North Franklin Township

Washington County

ORDINANCE NO. 2 - 2026

AN ORDINANCE OF THE TOWNSHIP OF NORTH FRANKLIN, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP CODE, SPECIFICALLY CHAPTER 27, ZONING, TO ESTABLISH DEFINITIONS AND REGULATIONS FOR CRYPTOCURRENCY MINING AND DATA CENTERS IN THE TOWNSHIP AS A CONDITIONAL USE IN THE TOWNSHIP'S INDUSTRIAL ZONING DISTRICT (I-1) AND PLANNED ECONOMIC DEVELOPMENT ZONING DISTRICT (PED).

WHEREAS, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, 53 P.S. § 10101, *et seq.*, as amended ("MPC") authorizes the North Franklin Township Board of Supervisors ("Board of Supervisors") to regulate zoning and land use in the Township of North Franklin ("the Township") and to enact amendments to the Township's Zoning Ordinance; and

WHEREAS, 8 Pa.C.S.A. §1202(5), provides the Board of Supervisors with the power to make regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort, and safety of the Township; and

WHEREAS, the use of property as "data centers" or "server farms" used to house networked computer systems for data storage and processing, and particularly for such data centers utilized in whole or in part for the "mining" of cryptocurrency, may result in detrimental effects on the public such as excessive noise and overuse of public resources such as water and electricity'; and

WHEREAS, the Board of Supervisors desire to preserve the rural nature of the Township, and has determined that "data centers" and "server farms" are only consistent with the Township's Industrial Zoning District and it shall be considered a conditional use only in the Industrial Zoning District and is not authorized in any way in any other zoning district; and

WHEREAS, the Board of Supervisors has considered and recommended certain provisions and regulations intended to limit the impact of "data centers," "server farms," or "crypto-mining," within the Township; and

WHEREAS, the Board of Supervisors desire to amend the Zoning Ordinance to include regulations pertaining to the use of property as a "data center" "server farm" or "crypto-mining," within the Township.

NOW THEREFORE, be it ordained and enacted by the Board of Supervisors of North Franklin Township, County of Washington, Commonwealth of Pennsylvania, and it is ordained and enacted by and with the authority of the same, incorporating the above recitals by reference:

SECTION 1. TITLE.

This Ordinance shall be known as the "North Franklin Township Data Center Ordinance of 2026."

SECTION 2. DEFINITION.

When used in this chapter, the following words shall have the following meanings:

CRYPTOCURRENCY MINING
See "data center"

DATA CENTER
A commercial use of one or more buildings, designed and intended primarily to house computer, networking and communication systems, equipment and components, such as routers, switches, firewalls, servers, storage systems and application-delivery controllers, for storing, processing, managing, transmitting and backing up electronic data necessary for the operation of a business, enterprise, institution, or other similar organizational entity. A data center use also includes accessory and supporting public utilities (e.g., substations, switch stations, etc.), infrastructure systems, mechanical equipment, components and environmental controls (e.g., air conditioning or cooling towers, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections and enhanced security.

DATA CENTER ACCESSORY USE: Systems, equipment, facilities, and/or components used in the cooling system including fans, blowers, water or other liquid cooling pumps, power supply systems including electrical substations, transformers, fuel cells, generators, and similar systems and components, telecommunication, cloud communication, and mechanical or environmental controls when used in the support or enabling of a Data Center.

PROTECTED STRUCTURE – Any (public/private) hospital, school, cemetery, religious institution or other public building located within 1,000 feet of a Data Center site.

SERVER FARM
See "data center"

SECTION 3. DESIGN AND INSTALLATION OF DATA CENTER FACILITIES.

Data Centers shall be permitted as a principal conditional use subject to the following:

(1) Data Centers are a conditional use in the Industrial and Planned Economic Development (PED) Zoning Districts only.

(2) Setbacks:

a. Data Center Uses shall not be closer than 500 feet from an existing residential building, unless the owner of the building provides written consent. Said setback measured radially from Data Center building and/or any exterior equipment.

b. Data Center Uses shall not be closer than 1,000 feet from a protected structure (measured radially from Data Center building and/or any exterior equipment to the protected structure) whether in a mixed-use development or not.

(3) The Minimum Lot Size:

(a) Data Centers less than 40 MW – Five (5) acres

(b) Data Centers 40 MW or greater – Thirty (30) acres

(4) All equipment and machinery shall be stored within a completely enclosed building.

(5) Office space may be provided which shall not exceed 10% of the total building area.

(6) Proof of capacity by the applicable water and/electric utility company shall be provided.

(7) Any proposal for a Data Center shall include the latest technology in water conservation, including utilizing closed loop systems in order to reduce the demand for public water.

(8) The Applicant shall provide a copy of the project summary and site plan to local emergency services, including the North Franklin Township Volunteer Fire Department(s). Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Data Center.

(9) Any gated emergency access route or secondary access route shall be fitted with the "knox-box" type device dictated by the fire department.

(10) The Applicant shall provide proof of adequate liability insurance for a Data Center prior to beginning construction and before the issuance of a zoning or building permit from North Franklin Township.

(11) Any area of the building which is used for storage of servers, computers or other communication equipment shall provide one parking space for each 1,500 square feet of gross floor area devoted to that use and/or 1.5 parking spaces per employee during peak hours, whichever is greater.

(12) Provide pre-construction sound study to confirm compliance with the Township noise/sound requirements.

(13) Within thirty (30) days of operation, provide a sound study to confirm compliance after system activation.

(14) Data Centers must further meet the standards set forth in the applicable performance standards of the Township Code and/or Zoning Ordinance.

SECTION 4. DECOMMISSIONING.

A Data Center which has reached the end of the term of the conditional land use permit and has not been granted an extension shall be deemed abandoned.

A. The Data Center shall be presumed discounted or abandoned if no production of commercial quantities of electricity is generated by such system for twelve (12) continuous months.

B. Decommissioning Plan:

(1) The decommissioning plan shall be prepared by a professional engineer or contractor and approved by the Township engineer, and shall provide the estimated cost to remove Data Center systems and related infrastructure from the Data Center, including, but not limited to:

a. Anticipated life of the data center; and

b. Cost to remove foundations; and

c. Cost to remove underground collector lines; and

d. Cost to remove permanent roads built on the project parcels as part of the construction of the system all to a depth of four feet below the surface; and

e. Cost to remove and/or recycle computers, batteries, electrical components, etc.; and

f. Estimated cost to restore the project parcel(s) to an environmentally stable condition substantially similar to the condition of the project parcel(s) prior to the construction of the Data Center.

(2) The decommissioning plan shall be submitted to the Township during land development and prior to executing a Developer's Agreement.

(3) The decommissioning plan shall be updated every three (3) years and/or upon transfer of ownership.

C. Updated Decommissioning Plan:

(1) A revised and updated decommissioning plan shall be provided to the local Planning Commission for review and recommendation five years after the building permit was issued for the Data Center and each three (3) year anniversary thereafter until the Data Center has been fully decommissioned and the project parcel has been restored as required.

D. Decommissioning Security:

(1) Prior to construction, the Applicant shall post financial security in the amount of one-hundred twenty-five (125%) percent of the decommissioning cost, as approved by the Township Engineer securing the decommissioning obligations of the data center project and naming the Township as beneficiaries, the original of which security shall be delivered to the Township. The form of the security shall be subject to the review and approval of the Township Solicitor.

(2) The financial security shall be updated to reflect the revised decommissioning cost every three (3) years and/or upon transfer of ownership of the property or the Data Center.

(3) The financial security shall be in a form consistent with the requirements of the Pennsylvania Municipalities Planning Code and is subject to review and approval by the Township Solicitor.

E. Project Abandonment:

(1) The Data Center has not for twelve (12) continuous months:

a. generated commercial production of commercial quantities of electric energy and delivered such energy to the utility grid;

b. been decommissioned in accordance with this Zoning Order; and

c. such cessation of operations is not attributable to an event beyond the reason control of property owner or Applicant, as the case may be.

SECTION 5. OTHER CONDITIONS TO BE CONSIDERED.

The Board of Supervisors shall consider conditions when considering a proposed Data Center as a conditional use, including, but not limited to, the following:

A. Maximum generation capacity of the Data Center.

B. More restrictive criteria pertaining to location and proximity of facility to other uses, including, but not limited to, residential uses, highways, entry corridors, scenic highways, etc.

C. More restrictive criteria pertaining to buffer zones and wildlife corridors.

D. More restrictive criteria pertaining to prime soils, soil analysis, and deforestation.

E. Job fairs, hours of construction, public safety, and EMS training.

SECTION 6. COMPLIANCE WITH TOWNSHIP CODE.

Unless specifically set forth herein, compliance with all applicable performance standards, general standards, and requirements of the Smith Township Code and Zoning Ordinance must occur.

SECTION 7. VIOLATIONS.

In the event of a violation of any provision herein and failure of owner to correct said violation in the time period provided by the Township and/or its designated agent, said failure shall constitute a Civil Violation, as defined in the laws of the Commonwealth, and shall be prosecuted in accordance with the laws of the Commonwealth and the Rules of Civil Procedure adopted by the Pennsylvania Supreme Court.

Except where specific maximum penalties are provided elsewhere, in a law of the Commonwealth uniformly effective for political subdivisions or in another ordinance of the Township for a particular violation, any person/entity who shall violate any provision of this Code, any provision of any code or other regulation adopted by reference by this Code or any provision of any other Township ordinance, including applicable general performance standards for said use, shall, upon an adjudication and a finding of a violation, pay a civil penalty not to exceed **One Thousand Dollars ($1,000.00)** for a violation of building, housing, property maintenance, health, fire, and public safety codes and for water, air and noise pollution violations; and a civil penalty not exceeding **Six Hundred Dollars ($600.00)** for any violation of the Township Code, costs of prosecution, attorneys' fees where authorized; all collectible as provided by law.

SECTION 8. CONSTRUCTION AND SEVERABILITY.

The provisions of this Ordinance shall be construed to the maximum extent possible to further the purposes and policies set forth herein, as consistent with applicable state statutes and regulations. If the provisions of this section and state law are in conflict, then state law shall prevail.

The provisions of this Ordinance shall be severable and if any court of proper jurisdiction holds any provision of this Ordinance or the application of any provision to be illegal or unconstitutional, then the other provisions of this Ordinance or other applications of such other provisions to other circumstances, shall remain in full force and effect.

SECTION 9. EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage.

ORDAINED AND **ENACTED** this 14th day of April, 2026 by the Board of Supervisors of North Franklin Township in lawful session duly assembled.

ATTEST:

Township Secretary
(SEAL)

NORTH FRANKLIN TOWNSHIP

By: _____
Chairman, Board of Supervisors