SCRUBGRASS TOWNSHIP

VENANGO COUNTY, PENNSYLVANIA

ORDINANCE NO. 2026-_03

AN ORDINANCE AMENDING AND RESTATING THE SCRUBGRASS TOWNSHIP DATA CENTE RORDINANCE

WHEREAS, Scrubgrass Township, Venango County, Pennsylvania ("Township") is a second-class township duly organized and existing under the Second-Class Township Code, 53 P.S. § 65101 *et seq.*; and

WHEREAS, the Township is empowered by the Second-Class Township Code, 53 P.S. § 66506, to make ordinances necessary for the proper management, care, and control of the Township and its finances and the maintenance of peace, good government, health, and welfare of the Township and its citizens, trade, commerce, and manufacturers; and

WHEREAS, the Township Board of Supervisors adopted Ordinance No. 2026-3 at a duly-advertised public meeting on July 18, 2026, for the purpose of regulating data centers in the Township; and

WHEREAS, the Township's Board of Supervisors ("Board") believes it to be in the best interest of the health, safety, and well-being of the residents of the Township to amend and restate the regulations for Data Centers in order to protect and promote public safety and ensure the proper management and maintenance of the health and welfare of the Township and its residents and emergency services.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that the Scrubgrass Township Data Center Ordinance is hereby amended and restated as follows (insertions shown as double underlined; deletions shown as ~~strikethrough~~):

Section 1 Title.

This Ordinance shall be known as "The Scrubgrass Township Data Center Ordinance."

Section 2 Purpose and Intent.

The purpose of this Ordinance is to establish standards and regulations governing the ~~siting,~~ design, construction, and operation of Data Centers within Scrubgrass Township in order to:

1. Promote the public health, safety, and general welfare of Township residents;

2. Ensure that Data Center development is compatible with surrounding land uses;

3. Protect public infrastructure, including water resources, sewer systems, stormwater facilities, transportation networks, and emergency services, from undue strain;

4. Address potential impacts related to noise, lighting, traffic, utility demand, backup power generation, and environmental emissions;

5. Safeguard environmental resources, including groundwater, surface waters, air quality, and natural features, including waterways that are designated as part of the National System of Wild and Scenic Rivers pursuant to the Wild and Scenic Rivers Act, 16 U.S.C. §§ 1271-1287;

6. Promote responsible energy use, resilience, and sustainability practices;

7. Provide clear, objective standards to guide applicants, Township officials, and the public in the review and approval of Data Center developments; and

8. Encourage economic development opportunities that contribute to the Township's tax base and employment opportunities while ensuring that such development occurs in a planned and orderly manner.

This Ordinance is adopted pursuant to the authority granted under the Second-Class Township Code, 53 P.S. § 65101 et seq. ~~and the Pennsylvania Municipalities Planning Code (MPC), 53 P.S. § 10101 et seq.,~~ and other applicable laws of the Commonwealth of Pennsylvania.

Section 3 ~~**Administrative Authority**~~**Data Center Permit; Fees; Public Hearing.**

A. The Codes Enforcement Officer and other designated Township officials shall be responsible for enforcing compliance with this chapter. Prior to construction, all Data Centers within the Township shall have to obtain a Data Center Permit ("Permit") from the Scrubgrass Township Board of Supervisors. All applications for a Permit shall be reviewed at a public hearing held by the Township Board of Supervisors within sixty (60) days of receipt by the Township of an administratively complete Permit application in accordance with the following procedures:~~. The public hearing shall be conducted pursuant to the Pennsylvania Local Agency Law, 2 Pa.C.S. §§ 551-555, with appeal rights as set forth in 2 Pa.C.S. §§ 751-755. Such plans shall be submitted for review to the Township Secretary, Fire Chief and other consultants as determined to be necessary by the Township staff, and/or Township Board of Supervisors in their sole discretion.~~

(1) The public hearing shall be conducted pursuant to the Pennsylvania Local Agency Law, 2 Pa.C.S. §§ 551-555, with appeal rights as set forth in 2 Pa.C.S. §§ 751-755;

(2) A public notice with the date, time and location public hearing along with a brief summary of the nature of the application shall mailed to the address of each property owner within 500 feet of the outermost perimeter boundary lines of the property or properties to be developed no less than thirty (30) days prior to the date scheduled for the public hearing;

(3) The public notice described in subsection (2) shall also be advertised one time per week for two consecutive weeks (with at least four (4) calendar days in between each such notice) in a newspaper of general circulation available in the Township with the first advertisement occurring not more than sixty (60) days and the second advertisement occurring not less than seven (7) days prior to the hearing;

(4) The public notice described in subsection (2) shall also be posted at a reasonable number of locations along the perimeter of the property or properties to be developed at least seven (7) days prior to the public hearing; and

(5) The applicant shall be responsible for all public notices, including for continued or rescheduled hearings (and shall provide proof of the same for the record at the public hearing) and all costs of the public hearing, including without limitation, printing, mailing, advertising, stenographer, rental charge for hearing location (which location shall be determined by the Township based on projected attendance) and security (as deemed necessary in the sole discretion of the Township)

B. An application for a Data Center Permit shall be submitted to the Township for review and approval. Nine (9) copies of the application should be submitted to the Township Secretary along with the required fees. A copy of the application shall also be provided to the Township in a digital pdf format (or substantially similar digital format). The application shall, at a minimum, contain the following:

(1) A site plan demonstrating compliance with this Ordinance which shall include, without limitation, property lines, buildings, structures, fences, access drives, parking areas, interconnection facilities, substations, battery storage, primary and backup power sources, utility lines, wells within three hundred (300) feet of the property, and any sensitive receptor buildings and structures within five hundred (500) feet of the property. The site plans shall also be provided to the Township in a digital .pdf format (or substantially similar digital format);

(2) The conditionally-approved land development plan, which may be submitted as the site plan require din subsection (1) if showing all requirements of this Ordinance;

(3) The administratively complete NPDES permit application;

(4) Landscape management plan with financial security estimate;

(5) Architectural depictions of the proposed building and associated equipment;

(6) Preliminary sound study;

(7) Fire Chief review and comment letter;

(8) Emergency services training plan with itemized list of recommended fire safety and other specialized emergency services equipment;

(9) Emergency response plan;

(10) EMF management plan;

(11) Vibration modeling study;

(12) Water feasibility study;

(13) Environmental impact assessment;

(14) Decommissioning plan; and

(15) Construction transportation plan.

C. Applicants shall present the application, plans and supporting documents in a pre-application meeting with the Codes Enforcement Officer and Township solicitor to verify the completeness of the submission before acceptance of any application for a Permit. Any submission determined to be incomplete shall not be accepted as complete application and shall not be processed.

D. No application for a Data Center Permit shall be accepted or deemed administratively complete, and no review under this Ordinance shall commence, until the applicant has paid to the Township a non-refundable application fee in the amount established from time to time by resolution of the Board of Supervisors. The application fee defrays the Township's baseline administrative costs of intake, file creation, hearing notice, hearing advertisements, and general processing of the application, and is separate from and in addition to the Review Escrow required by subsection F.

E. In addition to the Application Fee, and as a condition of the application being deemed administratively complete, the applicant shall establish and fund a replenishable escrow account (the "Review Escrow") with the Township to secure payment of all reasonable and necessary costs incurred by the Township in reviewing the application and conducting the public hearing. Unless otherwise established by resolution of the Board of Supervisors, the initial Review Escrow deposit shall be 2% of the projected cost of the Data Center, up to a maximum of fifty thousand dollars ($50,000.00), or such other threshold as may be established by resolution. The Township shall hold the Review Escrow in a Township-designated account or sub-account and may, but shall not be required to, deposit the funds in an interest-bearing account, with any interest accruing to the Township to offset administrative costs.

F. Costs chargeable to the Review Escrow shall include, without limitation, the reasonable and necessary charges of the Township's professional consultants for review of, report upon, and participation in the public hearing concerning the application, including:

(1) The Township Engineer, and any specialized engineering, hydrogeologic, acoustical, environmental, or other technical consultants engaged to review the studies and plans required by this Ordinance (including without limitation the water feasibility study, sound and vibration studies, EMF management plan, environmental impact assessment, and decommissioning cost estimate);

(2) The Township Solicitor and any special legal counsel engaged to review the application for compliance with this Ordinance and to advise the Township in connection with the application;

(3) The Codes Enforcement Officer and any third-party code administration or inspection agency engaged by the Township in connection with the application;

(4) Stenographer fees or other costs incurred for transcribing the public hearing.

G. The Review Escrow shall be maintained as a replenishable account. Whenever the balance of the Review Escrow falls below ten thousand dollars ($10,000.00), or such other threshold as may be established by resolution, the Township shall notify the applicant in writing, and the applicant shall, within ten (10) days of the date of such notice, deposit additional funds sufficient to restore the Review Escrow to its initial funding level. The Township may suspend all review of the application, and may decline to schedule or continue the public hearing, until the Review Escrow has been replenished as required. Any period of suspension shall toll the sixty (60) day review period set forth in Section 3.

H. Professional review charges shall be reasonable and in accordance with the ordinary and customary charges for similar services, and in no event shall the rate or cost charged to the applicant exceed the rate or cost charged by the professional consultant to the Township for comparable services that are not reimbursed by or imposed upon applicants.

I. Upon final action on the application, whether by approval, denial, or withdrawal, and after payment of all outstanding charges, the Township shall provide the applicant with a final accounting of the Review Escrow and shall refund to the applicant, any balance remaining in the Review Escrow. If the actual costs incurred by the Township exceed the amount held in the Review Escrow, the applicant shall remain liable for, and shall pay to the Township within thirty (30) days of the date of the final accounting, the amount of any such deficiency. No Permit shall be issued or any Permit issued shall be suspended while any amount owed under this Section remains unpaid.

J. The fees established by this Section are intended solely to reimburse the Township for the reasonable and necessary administrative and professional costs actually incurred by the Township in receiving, reviewing, and acting upon applications for a Data Center Permit, and in conducting the public hearing required by Section 3. The fees are not intended to, and shall not, generate general revenue for the Township. Nothing in this Section shall be construed to authorize any charge that is not reasonably related to the cost of administering this Ordinance. Fees recoverable in connection with the enforcement of a violation or

abatement of a public nuisance are governed by Section 23 of this Ordinance and not by this Section.

Section 4 Additional Requirements.

A Data Center must also meet all applicable subdivision and land development requirements outlined in the Venango County Subdivision and Land Development Ordinance (the "County SALDO") and all stormwater management requirements to obtain an NPDES permit from the Venango County Conservation District ("VCCD") or Pennsylvania Department of Environmental Protection ("PaDEP"). A conditionally-approved Land Development Plan and administratively complete NPDES permit application shall accompany all Permit applications under this Ordinance and be a requirement for administrative completeness of the application. The applicant shall contemporaneously provide the Township with copies of all submissions of plans and supporting documentation to Venango County, VCCD and PaDEP. The applicant shall further provide copies of any as-built plans provided to Venango County, VCCD and PaDEP as a condition of the Data Center Permit.

Section 5 Utility Connections.

A. Power.

(1) Burying power lines serving the property is strongly encouraged. On-site power lines of 34.5 kV and below must be buried to the extent feasible.

(2) At the time of the Permit application, the applicant shall provide written verification from the applicable service provider or an independent professional engineer stating the following:

(a) Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the service area is consistent with the normal projected load growth envisioned by the provider.

(b) Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use.

(c) Any system designed for cooling and operation of the facility (electricity, water, or other means) will be adequate and will not negatively impact the surrounding region.

(d) The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.

(3) After construction has completed, the applicant shall provide to the Township written confirmation that the electrical work has passed a third-party final inspection.

B. Water and Sewer.

(1) Public or private central water and sewer facilities shall be provided. If existing public capacity is insufficient, or if the applicant will not be on public central water and sewer, the applicant must demonstrate alternative measures showing that all water and sewer needs will be met without expansion of Township services or facilities.

Section 6 Buffer Strips.

A. Data Center sites abutting sensitive receptors, or residential uses must include an enhanced buffer strip with required plantings that may be located on an earthen berm with a grade no steeper than 2:1.

B. Utilities should be located outside of buffer strips to the maximum extent feasible to maintain a cohesive buffer strip, protect landscaping, and preserve open space. Utilities should be co-located when feasible to minimize the number of utility crossings through the required buffer strip, particularly when such crossings cannot be avoided.

C. An enhanced buffer strip of 300 feet must be established between any Data Center site and the ordinary high water mark of any waterway given status as part of the National System of Wild and Scenic Rivers pursuant to the Wild and Scenic Rivers Act, 16 U.S.C. §§ 1271-1287.

D. Use of existing vegetation for landscaping and screening is strongly encouraged and may be substituted for new berms and plantings if approved by the Scrubgrass Township Board of Supervisors.

E. The buffer strips and landscaping for all Data Center uses must comply with the requirements set forth in the County SALDO wherever not specifically addressed in this section.

F. Buffer strips along roadways shall be measured from the street right-of-way line.

G. Where a lot line drainage or utility easement is required, the buffer strip shall be measured from the inside edge of the easement.

H. Stormwater facilities, fences and retaining walls may be located within setback areas so long as the location does not adversely impact the effectiveness of the buffer strip.

I. The buffer strip shall include a dense landscape buffer consisting of at least the following:

(1) One (1) large evergreen tree per 625 square feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of

planting. Narrow/upright evergreen species may also be used within buffers at a ratio of 3:1. No more than 25% of the total required large evergreen species can be substituted with narrow/upright species.

(2) One (1) canopy (shade) tree per 5,625 square feet of buffer. The size of canopy (shade) trees shall be a minimum of 2 ½ inch caliper at the time of planting.

(3) One (1) ornamental/flowering tree per 2,500 square 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.

(4) One (1) shrub per 25 square feet of buffer. Shrubs shall be fully branched and a minimum of three (3) feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% evergreen.

J. Buffer strips should, unless a more interior portion of the buffer strip provides more effective screening due to topography, allow for a 50 foot wide area alongside the strip for the purpose of maintaining and replacing all plantings.

K. Plant material within buffer plantings shall meet the following requirements:

(1) Be resistant to diesel exhaust.

(2) Not identified on the most current DCNR invasive species or watch lists.

(3) Be hardy within USDA hardiness Zone 6b.

(4) Shall be planted on the top and the exterior of any berm in order to provide effective screening.

(5) Shall be arranged in groupings to allow for ease of maintenance and to provide a natural appearance.

(6) Shall provide a diversity in plant species, such that no one species accounts for more than 25% of each plant type.

(7) The plantings shall be arranged to provide a complete uninterrupted year-round screen of the property that is at least 12 feet in height, measured in addition to the height of any required berm, within three (3) years. Tree rows shall be staggered. Shrubs may be clustered or staggered in order to optimize visual screening and spacing for plant viability.

L. No impervious surface is permitted within the buffer strip aside from access drives, sidewalks, and associated improvements.

M. Proposed fences shall be located between the buffer strip and buildings whenever feasible. Barbed wire or razer wire fence shall only be installed if required by applicable federal or state security standards. Fences gating entrances shall be equipped with a knox box for emergency services access.

N. Landscaping plans, along with a landscape management plan, shall be submitted at the time of the Permit application. The plans shall demonstrate compliance with the applicable screening and buffer strip requirements. The landscape management plan shall provide an estimate for financial security for the ongoing maintenance of the landscape buffer, which shall be subject to review and approval by the Township. The financial security for landscape buffer maintenance shall be posted prior to the start of construction and shall be maintained until the decommissioning of the Data Center. The owner of the Data Center shall submit an updated estimate for the financial security no less than every five (5) years for review and approval by the Township. The posted amount of the financial security shall be updated within thirty (30) days following approval by the Township.

Section 7 Aesthetic Standards.

A. Buildings shall be sited and oriented to:

(1) Minimize visual impacts of the bulk of the building when examined on a line-of-sight basis from adjacent public streets, residential use buildings, and sensitive receptor areas.

(2) Provide safe and convenient vehicular access to the site, including sufficient on-site queuing areas at security gates.

(3) Accommodate adequate parking.

(4) Minimize impacts to natural resources.

(5) Incorporate appropriate stormwater management practices.

(6) Data Center campuses containing more than one building are encouraged to provide a variety in building size, massing, siting, and appearance by transitioning from smaller or lower buildings along street frontages to larger and taller structures on the interior of the site. Consideration of topography shall be given to avoid placement of larger, taller, or more massive buildings in a prominent location, such as the high point of the property, or along a public street.

B. Data Centers shall not have blank exterior walls on any side of a building. There shall be adequate fenestration as well as horizontal and vertical breaks every 35 lineal feet.

Building materials shall be durable, consisting of brick or other context-sensitive masonry materials with variation of color. Rooflines shall have variation throughout.

C. Data Centers must include a main entrance feature that is differentiated from the remainder of the building façade by a change in building material, pattern, texture, color, or accent material. The entrance feature must also either project or recess from the adjoining building plane.

D. All building façades must include:

(1) A change in the facade surface for every 150 horizontal feet of at least one of the following: building material, pattern, texture, color, or accent material; and

(2) Windows, doors, or similar fenestration design features such as faux windows, which must be distributed horizontally and vertically across the facade and comprise a minimum of 30 percent of the individual facade.

E. Loading bays located in building facades that face adjacent public roads or adjacent residential uses shall be screened from view.

F. Equipment used for cooling, ventilating, or powering the facility, including emergency power generators and other emergency power supply equipment, is considered DCE subject to the buffer strip requirements of the Ordinance. When located closer to an adjacent public road or adjacent residential use than a principal building, such equipment must be contained within an enclosed building.

G. The Permit application shall include architectural depictions of the proposed building and associated equipment as viewed from all lot lines and street lines.

Section 8 Rooftops.

A. All rooftop-mounted equipment shall be screened by a parapet wall, equipment penthouse, or visually solid screen on all four sides that is constructed of materials complementary to those used in the exterior construction of the Data Center principal building. This shall be accomplished by setting the penthouse or screened area back from the façade of the building such that the top of the penthouse or screen is below a 45-degree line drawn from the top of the parapet.

B. Rooftop-mounted equipment to be screened includes, but is not limited to, the following: cooling, ventilation, and power supply machinery.

C. Rooftop-mounted 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.

D. Rooftop-mounted equipment shall be placed on the farthest part of the rooftop from any residential use or sensitive receptor to the maximum extent feasible.

Section 9 Lighting.

A. Horizontal Surfaces.

(1) For the lighting of predominantly horizontal surfaces, such as, but not limited to, parking areas, roadways, vehicular and pedestrian passage areas, loading docks, building entrances, sidewalks, bicycle paths, and site entrances, luminaires shall be aimed down, and shall meet Illuminating Engineering Society of North America (IESNA) full cut-off/fully shielded criteria.

B. Non-Horizontal Surfaces.

(1) For the lighting of predominantly non-horizontal surfaces, such as, but not limited to, facades, landscaping, and signs, luminaires shall be shielded and shall be installed and aimed to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward, or onto a public roadway.

C. Adjacent Residential Uses.

(1) The illumination projected onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight and from any point on the receiving residential property.

D. Adjacent Non-Residential Uses.

(1) The illumination projected from any property onto a non-residential use shall at no time exceed 0.5 initial footcandle, measured line-of-sight from any point on the receiving property.

E. LED Lights.

(1) LED light sources shall have a correlated color temperature that does not exceed 3000K.

F. Luminaires.

(1) Luminaires shall not be mounted more than 20 feet above the finished grade of the surface being illuminated.

(2) No pole-mounted lighting on the roof shall be permitted.

G. Light Shields.

(1) Adjustable light shields shall be placed on all outdoor lighting within the Data Center site that may impact any adjacent properties.

(2) Adjustments to the light shields shall be made as reasonably requested by the Township following the site visit or upon any complaints by adjacent property owners.

Section 10 Noise Control.

A. Noise.

(1) CNEL

(a) The Community Noise Equivalent Level (CNEL) at the property line and beyond of a boundary containing a Sensitive Receptor shall not exceed 55 dBA.

(b) The CNEL at the property line and beyond of a boundary of any developed property not containing a Sensitive Receptor shall not exceed 65 dBA.

(c) Sound that is produced for not more than a cumulative period of one (1) minute in any hour may exceed the standards above by up to ten (10) dBA. This short-duration allowance applies only to the CNEL limits in subsection (1) and shall not apply to, and shall not authorize any exceedance of, the tonal-adjusted limits under subsection (2) or the low-frequency sound limits under subsection (3).

(d) The maximum sound levels listed above do not apply to emergency alerts, emergency work to provide electricity, water, or other public utilities when public health or safety is involved, snow removal, or road repair.

(2) Tonality adjustment: If the sound from the Data Center Equipment is tonal for the receiving property, the average limits in subsection (1) shall be reduced by 5 dBA. For purposes of this tonal adjustment, compliance shall be assessed using the one-hour equivalent continuous A-weighted sound level (Leq(1h)) for each hour during which the tonal condition is present, and the applicable limit in subsection (1) shall be reduced by 5 dBA for each such hour. For purposes of this ordinance, tonal sound is any sound in which the unweighted one-third octave band sound pressure level in the band with the tone exceeds the level in the two contiguous one-third octave bands by 5 dB in bands 500 Hz and above, by 8 dB for bands between 160 and 400 Hz., and by 15 dB for bands below 160 Hz. If one-third octave band sound level data is not available for the source of interest, the sound should be considered tonal by default.

(3) Strong low-frequency sound: Strong low-frequency sound from Data Center Equipment that is received at the property line or beyond of a boundary containing a Sensitive Receptor or at any developed property not containing a sensitive Receptor. For the purposes of this ordinance, strong low frequency content is defined as greater than the unweighted sound level limits in the following octave band center frequencies: (a) 16 Hz and 31.5 Hz octave bands: 65 dB; and (b) 63 Hz octave band: 70 dB. The octave-band sound levels in this subsection shall be measured or modeled as the equivalent continuous unweighted (Z-weighted) octave-band sound pressure level (Leq) over a representative period of not less than one hour.

(4) A noise reduction barrier or device may be required at the discretion of the Township when it is inconclusive whether noise level tests conform to acceptable noise levels.

(5) The limitations of Section 10(A)(1) herein shall not apply to any Sensitive Receptor that is established adjacent to the Data Center after the date of issuance of a Permit.

(6) All rooftop equipment that produces sound (e.g., HVAC, cooling towers, generators, and the like) shall be fully screened from view and screening shall be placed to shield the direction of emitted sound.

(7) All ground-mounted equipment that produce sound (e.g., HVAC, cooling towers, generators, and the like) shall be fully screened from view and the screening shall be placed to shield the direction of emitted sound.

B. ~~Any application for a~~ Data Center Permit shall require ~~include~~ pre-, during, and post-construction sound studies performed by an Institute of Noise Control Engineering (INCE) Board Certified Engineer, which examine all exterior utility functions of the building (rooftop and ground-mounted) that produce sound. Sound studies shall use sound propagation modeling that follows ISO 9613-2 or its equivalent, and incorporates conservative modeling assumptions for meteorological conditions favorable to sound propagation and receptor locations downwind of sound sources, but excluding any proposed vegetative screening. The modeling shall account for terrain on the Data Center property and the surrounding area. The modeling shall assess initial Data Center operations and all full future augmentation that is proposed. Sound contour maps (iso-lines) showing projected sound levels across the site and surrounding area, including outside all occupied buildings within 4,000 feet of the Data Center. Sound measurements shall be expressed in A-weighted decibels (dBA) and measurements taken in the field shall be obtained and analyzed using instrumentation meeting ANSI Type 1 or Type 2 standards, as applicable. The sound study shall identify compliance with Section 10(A)(1)-(3) as applicable.

(1) The preliminary sound study for the Data Center and associated DCE shall be submitted with the Permit application. The preliminary sound study shall

recommend the sound reducing materials or systems to meet the aforesaid sound limits. The study shall also incorporate any relevant sound emitted from existing Data Centers.

(2) The interim sound study shall be conducted during the building process based upon the proposed user or users of the Data Center and associated DCE depicted on the building plans. The sound reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for the Data Center.

(3) The as-built sound study shall be conducted prior to issuance of the certificate of occupancy for any Data Center and associated DCE based on the as-built locations of the Data Center and associated DCE. If it is determined by the as-built sound study that there is a violation of the aforesaid sound limits, then the owner or occupant of the Data Center shall promptly remediate the violation to achieve compliance with the aforesaid sound limits.

(4) A post-construction sound study shall be completed within six (6) months after the issuance of a certificate of occupancy and achievement of commercial operation. A post-construction sound study may also be required thereafter by the Township upon request. If it is determined by the post-construction sound study that there is a violation of the aforesaid sound limits, then the owner or occupant of the Data Center shall promptly remediate the violation to achieve compliance with the aforesaid sound limits.

C. A sound study update shall be required if any of the equipment modeled is changed, modified, or upgraded.

D. All rooftop equipment that produces sound (e.g., HVAC, cooling towers, generators, and the like) shall be fully screened from view and screening shall be placed to shield the direction of emitted sound.

E. All ground-mounted equipment that produces sound (e.g., HVAC, cooling towers, generators, and the like) shall be fully screened from view and the screening shall be placed to shield the direction of emitted sound.

F. Truck parking and truck idling shall be considered in all sound studies, and estimates for noise from construction traffic should be included in the preliminary sound study.

Section 11 Fire Safety.

A. The equipment used in any Data Center operation shall be housed in a metered, electrically grounded, and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space shall contain baffles that automatically close in the event of fire, independent of a possible electric system failure.

B. A Permit applicant must include proof of compliance with the National Fire Protection Association's (NFPA) relevant standards. The land development plans and Permit application must be submitted to the Fire Chief ~~of the nearest station~~ for review and comment.

C. Specifically, the applicant must prove compliance with NFPA-75 (Fire Protection of Information Technology Equipment), ~~and~~ NFPA-76 (Standard for the Fire Protection of Telecommunications Facilities), and NFPA-855 (Standard for the Installation of Stationary Energy Storage Systems).

D. The applicant will be responsible for providing any specialized training and fire-fighting equipment required for the Data Center to the local fire emergency services prior to the start of construction.

Section 12 Performance Standards.

A. 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 it is not perceptible at or beyond the property line.

B. Electromagnetic Field (EMF).

(1) The purpose of this section is to protect public health and safety and ensure that electromagnetic field (EMF) emissions from Data Center Equipment and associated electrical infrastructure do not exceed levels generally accepted as safe for human exposure and do not interfere with nearby electronic devices or communication systems.

(2) All Data Centers and associated electrical transmission or distribution equipment and other DCE shall comply with the exposure limits established by the Institute of Electrical and Electronics Engineers (IEEE) Standard C95.6 and the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines, as adopted or updated from time to time.

(3) Measurement and Monitoring.

(a) Measurements shall be taken by a qualified professional using calibrated instrumentation and consistent with recognized IEEE or ICNIRP measurement protocols.

(b) If required by the Township, the applicant shall provide pre-construction baseline measurements and post-construction verification demonstrating compliance with the standards herein.

(4) Design and Mitigation.

(a) Electrical equipment, substations, switchgear, transformers, and cabling shall be designed and configured to minimize EMF emissions through appropriate shielding, grounding, and separation of conductors.

(b) To the extent practicable, underground cable routing, phase balancing, and equipment orientation shall be used to reduce EMF exposure at adjacent properties.

(c) The applicant shall submit an EMF management plan identifying expected field strengths, mitigation measures, and monitoring protocols at the time of the Permit application.

(5) Data Centers shall be operated and maintained so as not to cause electromagnetic interference (EMI) with radio, television, telecommunications, or other electronic equipment on nearby properties. Any interference complaints verified by the Township shall require prompt corrective action by the operator.

(6) If EMF or EMI levels exceed the thresholds specified in this section, the operator shall immediately implement corrective measures, which may include equipment shielding, rerouting of cables, modification of grounding systems, or other mitigation methods approved by the Township Engineer.

C. Vibration.

(1) No source of mechanical vibration or acoustically induced vibration shall cause or induce vibration on any property or in any structure (ground-borne or structural vibration) that exceeds the ISO 2631-2 Residential Day criteria. Vibration shall be measured as particle velocity in any one-third octave band and shall not exceed 200 μm/s RMS in any band.

(2) Vibration Monitoring Requirements.

(a) The applicant shall demonstrate through a vibration study conducted by a professional acoustical expert that the vibration generated by a Data Center and/or Data Center Accessory Uses comply with the requirements of this section. As long as it is demonstrated that all applicable requirements are met, the vibration analysis may be included as a part of the sound study. The vibration study shall be conducted using generally accepted methodology in the following phases:

1. The vibration modeling shall be performed using generally accepted engineering methods for predicting ground-borne

vibration propagation, and shall demonstrate compliance with the ISO 2631-2 criteria set forth in subsection (C)(1). All significant vibration sources associated with the proposed Data Center and Data Center Accessory Uses(s) shall be included. The vibration modeling study shall be submitted with the Permit application.

(b) An as-built vibration study shall be conducted six months after issuance of the certificate of occupancy. An as-built vibration study may also be required thereafter by the Township. If it is determined by the as-built vibration study that there is a violation of the aforesaid vibration limits, it shall be considered a violation of this Ordinance.

(3) All ground-mounted mechanical, electrical, and power generation equipment shall be mounted on anti-vibration foundations, isolation pads, or equivalent devices designed to minimize vibration transmission to the ground and nearby structures.

(4) In the event vibration levels exceed the allowable threshold, the operator shall promptly implement corrective measures as required by the Township Engineer, which may include equipment modification, relocation, or enhanced isolation.

Section 13 Water Feasibility Study.

A. A water feasibility study prepared by a qualified professional shall be submitted with the Permit application. The purpose of the study will be to determine if there is an adequate supply of water for the proposed Data Center and to estimate the impact of the Data Center on existing public system and/or wells in the vicinity. No Data Center shall be approved without sufficient water and/or that poses adverse impact on existing wells in the vicinity. If the source is from a municipal system or a public utility, the applicant shall include documentation that the public authority or public utility will supply the water needed. A water feasibility study shall include the following minimum information:

(1) The projected water demands of the Data Center, including both average and peak daily consumption.

(2) The source of water to be used.

(3) A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g. cooling, humidity control, fire suppression, and domestic usage).

(4) A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means and at what temperature.

(5) A geologic map of the area with a radius of at least one mile from the site.

(6) The location of all existing and proposed wells within 1,000 feet of the site, with a notation of the capacity of all high-yield wells. This distance shall be increased to encompass the diversion and recharge areas of the proposed groundwater source if the hydrological setting analysis required by subsection (B)(1) below indicates either area will extend beyond 3,000 feet from the property boundary.

(7) The location of all streams within 1,000 feet of the property line and all known point sources of pollution.

(8) Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.

(9) A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.

(10) Identification of how water will be recycled or released into surrounding water bodies.

(11) Identification of well monitoring and mitigation measures to be undertaken during construction blasting.

(12) A drought contingency plan identifying drought mitigation measures and methods for curtailment of water use during drought emergencies. ~~Proof of that water withdrawal information has been submitted to the Ohio River Valley Water Sanitation Commission (ORSANCO), along with review and approval by the Ohio River Valley Water Sanitation Commission of any water pollution control permits subject to its review.~~

(13) A statement of the qualifications and the signature(s) of the person(s) preparing the study.

B. For groundwater sources, the water feasibility study shall include a hydrogeologic report prepared by a registered professional geologist licensed by the Commonwealth of Pennsylvania analyzing the long-term sustainable yield of the water source. The hydrogeologic report shall include:

(1) A hydrological setting analysis which includes a hydrogeologic cross section, delineation of the portion of the aquifer through which water is diverted to the well (area of diversion), delineation of the area providing groundwater recharge to the diversion area (recharge area), and identification of water resources located within the diversion and recharge areas.

(2) The results of an aquifer test conducted in accordance with Pennsylvania Department of Environmental Protection, Bureau of Safe Drinking Water, Document No. 394-2125-001, Aquifer Testing Guidance for Public Water Systems, or other generally accepted methodology. Data shall include, at a minimum, precipitation data, static water levels immediately prior to yield testing, linear hydrographs of water levels and test responses of all monitoring points through background, testing, and recovery monitoring periods, residual drawdown graphs and logarithmic hydrographs of the production well and any monitoring points that had observable drawdown as a result of operating the production well. Field notes showing original observations, water levels and flow readings and the time readings were taken shall be included.

(3) Analysis and interpretation of the aquifer test data, including a determination of the aquifer's hydraulic conductivity and specific capacity; aquifer transmissivity and storage coefficient; estimation of the horizontal extent of the cone of depression; and determination of a safe yield for the well, including analysis of the effects of 180 days of pumping with no recharge; and a groundwater availability analysis providing potential availability in a one-in-ten year drought.

(4) A determination of the effects of the proposed withdrawal on the quantity and quality of water in wells, surface waters, and the groundwater table within the horizontal extent of the cone of depression and how those impacts will be mitigated or remediated.

Section 14 Emergency Responders.

A. The applicant shall submit a plan for training emergency responders on proper fire and rescue techniques to implement for emergencies at the Data Center. The training plan shall include a list of recommended fire safety and other specialized emergency services equipment necessary to safely and effectively respond to fire and other emergencies. The training plan shall be reviewed and approved in consultation with local emergency responders. Training shall be conducted in accordance with the training plan prior to the commercial operation of the Data Center.

B. The applicant shall submit an Emergency Response Plan for the Data Center at the time of Permit application. The Emergency Response Plan shall be reviewed and approved in consultation with local emergency responders. The Emergency Response Plan shall be reviewed and updated every five (5) years in consultation with local emergency responders or more frequently if any significant changes in equipment or design occur.

C. The applicant shall coordinate with the Scrubgrass Township Emergency Management Coordinator and Fire Chief to ensure there is adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the Venango County Emergency Radio System at the exterior of the building and shall install enhancement systems as needed to meet compliance.

Section 15 Environmental Standards.

A. An Environmental Impact Assessment shall be submitted with the Permit application. 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, relationship to other projects or proposals, with adequate data and detail 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 interrelationships. 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 plan and include the following focus areas:

(1) Air pollution impacts from emissions from any primary or backup power sources, power equipment, and vehicle operations, including from truck engines during idle time. The applicant shall identify all stationary 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 applicant shall also provide the Township with copies of any air quality permit applications to any state or federal agencies at the time of Permit application. The applicant should provide copies of final air quality permits to the Township prior to issuance of occupancy for any buildings or structures requiring such permits.

(2) The potential for public nuisance to residents resulting from operations and truck traffic, including noise, glare, light, and visual obstacles.

(3) A stormwater management plan will be required that, at a minimum, meets all stormwater management requirements of the County SALDO.

(4) A PA-Share Report will be required to ensure the Data Center does not disrupt important and protected Pennsylvania heritage or archeological sites.

(5) The applicant shall submit an assessment report of the impact of the proposed use on the goals of the County comprehensive plans. Where the proposed use conflicts with the comprehensive plan, the assessment report shall identify mitigation measures that may be undertaken to offset any degradation, diminution, or depletion of public natural resources.

(6) Additional considerations. The following shall also be addressed:

(a) A description of alternatives to the impacts.

(b) A statement of any adverse impacts that cannot be avoided.

(c) Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction, including design considerations.

(d) A listing of steps/structural controls proposed to minimize damage to the site before and after construction.

(7) In addition to the above, the plans submitted with the Permit application 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, slopes greater than 15%, highly acid or highly erodible soils, hydric soils, hydrologic soil groups, areas of high-water table, 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.

B. Threatened and Endangered Species.

(1) A Pennsylvania Natural Diversity Inventory study (PNDI Report) dated within two (2) years of the submission of a Permit application, as well as any state agency clearance letters required thereby, shall be provided to the municipality.

(2) The applicant shall comply with all measures directed by the clearance letters to avoid, minimize, or mitigate impacts to endangered, threatened, and special concern species and their habitat.

C. Green Building Techniques.

(1) Data Centers are encouraged to implement low-impact development practices in site design and energy efficiency, such as, but not limited to, the following:

(a) Site Design.

1. Select sites that avoid sensitive lands such as wetlands, floodplains, and steep slopes.

2. Minimize land disturbance.

3. Maximize tree preservation.

4. Minimize impervious surfaces.

5. Minimize potential nuisance impacts (noise, glare, vibration, etc.) on adjacent properties, public roadways, and the vicinity.

(b) Energy/Resource Efficiency.

1. Orient buildings to take advantage of passive cooling and daylight opportunities.

2. Utilize alternative energy sources (solar, wind, hydro, etc.) as much as possible.

3. Provide an energy storage system to monitor and regulate usage of alternative energy for usage during off-peak hours.

4. Utilize reclaimed water for cooling, if available.

5. Encourage systems that limit the use of finite natural resources and their disposal.

6. Encourage fuel storage that limits impacts on the environment from potential spills.

7. Install water-efficient landscape materials.

8. Utilize LED exterior/interior lighting.

9. Implement energy management best practices and carbon reduction techniques such as, but not limited to, those promoted through the U.S. Department of Energy's Better Buildings initiative and U.S. Green Building Council's LEED Certification system.

D. LEED Certification.

(1) LEED certification is strongly encouraged, as well as the installation of roof-mounted accessory solar energy systems.

Section 16 Solar.

A. All building roofs shall be solar-ready, which includes designing and constructing buildings in a manner that facilitates and optimizes the installation of a rooftop solar photovoltaic (PV) system at some point after the building has been constructed.

B. Any portion of a building's rooftop that is not covered with solar panels or other utilities shall be constructed with light colored roofing material with a solar reflective index of not less than 78. This shall be the minimum solar reflective rating of the roof material for the life of the building.

Section 17 Cooling.

A. A Data Center shall utilize the best available cooling technology (BACT) as determined at the time of Permit application. For the purposes of this ordinance, BACT shall mean the cooling system or combination of systems that:

(1) Achieves the lowest reasonably achievable Power Usage Effectiveness (PUE).

(2) Minimizes potable water consumption, prioritizing water-efficient technologies and closed-loop or semi-closed loop cooling systems.

(3) Demonstrates commercial availability and proven feasibility for Data Center applications.

(4) Produces the least environmental impact, considering energy demand, water use, waste heat potential, and local climatic conditions.

(5) Complies with the noise requirements outlined in this Ordinance.

Section 18 Decommissioning.

A. Applicability.

(1) This Section applies to any facility that is used primarily as a Data Center.

(2) A Data Center is deemed to have ceased operations when data processing or storage functions (or all server operations) have been discontinued for a continuous period of twenty-four (24) months, and the owner/operator fails to demonstrate to the Codes Enforcement Officer in writing that good-faith efforts are underway to resume operations within a reasonable time (not to exceed eighteen (18) months).

B. Decommissioning Plan.

(1) At the time of the Permit application the applicant shall submit for review and approval a decommissioning plan.

(2) The decommissioning plan shall be reviewed by the Township Engineer, and approved by the Board of Supervisors as part of the Permit approval.

(3) Required Contents:

(a) Identification of conditions or events that trigger decommissioning. At a minimum, the conditions that trigger decommissioning shall be twenty-four months of non-operational status with no redevelopment plans submitted for approval within that time period.

(b) Proposed methods and schedule for removal or beneficial reuse of all structures, equipment, foundations, fencing, impervious surfaces, utility lines, and associated infrastructure.

(c) Methods for disconnection, capping, or removal of utilities (electric, telecommunications, water, sanitary, storm) and site stabilization.

(d) Schedule for completing decommissioning and site restoration, including final grading, re-vegetation or landscaping, debris removal, and final inspection.

(e) Site restoration plan showing how disturbed areas will be re-graded, impervious surfaces addressed, and vegetation established.

(f) Cost estimate prepared, sealed, and signed by a professional engineer licensed in Pennsylvania.

(g) Identification of responsible party(ies), including name, address, contact information, and statement accepting responsibility for decommissioning and restoration.

(h) Statement describing how financial security will be maintained and updated over time.

(4) The decommissioning plan shall be updated every five (5) years or upon major change in ownership or facility operations.

C. Financial Security.

(1) As a condition of issuance of Permit approval, the owner/operator shall post financial security for decommissioning acceptable to the Township Solicitor (e.g., performance bond, irrevocable letter of credit, or escrow account).

(2) The financial security shall equal 110% of the estimated decommissioning cost, without adjustment for salvage value of any equipment, as approved by the Township Engineer.

(3) Security shall remain in effect for the life of the facility and shall be adjusted every five (5) years or sooner if required.

(4) If the owner/operator fails to complete decommissioning and restoration, the Township may draw on the security and undertake the work, recovering any additional costs in accordance with the Pennsylvania Municipalities Planning Code and Township ordinances.

D. Decommissioning & Restoration Requirements.

(1) All above- and below-ground structures, equipment, foundations, fencing, and associated impervious surfaces shall be removed unless the Board of Supervisors approves a reuse plan. Below-ground foundations shall extend to a minimum of three (3) feet below final grade unless approved otherwise.

(2) All utilities shall be properly disconnected and capped per applicable codes and standards.

(3) Disturbed areas shall be re-graded to stable slopes and stabilized with sod, groundcover, or native vegetation until fully established.

(4) Disturbed soils shall be revegetated with native species. Buffers and screening shall be restored if required.

(5) All hazardous or regulated materials must be removed and disposed of according to applicable federal, state, and local laws, including PA DEP regulations, with proof of disposal submitted to the Township.

(6) Upon completion, a Certificate of Restoration shall be submitted to the Township. The Township Engineer may inspect and verify completion before releasing financial security.

Section 19 Construction Transportation Plan.

A. Any proposal for a Data Center shall include a construction transportation plan. The construction transportation plan shall be included with the Permit application.

B. At a minimum, the Construction Transportation Plan shall include the following:

(1) An estimated construction timeline, including anticipated start and completion dates, major construction phases, and periods of peak construction traffic.

(2) Identification of all proposed routes and access points to be used by construction vehicles, including delivery trucks, concrete trucks, cranes, and oversized loads. Designated routes shall minimize travel through residential areas and by sensitive receptors to the maximum extent feasible.

(3) An estimate of the average daily and peak-hour number of construction-related vehicle trips, including inbound and outbound truck trips.

(4) Proposed hours during which construction vehicle traffic will occur, including any limitations on early morning, evening, weekend, or holiday activity, consistent with Township ordinances.

(5) Proposed traffic control and safety measures, including but not limited to temporary signage, flaggers, signal modifications, pavement markings, or other measures necessary to maintain safe traffic flow and pedestrian safety.

(6) Video documentation of the pre-construction condition of the Township roads to be used by construction vehicles, including delivery trucks, concrete trucks, cranes, and oversized loads.

(7) Identification of measures to prevent damage to Township roads, shoulders, bridges, and drainage facilities, including wheel-wash facilities, street sweeping, and dust control.

(8) Identification of on-site staging areas for construction vehicles, equipment, and materials, and provisions to prevent on-street parking of construction vehicles unless expressly authorized by the Township.

(9) Measures to ensure that construction activities do not impede emergency vehicle access to surrounding properties and roadways.

(10) Evidence of coordination with PennDOT, Venango County, emergency services, school districts, or other affected agencies, where applicable.

(11) Identification of a designated construction transportation coordinator responsible for implementing and maintaining the plan and responding to Township or public concerns.

C. The construction transportation plan may be modified during construction with the approval of the Township Engineer to address unforeseen conditions, traffic safety concerns, or changes in construction phasing.

D. The Township may require bonding for any Township roads that will be impacted by construction activity.

E. The Construction Transportation Plan shall also be accompanied by any approved or submitted applications to the Pennsylvania Department of Transportation for a highway occupancy permit.

Section 20 Community Benefits Agreement.

A. The Township recommends that any developer, owner, or operator of a Data Center within Scrubgrass Township enter into a Community Benefits Agreement with the Township prior to the Data Center's commencement of operation. The purpose of such Agreement is to ensure that the development of a Data Center mitigates any adverse impacts arising from the facility's construction and operation.

Section 21 Annual Compliance Report.

A. Beginning one (1) year after the issuance of a certificate of occupancy and achievement of commercial operation, and annually thereafter for the life of the facility, the owner and/or operator of each Data Center shall submit a written Annual Compliance Report to the Codes Enforcement Officer. The report shall be filed no later than the anniversary date of the certificate of occupancy and shall be accompanied by any filing or review fee established by resolution of the Board of Supervisors.

B. The report shall be signed and dated by the owner or operator, or by an authorized representative, and shall include a certification that the information contained therein is true and correct to the best of the signatory's knowledge, information, and belief. Technical portions of the report shall be prepared, signed, and sealed by a qualified professional licensed in the Commonwealth of Pennsylvania where such licensure is required by law.

C. Required Contents. At a minimum, the Annual Compliance Report shall contain:

(1) The name, mailing address, telephone number, and email address of the current owner, operator, and designated point of contact for compliance matters, and identification of any change in ownership or operational control occurring during the reporting period.

(2) A statement of compliance with the noise limits set forth in Section 10, including the results of any sound study conducted during the reporting period, identification of any equipment change, modification, or upgrade triggering a sound study update under Section 10(C), and a summary of any noise complaints received and the corrective action taken.

(3) A statement of compliance with the vibration limits set forth in Section 12(C), including the results of any vibration study conducted during the reporting period.

(4) A statement of compliance with the EMF and EMI standards set forth in Section 12(B), including the results of any measurements taken, a summary of any interference complaints received, and the corrective action taken.

(5) A statement of compliance with the lighting standards set forth in Section 9, including identification of any new, relocated, or replaced exterior luminaires and any adjustments made to light shields.

(6) Actual water consumption for the reporting period, reported as average and peak daily consumption and total annual withdrawal, broken down by source and by use (including cooling, humidity control, fire suppression, and domestic usage); the volume and temperature of water recycled or discharged and the means of discharge; and a comparison of actual consumption to the projections contained in the water feasibility study required by Section 13. Any deviation exceeding fifteen percent (15%) from the projected demand shall be explained, together with the measures proposed to address it.

(7) For facilities using groundwater, the results of any well monitoring conducted during the reporting period and identification of any observed or reported impact on nearby wells, streams, or the groundwater table.

(8) Actual electrical demand for the reporting period, reported as average and peak load, and the facility's annual average Power Usage Effectiveness (PUE), together with a statement identifying any change to the cooling system and confirming continued compliance with Section 17.

(9) The total number of hours of operation of each emergency or backup generator during the reporting period, disaggregated by testing, maintenance, and actual emergency operation, and copies of all emissions monitoring records, deviation reports, and compliance certifications submitted to any state or federal agency.

(10) Copies of all currently effective federal, state, and county permits, together with any notices of violation, consent orders, or enforcement actions issued by any agency during the reporting period and the status of resolution.

(11) A report on the condition of the buffer strip and landscaping required by Section 6, identifying any dead, diseased, or missing plant material and the schedule for replacement, and confirming that the required financial security for landscape maintenance remains in effect.

(12) Confirmation that the Emergency Response Plan required by Section 14 remains current, the date of the most recent review and update, the dates and nature of any emergency responder training conducted during the reporting period, and a summary of any fire, hazardous material release, or other emergency incident occurring at the site.

(13) Confirmation that the decommissioning plan required by Section 18 remains current and that the financial security required by Section 18(C) remains in full force and effect, together with evidence of the security instrument and, in any year in which adjustment is required, the updated cost estimate.

(14) A summary of all complaints received from the public or from the Township during the reporting period, the nature of each complaint, and the disposition or corrective action taken.

(15) Identification of any physical expansion, structural alteration, or change in use occurring or planned at the site.

(16) Any additional information reasonably requested in writing by the Codes Enforcement Officer, Township Engineer, or Board of Supervisors relating to compliance with this Ordinance.

D. The Codes Enforcement Officer shall review each Annual Compliance Report and may refer it to the Township Engineer, Fire Chief, Township Solicitor, or other consultant for review. The reasonable cost of such professional review shall be borne by the owner or operator and shall be paid to the Township upon presentation of an invoice.

E. The Annual Compliance Report shall be a public record and shall be available for inspection at the Township office, subject to the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101 et seq. An owner or operator may request that specific security-sensitive information be redacted from the publicly available copy, and the Township Solicitor shall determine whether such redaction is permitted by law.

F. If the Codes Enforcement Officer determines that a report is incomplete, the owner or operator shall be notified in writing and shall submit the missing information within thirty (30) days of the date of the notice.

G. If the Annual Compliance Report, or the Township's review thereof, identifies a violation of this Ordinance, the owner or operator shall submit a written corrective action plan to the Codes Enforcement Officer within thirty (30) days, identifying the corrective measures to be undertaken and the schedule for completion. Submission of a corrective action plan shall not preclude the Township from pursuing any remedy available under Section 23.

H. Failure to submit a complete Annual Compliance Report within thirty (30) days of the due date shall constitute a violation of this Ordinance subject to the penalties set forth in Section 23, and each day thereafter that the report remains unfiled shall constitute a separate offense.

I. Nothing in this Section shall limit the Township's authority to require studies, inspections, monitoring, or corrective action at any other time as provided elsewhere in this Ordinance or by law.

Section ~~21~~22 Waivers; Modifications.

A. If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer, or landowner, the Township may, upon request, grant relief from the strict application of the requirements.

B. Requests for waivers or modifications should be made at the time of the Permit application and should include enough specificity to enable the Board to determine and reasonably evaluate the merits of the request.

C. If granted, a waiver or modification shall involve only the least modification necessary to provide relief.

D. In granting any waiver or modification, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this chapter.

E. Whenever a waiver or modification is granted, the Township shall notify the applicant in writing.

F. In reviewing any request for a waiver or modification, the Township shall consider, at a minimum, the following:

(1) That there is good and sufficient cause.

(2) That failure to grant the waiver would result in exceptional hardship to the applicant that is not self-created or purely financial in nature.

(3) That the granting of the waiver will not result in an unacceptable threat to public safety, create additional public expenses, create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local chapters and regulations.

Section ~~22~~23 Violations and Penalties.

A. The violation of any provision of this chapter is hereby deemed a public nuisance. Upon receiving notice of the violation, any Data Center owner or operator shall have ten (10) days to correct the violation. If the cause of the violation is not remediated, the Township is hereby authorized to enter upon private property and take all measures necessary to abate a deemed public nuisance, and collect all costs of enforcement, including attorneys' fees, under this chapter. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the Township or designated contractor to enter upon the premises for the purposes set forth above. All costs incurred by the Township to abate a public nuisance, including expert fees, attorneys' fees and court costs, shall be a special assessment against the property and

shall constitute a municipal lien on the property for the amount of the assessment plus a penalty of 10% of the assessment.

B. For each violation of the provisions of this chapter, the developer, owner, agent, lessee, or contractor or any other person who commits, takes part in, or assists in any such violation shall commit a summary offense and shall, upon being found guilty by a Magisterial District Judge, after hearing, pay a fine not to exceed $1,000, together with all expert fees, attorney fees and court costs as permitted by law. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense, which shall be subject to prosecution as such.

C. The Township may also institute any other actions, suits or remedies available at law or in equity to restrain, prevent, or abate a violation of this chapter. Such proceedings may be initiated before any court of competent jurisdiction. In cases of emergency where, in the opinion of the court, the circumstances of the case require immediate abatement of the unlawful conduct, the court may, in its decree, fix a reasonable time during which the person responsible for the unlawful conduct shall correct or abate the same. All costs and expenses of such proceedings, including expert fees, attorneys' fees and court costs, shall be recoverable from the violator.

Section ~~23~~24 Terminology.

A. Interpretation. Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give this chapter its most reasonable application.

B. Definitions.

COMMUNITY NOISE EQUIVALENT LEVEL (CNEL) - A measure of cumulative community noise exposure expressed as a twenty-four (24) hour, energy-equivalent, A-weighted sound level in decibels (dBA). For purposes of calculating CNEL, sound occurring between 7:00 p.m. and 10:00 p.m. shall receive a five (5) decibel adjustment and sound occurring between 10:00 p.m. and 7:00 a.m. shall receive a ten (10) decibel adjustment. CNEL shall be determined from measurements or acoustical modeling performed by a qualified acoustical engineer using generally accepted acoustical engineering principles and practices.

DATA CENTER - A facility used primarily for or intended to be used primarily for the housing, operation, and/or co-location of computer and communications equipment and for handling, storing, and backing up the data necessary for the operation of a business or organizational entity. Data Center may also include Data Center Equipment or DCE and/or Data Center Accessory Uses when located on the same tract or assemblage of adjacent parcels developed as a unified development or when located within any offsite easements or parcels when developed as part of the Data Center.

DATA CENTER ACCESSORY USES - Data Center Accessory Uses generally include utilities, utility lines, electrical substations, electrical interconnection facilities, power suppliers, electrical generation equipment, battery storage, pump stations, water towers, mechanical equipment and environmental controls (air conditioning or cooling towers, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections, and high security when located on the same tract or assemblage of adjacent parcels developed as a unified development for a Data Center or when located within any offsite easements or parcels when developed as part of the Data Center.

DATA CENTER EQUIPMENT – Data Center Equipment or DCE includes any Data Center Accessory Uses that, when in an un-muffled state, generate noise in excess of the site permitted maximum dB(A) at the point of generation. DCE shall be accessory to the Data Center and be located on the same tract or assemblage of adjacent parcels developed as a unified development for a Data Center.

FIRE CHIEF – The fire chief of the local fire company providing first call coverage to the location of the Data Center.

SENSITIVE RECEPTORS – Schools, preschools, daycare centers, in-home daycares, health facilities such as hospitals; long-term care facilities; retirement and nursing homes; community centers; places of worship; playgrounds; municipal, county or state parks (excluding trails); campgrounds; prisons; dormitories; and any residence where such residence is not located on a parcel with an existing industrial, commercial, or unpermitted use as determined by the Codes Enforcement Officer.

Section ~~24~~25 Interpretation: Repealer.

The regulations set forth by this Ordinance shall be held and enforced as the minimum requirements for the protection of public health, safety and general welfare by the Township. Wherever the regulations of this Ordinance are with the requirements of any other lawfully adopted rules, regulations, deed restrictions, covenants or ordinances, the most restrictive, or that imposing the higher standards, shall govern and be enforced by the respective agency. ~~Any~~ Less restrictive Ordinance provisions inconsistent with any of the provisions of this Ordinance ~~is~~are hereby repealed to the extent of the inconsistency only.

Section ~~25~~26 Severability.

In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section ~~26~~27 Effective Date.

This Ordinance shall become effective immediately upon its enactment by the Board of Supervisors of Scrubgrass Township, Venango County, Pennsylvania.

ORDAINED and **ENACTED** this 15 day of September, 2026.

ATTEST:

Kristin Peace

Kristin Peace, Secretary

SCRUBGRASS TOWNSHIP BOARD OF SUPERVISORS

By: _____
Chairman

By: _____
Supervisor

By: Robert C. Adams
Supervisor