation of the applicable facility, unless the Board of Supervisors grants a written modification upon clear and convincing evidence that earlier work is necessary, continuous construction will follow without speculative delay, and additional financial security acceptable to the Township has been posted.

(18) Approval expiration and commencement.

In addition to any other expiration provision of this chapter, approval for an applicable facility conditional use shall expire if the applicant fails to submit applications for required land development, grading, zoning, stormwater, or building permits within twelve (12) months after conditional-use approval, unless extended by the Board of Supervisors for good cause shown upon written request submitted prior to expiration. If permits are timely sought but substantial authorized work does not commence within six (6) months after issuance of the first grading or building permit, the conditional-use approval may be deemed expired unless extended by the Board for good cause shown.

(19) Operator or end-user specificity.

Before issuance of any grading permit or building permit, the applicant shall identify the proposed operator or end- user, if one has been secured, and shall submit a detailed operational profile describing the maximum proposed electrical demand, cooling method, backup-power configuration, hazardous materials profile, water demand, noise- producing equipment, testing schedule, and other material operational characteristics of the proposed use. If a specific operator or end-user has not yet been secured, the applicant shall instead submit a binding worst-case

operational profile and written use limitations sufficient for the Township to evaluate the actual land-use impacts of the proposed facility. No certificate of occupancy shall be issued until the operator, or end-user is identified and certified by the Township as materially consistent with the approved profile and use limitations. Any material deviation shall require supplemental Township review and, if required by the Township Solicitor or Board of Supervisors, amended conditional-use approval.

(20) Emergency Management

a. Each operation shall provide 24-hour emergency contact signage visible at the access entrance. Signs shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.

b. Any facility proposing battery energy storage systems (BESS) 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.

c. The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional and is to be reviewed by the municipality's Emergency Management Coordinator, and or the Emergency Management Agency or other appropriate Municipal officials and or their designee servicing in this capacity for review and comment.

d. Any additional equipment, training, facilities and costs thereof determined necessary for providing Emergency Services for the duration of construction and operation of the proposed facility shall be borne by the applicant, its assigns or successors.

(21) Closed loop cooling shall be preferred unless the applicant demonstrates an alternate system achieves better or equal water conservation and environmental protection.

(22) All other provisions of the Ordinances of Carroll Township shall be met.

(23) The Township may attach reasonable conditions and safeguards to the grant of a conditional use in addition to those expressly considered or authorized in this chapter, as deemed necessary and appropriate to avoid or mitigate any negative impact of the development and otherwise to implement the purposes of this chapter and the Municipalities Planning Code.

Section 148-146D is amended as follows:

....Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable for such violation in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, for each day the violation persists, the plus all court costs, including the reasonable attorneys' fees incurred by the Township as a result thereof.....

Section 120-11 is amended to add the following:

Public Outreach

a. Prior to the submission of a land development plan for a proposed Data Center or Electric Power Generation Facilities, the operator and property owner must notify all residents within a 1 mile radius of the parcel, including affiliated homeowners' associations operating within the 1 mile radius, that the property owner intends to build and operate a Data Center or Electric Power Generation Facility on the property. This notice must be mailed to all postal addresses and homeowners' association addresses contained within a 1-mile radius extending from all property lines where the proposed facility will be built.

b. A copy of the mailing list and communication shall be provided to the Township.

c. The applicant must schedule and conduct at least two public meetings with residents to describe the project and the proposed mitigation aspects of the project design.

I. The operator must erect a sign 15 days prior to each meeting in high-visibility locations determined by the Board of Supervisors. All signs must be legible and contain the following:

1. Applicant name and contact information;
2. Brief description of the project;
3. Date, time, and location of the meeting.

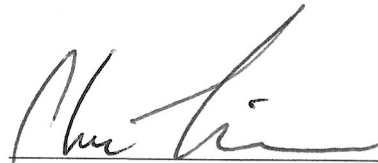
ii. All signs shall be designed and erected in accordance with Pt. 11 of the Ordinance Code, Article XI; Signs.

All other provisions of Ordinance No. 82 and prior Zoning regulations remain in effect as previously adopted.

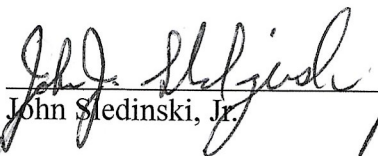
Enacted as an Ordinance on the 8th day of September, 2026, in a duly called regular session of the Board of Supervisors of Carroll Township and effective immediately.

Attest:


Secretary


Charles Thiemann, Chairman


Kirby Kitner, Vice Chairman


John Sledinski, Jr.