

ORDINANCE NO. 26-7

AN ORDINANCE OF THE TOWNSHIP OF GOSHEN, CLEARFIELD COUNTY, PENNSYLVANIA, ESTABLISHING STANDALONE NON-ZONING POLICE-POWER REQUIREMENTS FOR THE CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE, MODIFICATION, EXPANSION, DECOMMISSIONING, AND REMOVAL OF DATA CENTERS AND DATA CENTER SUPPORTING FACILITIES WITHIN GOSHEN TOWNSHIP; ESTABLISHING PERMIT AND APPLICATION REQUIREMENTS; REQUIRING CLOSED LOOP SYSTEMS; REGULATING NOISE, VIBRATION, WATER, SEWER, POWER SUPPLY, FIRE SUPPRESSION, EMERGENCY MANAGEMENT, HAZARDOUS MATERIALS, ACCESS, SCREENING, SAFETY SEPARATION, BUILDING HEIGHT, FINANCIAL SECURITY, ANNUAL REPORTING, ENFORCEMENT, AND PENALTIES; AND PROVIDING FOR SEVERABILITY, REPEALER, AND EFFECTIVE DATE.

WHEREAS, Goshen Township does not maintain a zoning ordinance and desires to regulate Data Centers through this standalone non-zoning police-power ordinance pursuant to the Township's authority to protect the public health, safety, and welfare;

WHEREAS, Data Centers may involve substantial buildings, utility infrastructure, cooling systems, power demand, backup generators, battery storage, water usage, fire-suppression systems, security measures, traffic, noise, vibration, hazardous materials, fuel storage, electrical infrastructure, and potential impacts to neighboring properties, emergency responders, public roads, public infrastructure, groundwater, surface water, and public resources;

WHEREAS, the Township intends to regulate Data Centers based upon their potential operational, environmental, emergency-response, infrastructure, fire-safety, water, noise, vibration, hazardous-material, and public-safety impacts, and not through zoning districts or zoning use classifications;

WHEREAS, the Township intends to permit Data Centers only when the applicant demonstrates compliance with this Ordinance, the Township's Subdivision and Land Development Ordinance, stormwater requirements, and other applicable federal, state, county, and local laws, regulations, permits, and approvals;

WHEREAS, the Township intends that Data Centers be designed, constructed, operated, maintained, modified, expanded, and decommissioned in a manner that protects neighboring properties, groundwater, surface water, public infrastructure, emergency responders, and the general welfare of Township residents;

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Goshen Township, Clearfield County, Pennsylvania, as follows:

SECTION 1 - DEFINITIONS

For purposes of this Ordinance, the following terms shall have the meanings set forth below:

Applicant: Any person, firm, corporation, partnership, limited liability company, association, landowner, lessee, operator, developer, or other entity seeking approval to construct, install, operate, modify, expand, or maintain a Data Center or Data Center Supporting Facility within Goshen Township.

Closed Loop System: A cooling, water circulation, fire suppression, or similar mechanical system designed to recirculate water, coolant, or another heat-transfer or suppression medium within a sealed or substantially contained system, so that the medium is reused and is not routinely discharged, drained, released, or consumed during normal operations, except for ordinary maintenance, repair, testing, emergency operation, replacement, or de minimis losses. A Closed Loop System may include pipes, tanks, pumps, heat exchangers, chillers, cooling equipment, filtration or treatment equipment, monitoring devices, and related appurtenances.

Data Center: A building, buildings, structure, structures, or premises occupied or used primarily by computers, servers, telecommunications equipment, networking equipment, data storage equipment, blockchain or cryptocurrency transaction processing equipment, artificial intelligence computing equipment, high-performance computing equipment, or related equipment where digital information is processed, transferred, stored, mined, validated, hosted, or otherwise managed, primarily to or from offsite locations. This term includes cryptocurrency mining, blockchain transaction processing, server farms, and similar intensive computing uses. This term does not include computers, servers, or telecommunications equipment that are secondary and customarily incidental to an otherwise lawful principal use on the property, such as ordinary servers associated with an office, retail, institutional, agricultural, or residential use.

Data Center Supporting Facility: Any structure, equipment, facility, improvement, or operational component that supports, serves, or is used in connection with a Data Center and is located on the same tract or on adjacent parcels developed as a unified project, including, without limitation, administrative buildings, logistical buildings, storage buildings, security buildings, fiber optic infrastructure, utility lines, electrical substations, transformers, switchgear, generators, backup power equipment, water holding facilities, pump stations, water towers, wastewater treatment facilities, environmental controls, air conditioning equipment, chillers, cooling towers, closed loop systems, fire suppression systems, access drives, parking areas, fencing, screening, and related equipment.

Emergency Power Equipment: Generators, batteries, fuel systems, switchgear, and related equipment designed to provide temporary or backup electrical power during an interruption of normal electric service.

Operator: The person or entity responsible for the day-to-day operation, maintenance, and compliance of a Data Center or Data Center Supporting Facility.

Owner: The record owner of the real property on which a Data Center or Data Center Supporting Facility is located, and any person or entity owning the Data Center or Data Center Supporting Facility.

Permit: The written approval issued by Goshen Township under this Ordinance authorizing the construction, installation, operation, modification, or expansion of a Data Center or Data Center Supporting Facility, subject to compliance with this Ordinance and all conditions imposed by the Township.

Township: Goshen Township, Clearfield County, Pennsylvania.

Township Engineer: The professional engineer appointed or retained by the Township to review applications, plans, studies, inspections, certifications, and compliance matters under this Ordinance.

SECTION 2 - STATUTORY AUTHORITY; NON-ZONING PURPOSE; APPLICABILITY

1. This Ordinance is adopted as a standalone non-zoning police-power ordinance pursuant to the Township's authority under the Second Class Township Code and other applicable laws to protect the public health, safety, welfare, peace, good government, emergency response, public infrastructure, water resources, neighboring properties, and Township residents.
2. This Ordinance is intended to regulate the construction, installation, operation, maintenance, modification, expansion, decommissioning, and removal of Data Centers and Data Center Supporting Facilities because of their potential impacts on public health, safety, welfare, emergency response, groundwater, surface water, public infrastructure, noise, vibration, fire safety, hazardous materials, fuel storage, traffic, electric infrastructure, and neighboring properties.
3. This Ordinance is not adopted as a zoning ordinance. It does not divide the Township into zoning districts, does not establish zoning classifications, does not establish permitted uses by zoning district, does not establish special exceptions or variances, and shall not be construed as a zoning ordinance under the Pennsylvania Municipalities Planning Code.

4. No person shall construct, install, erect, operate, maintain, modify, expand, or materially change a Data Center or Data Center Supporting Facility within Goshen Township without first obtaining a Permit under this Ordinance.
5. This Ordinance applies to all Data Centers and Data Center Supporting Facilities within Goshen Township, whether proposed as new construction, redevelopment, conversion of an existing building, expansion of an existing operation, or modification of existing equipment or operations.
6. Approval under this Ordinance shall function as a standalone Township regulatory approval for Data Centers and Data Center Supporting Facilities. Approval under this Ordinance shall not relieve the Applicant, Owner, or Operator from obtaining all other required approvals, including subdivision and land development approval, stormwater approval, building permits, sewage approvals, highway occupancy permits, utility approvals, environmental permits, fire code approvals, and any other federal, state, county, or local approvals required by law.
7. A Permit issued under this Ordinance shall run with the regulated operation and shall be conditioned upon continuous compliance with this Ordinance, all approved plans and studies, and all conditions imposed by the Township.

SECTION 3 - APPLICATION REQUIREMENTS

1. An Applicant shall submit a complete Permit application to the Township on forms provided or approved by the Township. The application shall include all information reasonably required by the Township to determine compliance with this Ordinance.
2. At a minimum, the application shall include the following:
 - a. Name, address, telephone number, and email address of the Applicant, Owner, Operator, and all professional consultants;
 - b. Proof of ownership or written authorization from the Owner permitting the Applicant to seek approval;
 - c. A narrative description of the proposed Data Center, including the proposed operation, hours of operation, number and type of servers or computing equipment to the extent known, anticipated power demand, anticipated water demand, proposed cooling method, proposed fire suppression method, proposed staffing, and proposed phasing;
 - d. A site plan showing property boundaries, existing and proposed buildings, structures, access drives, parking, loading areas, utility areas, fencing, screening, stormwater facilities, wells, septic systems, water lines, sewer lines, generators, transformers, substations, battery storage areas, tanks, cooling equipment, Closed Loop Systems, and other material improvements;
 - e. Building elevations, maximum building height, exterior equipment locations, roof-mounted equipment, lighting, and screening details;

- f. A sound study prepared by a qualified acoustic professional;
 - g. A vibration study prepared by a qualified professional;
 - h. A water feasibility study prepared by a qualified professional;
 - i. A wastewater disposal plan demonstrating adequate means of sewage and wastewater disposal;
 - j. Documentation from the applicable electric service provider certifying that necessary capacity is available and that the electric service provider will serve the Data Center;
 - k. A description of any new or upgraded electric substations, transmission lines, distribution lines, transformers, switchgear, utility corridors, or other power infrastructure required for the Data Center;
 - l. An Emergency Response Plan prepared by a qualified professional;
 - m. A fire suppression and fire safety plan;
 - n. A hazardous materials, fuel, coolant, refrigerant, spill prevention, and containment plan;
 - o. A traffic, access, and emergency access plan;
 - p. A stormwater management plan or proof of compliance with applicable Township stormwater requirements;
 - q. A decommissioning and site restoration plan;
 - r. A financial security estimate prepared by a qualified professional;
 - s. A list of all federal, state, county, local, utility, and agency permits, reviews, or approvals required for the project, together with copies of approvals already obtained;
 - andt. Any other information reasonably required by the Township, Township Engineer, Township Solicitor, fire department, emergency management personnel, Sewage Enforcement Officer, or other reviewing professional to determine compliance with this Ordinance.
3. The Township may determine that an application is incomplete if required information is missing, internally inconsistent, or insufficient for professional review. An incomplete application shall not be approved.
 4. The Applicant shall reimburse the Township for all reasonable professional review fees, inspection fees, engineering fees, legal fees, consulting fees, and administrative costs incurred in connection with the application, construction, inspection, enforcement, modification, expansion, decommissioning, or removal of a Data Center or Data Center Supporting Facility.

SECTION 4 - REVIEW AND APPROVAL STANDARD

1. The Township may approve, approve with conditions, or deny a Permit application.
2. No Permit shall be approved unless the Applicant demonstrates, based upon competent evidence and professional studies acceptable to the Township, that the proposed Data Center and Data Center Supporting Facilities will comply with this

Ordinance and will not create an unreasonable risk to public health, safety, welfare, emergency response, neighboring properties, groundwater, surface water, public infrastructure, or Township residents.

3. In determining compliance, the Township may rely upon review and recommendations from the Township Engineer, Township Solicitor, fire department, emergency management personnel, Sewage Enforcement Officer, or other qualified consultants or agencies.
4. The Township may impose reasonable conditions necessary to ensure compliance with this Ordinance and to protect public health, safety, welfare, emergency response, neighboring properties, groundwater, surface water, public infrastructure, and Township residents.
5. Approval under this Ordinance shall not constitute approval under the Township Subdivision and Land Development Ordinance, stormwater ordinance, building code, sewage regulations, fire code, or any other applicable law or regulation. Where another Township approval is required, the Applicant shall obtain such approval separately.

SECTION 5 - SAFETY SEPARATION, SCREENING, FENCING, AND LIGHTING

1. To reduce risks associated with noise, vibration, fire, emergency power equipment, battery storage, hazardous materials, fuel storage, electrical infrastructure, emergency access, and impacts to neighboring properties, no Data Center building, generator, battery-storage area, transformer yard, substation, cooling equipment, fuel tank, hazardous-material storage area, or similar exterior equipment shall be located within five hundred (500) feet of a neighboring property line unless the Applicant demonstrates, through competent professional studies accepted by the Township, that a lesser separation will provide equivalent protection of public health, safety, welfare, emergency response, and neighboring properties.
2. The Township may require a greater separation distance where necessary to address site-specific public health, safety, fire, emergency-response, hazardous-material, noise, vibration, water-resource, or infrastructure impacts.
3. The Applicant shall provide artificial or natural screening sufficient to substantially reduce visual impacts, glare, light trespass, security-lighting impacts, and public-road safety impacts associated with the Data Center, Data Center Supporting Facilities, utility yards, generators, transformers, cooling equipment, and similar exterior equipment from neighboring residential properties and public roads to the greatest extent practicable.
4. Security fencing shall be provided around exterior equipment, utility yards, generators, battery storage areas, fuel tanks, hazardous materials storage areas, and

other areas reasonably requiring restricted access for public safety, emergency-response, security, or hazardous-material reasons.

5. Exterior lighting shall be shielded, downward-directed, and designed to minimize glare, light trespass, distraction to drivers, and adverse impacts on neighboring properties and public roads, except for lighting required for emergency response or security.

SECTION 6 - BUILDING HEIGHT, EXTERIOR EQUIPMENT, AND PUBLIC-SAFETY DESIGN

1. No Data Center or Data Center Supporting Facility building shall exceed forty-five (45) feet in height, including roof-mounted equipment such as cooling and ventilation systems, HVAC units, chillers, and cooling towers, unless the Applicant demonstrates that a greater height will not impair fire protection, emergency response, safe operation of rooftop or exterior mechanical equipment, noise mitigation, glare control, or protection of neighboring properties and public roads.
2. Data Center Supporting Facility buildings shall not exceed the height of the principal Data Center building unless the Applicant demonstrates that the additional height is necessary for safe operation, utility service, fire protection, water management, or emergency response and will not create an unreasonable impact on neighboring properties or public roads.
3. Exterior building façades and equipment areas facing a public road or existing residential use shall incorporate screening, landscaping, façade treatment, equipment enclosure, glare reduction, or similar measures as necessary to mitigate visual massing, security-lighting impacts, glare, noise reflection, and public-road safety impacts.

SECTION 7 - NOISE

1. The Applicant shall demonstrate through a sound study prepared by a qualified acoustic professional that sound generated by the Data Center and Data Center Supporting Facilities during normal operations shall not exceed: a. Sixty-five (65) dB(A) between 7:00 a.m. and 9:00 p.m., Monday through Friday; and b. Fifty-five (55) dB(A) between 9:00 p.m. and 7:00 a.m., Monday through Friday, and all day Saturday and Sunday.
2. Sound levels shall be measured at the property line of the regulated operation, at the nearest affected neighboring property line, or at such other location as the Township may require to protect neighboring properties.
3. The sound study shall be conducted using generally accepted methodology and properly calibrated sound level meters. The study shall identify measurement duration, measurement locations, assumed equipment, operating conditions, tonal or

low-frequency components, background sound levels where relevant, and any recommended mitigation.

4. The Applicant shall submit the following sound studies:
 - a. A preliminary sound study with the Permit application;
 - b. An interim sound study during building permit or construction-plan review, based on final or substantially final equipment and building plans; and
 - c. An as-built sound study within six (6) months after commencement of operations and before final release of any required financial security.
5. Any sound-reducing materials, barriers, enclosures, walls, berms, insulation, mufflers, silencers, equipment substitutions, operational limits, or other mitigation measures recommended by any sound study or required by the Township shall be incorporated into the approved plans and maintained by the Owner and Operator.
6. Maximum sound levels shall not apply during actual power outages or emergency events. However, emergency power equipment testing shall occur only between 9:00 a.m. and 5:00 p.m., Monday through Friday, except during actual emergencies or unless otherwise approved by the Township.
7. Sound studies shall evaluate and report anticipated sound levels when emergency power equipment is operating, including backup generators.

SECTION 8 - VIBRATION

1. The Applicant shall provide a vibration study prepared by a qualified professional demonstrating that no vibration from the Data Center, Data Center Supporting Facilities, or associated equipment will be perceptible to the human sense of feeling beyond the property line.
2. If the Township receives credible complaints or evidence of vibration beyond the property line, the Township may require additional testing, mitigation, equipment modification, operational limits, or other corrective action.

SECTION 9 - CLOSED LOOP SYSTEM REQUIRED; WATER AND SEWER

1. Each Data Center shall be required to use a Closed Loop System for cooling, water circulation, and any similar mechanical system involving the use, circulation, or storage of water, coolant, or another heat-transfer medium.
2. Fire-suppression systems shall be designed to minimize unnecessary water discharge and shall use closed, contained, recirculating, or low-discharge methods to the extent consistent with applicable fire codes, National Fire Protection Association standards, manufacturer requirements, emergency-response requirements, and approval by the fire department or other authority having jurisdiction.
3. No Data Center shall be approved unless the Applicant demonstrates, to the satisfaction of the Township and Township Engineer based upon competent professional evidence, that the required Closed Loop System is designed to minimize

water withdrawals, consumptive use, wastewater discharge, and risk of release to groundwater or surface water.

4. If the use will be served by a public water supply, the Applicant shall submit documentation from the public authority certifying that the public authority will supply the water needed.
5. If the use is to rely upon nonpublic sources of water, the Applicant shall provide a water feasibility study. The purpose of the study is to determine if there is an adequate supply of water for the proposed operation and to estimate the impact of the operation on existing wells, groundwater, and surface waters in the vicinity.
6. No Data Center shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals, consumptive use, discharges, and Closed Loop System operations will not endanger or adversely affect the quantity or quality of underground water supplies or surface waters in the vicinity.
7. The water feasibility study shall include the following information at a minimum:
 - a. The projected water demands of the Data Center;
 - b. The source of the water to be used;
 - c. A description of how the water will be used, including the amount or proportion of water to be used for each purpose, including cooling, humidity control, fire suppression, domestic usage, maintenance, testing, and emergency operations;
 - d. Identification of the required Closed Loop System;
 - e. The Closed Loop System design capacity and anticipated make-up water needs;
 - f. Estimated expected losses, discharges, blowdown, drainage, releases, or consumptive use during normal operations;
 - g. Maintenance, repair, testing, emergency discharge, disposal, and replacement procedures for the Closed Loop System;
 - h. The long-term safe yield of the water source;
 - i. A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means;
 - j. A geologic map of the area with a radius of at least one (1) mile from the site;
 - k. The location of existing and proposed wells within one thousand (1,000) feet of the property boundary, with a notation of the capacity of all high-yield wells;
 - l. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, and natural seeps within one thousand (1,000) feet of the property boundaries;
 - m. A determination of the effects of the proposed water supply systems and Closed Loop System on the quantity and quality of water in nearby wells, surface waters, and the groundwater table; and
 - n. A statement of the qualifications and the signature of the person preparing the study.

8. If applicable, the Applicant shall provide proof of review and approval from the Susquehanna River Basin Commission for projects proposing:
 - a. Water withdrawals of one hundred thousand (100,000) gallons per day or more over a thirty-day average from any source or combination of sources within the Susquehanna River Basin; or
 - b. Any consumptive water use of twenty thousand (20,000) gallons per day or more over a thirty-day average from any water source.
9. The Applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling, maintenance, testing, or industrial purposes, have been provided and approved by the Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection, as applicable.

SECTION 10 - POWER SUPPLY AND ENERGY GENERATION

1. If the Applicant proposes to connect the Data Center to the electric grid, the Applicant shall provide documentation from the applicable electric service provider certifying that the necessary capacity is available and that the electric service provider will serve the Data Center.
2. The Applicant shall identify any known impacts on electric rates, service reliability, capacity, or availability for other uses directly attributable to the Data Center project.
3. The Applicant shall identify all new or upgraded substations, transmission lines, distribution lines, transformers, switchgear, utility corridors, and above-ground electrical equipment proposed or required for the Data Center.
4. Above-ground electrical equipment and utility areas shall be screened from neighboring residential properties and public roads to the greatest extent practicable and shall be located and designed to reduce fire, access, emergency-response, noise, glare, and public-safety impacts.
5. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center approval under this Ordinance and shall be reviewed separately under all applicable laws, ordinances, permits, and approvals.

SECTION 11 - EMERGENCY POWER EQUIPMENT

1. Emergency Power Equipment shall be designed, installed, operated, tested, and maintained in accordance with applicable laws, manufacturer specifications, permit requirements, and approved plans.
2. Generator testing shall be limited to weekday daytime hours between 9:00 a.m. and 5:00 p.m., except during actual emergencies or unless otherwise approved by the Township.

3. Emergency Power Equipment shall include sound attenuation, muffling, enclosure, or other mitigation sufficient to minimize impacts on neighboring properties.
4. Fuel storage for Emergency Power Equipment shall comply with all applicable federal, state, and local requirements and shall include secondary containment, spill prevention, leak detection, and emergency shutoff measures.

SECTION 12 - EMERGENCY MANAGEMENT, FIRE SUPPRESSION, AND BATTERY STORAGE

1. The Applicant shall submit an Emergency Response Plan prepared by a qualified professional.
2. The Emergency Response Plan shall:
 - a. Be reviewed by the local fire department and emergency management services before approval of the Permit;
 - b. Include detailed procedures for fire suppression, containment, ventilation, evacuation, emergency shutdown, hazardous material response, fuel spill response, coolant or refrigerant release, battery incident response, and severe weather response;
 - c. Include an evaluation of access roads, turning radii, gates, Knox boxes or similar emergency access devices, hydrant locations, water supply, staging areas, and access for emergency equipment;
 - d. Identify whether new access roads, hydrants, water storage, or other emergency response improvements must be installed at the Applicant's expense;
 - e. Provide for training of first responders specific to the installed systems and equipment, at the Owner's or Operator's expense;
 - f. Include annual fire safety inspections demonstrating compliance with applicable fire safety standards, to be performed by a qualified professional on behalf of the Data Center and submitted to the Township; and
 - g. Include emergency contact information for the Owner, Operator, and persons authorized to shut down or secure the facility.
3. Any Data Center operation proposing battery storage 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 Standard 855, Installation of Stationary Energy Storage Systems, or any successor or similar standard acceptable to the Township.
4. Battery storage areas shall include fire suppression systems designed specifically for battery storage and shall be identified in the Emergency Response Plan.
5. No Data Center shall be approved unless the Applicant demonstrates that procedures for fire suppression, containment, ventilation, evacuation, emergency response, and first-responder safety are sufficiently protective of public health, safety, and welfare.

SECTION 13 - HAZARDOUS MATERIALS, FUEL, COOLANTS, REFRIGERANTS, AND SPILL PREVENTION

1. The Applicant shall submit a hazardous materials, fuel, coolant, refrigerant, spill prevention, and containment plan.
2. The plan shall identify all diesel fuel, gasoline, oil, coolants, refrigerants, fire suppression agents, cleaning chemicals, battery materials, or other hazardous or regulated substances expected to be stored, used, circulated, discharged, or maintained on the property.
3. The plan shall include secondary containment, spill prevention, leak detection, shutoff procedures, inspection schedules, disposal procedures, and emergency notification procedures.
4. The Owner and Operator shall immediately notify the Township and all required regulatory agencies of any spill, release, fire, explosion, battery incident, fuel release, coolant release, refrigerant release, or other event that may threaten public health, safety, welfare, groundwater, surface water, neighboring properties, or emergency responders.

SECTION 14 - STORMWATER, ACCESS, AND TRAFFIC

1. The Applicant shall comply with all applicable Township stormwater management requirements and shall demonstrate that the Data Center will not adversely affect downstream properties, public roads, drainage facilities, groundwater, or surface waters.
2. The Applicant shall provide an access and traffic plan showing construction access, operational access, emergency access, loading areas, parking areas, internal circulation, gate locations, and any anticipated heavy-haul or oversized loads.
3. The Township may require road condition documentation, road maintenance agreements, driveway improvements, traffic control, emergency-access improvements, or other measures reasonably necessary to protect public roads, emergency response, and public safety.

SECTION 15 - ANNUAL REPORTING AND INSPECTIONS

1. Each Owner or Operator shall submit an annual compliance report to the Township on or before January 31 of each year for the prior calendar year.
2. The annual compliance report shall certify compliance with this Ordinance and shall include, at a minimum:
 - a. Confirmation that the Closed Loop System remains installed, operational, and maintained;
 - b. Annual water withdrawals, consumptive use, discharges, and make-up water usage;

- c. Description of any Closed Loop System maintenance, testing, emergency discharge, disposal, malfunction, or replacement;
 - d. Confirmation of wastewater disposal compliance;
 - e. Fire safety inspection results;
 - f. Emergency Power Equipment testing dates and duration;
 - g. Any changes in generators, batteries, cooling systems, power demand, water demand, utility infrastructure, or material operations;
 - h. Noise or vibration complaints received and actions taken;
 - i. Spills, releases, emergency incidents, fire incidents, or regulatory notices; and
 - j. Certification by the Owner or Operator that the Data Center remains in compliance with this Ordinance, approved plans, and all Permit conditions.
3. The Township may inspect the Data Center and Data Center Supporting Facilities at reasonable times upon reasonable notice, except that no notice shall be required in the event of an emergency or suspected imminent threat to public health, safety, or welfare.

SECTION 16 - COMPLAINT RESPONSE AND TOWNSHIP CONTACT

- 1. Before commencing operations, the Owner or Operator shall provide the Township with a twenty-four-hour contact person, telephone number, and email address for complaints, emergencies, and operational concerns.
- 2. The Owner or Operator shall maintain a complaint log identifying the date, time, nature of complaint, complainant contact information if provided, investigation performed, corrective action taken, and date of resolution.
- 3. The complaint log shall be provided to the Township upon request and summarized in the annual compliance report.
- 4. If the Township determines that complaints indicate a potential violation of this Ordinance, the Township may require additional testing, inspections, reports, mitigation, or corrective action at the Owner's or Operator's expense.

SECTION 17 - MODIFICATION, EXPANSION, OR CHANGE IN OPERATIONS

- 1. No Owner or Operator shall materially modify, expand, or change a Data Center or Data Center Supporting Facility without prior written approval from the Township.
- 2. A material modification, expansion, or change includes, but is not limited to:
 - a. Expansion of building area;
 - b. Increase in approved electrical demand;
 - c. Addition, replacement, or relocation of generators, batteries, cooling equipment, chillers, cooling towers, transformers, switchgear, substations, or similar equipment;
 - d. Change in cooling technology or Closed Loop System design;
 - e. Increase in approved water withdrawal, consumptive use, or wastewater discharge;
 - f. Increase in noise-generating or vibration-generating equipment;

- g. Addition of hazardous materials, fuel tanks, coolant systems, refrigerants, or fire suppression agents not previously reviewed; or
 - h. Any change that may materially affect public health, safety, welfare, emergency response, neighboring properties, groundwater, surface water, public infrastructure, noise, vibration, traffic, or utilities.
3. The Township may require updated studies, plans, reports, permits, inspections, financial security, or conditions before approving any modification, expansion, or change.

SECTION 18 - FINANCIAL SECURITY

1. Before any Data Center or Data Center Supporting Facility is constructed, installed, erected, operated, modified, or expanded, the Owner shall deposit financial security with the Township in a form acceptable to the Township.
2. The amount of financial security shall be based on a cost estimate prepared by a qualified professional and reviewed by the Township Engineer. The estimate shall include the cost of:
 - a. Decommissioning;
 - b. Equipment removal;
 - c. Removal of generators, batteries, cooling equipment, tanks, fuel systems, electrical equipment, and similar infrastructure;
 - d. Proper disposal of hazardous materials, coolants, refrigerants, batteries, fuel, oil, and regulated substances;
 - e. Site restoration;
 - f. Environmental testing or remediation, if reasonably anticipated;
 - g. Township engineering, legal, administrative, and professional costs; and
 - h. A contingency amount of not less than fifteen percent (15%).
3. Financial security shall remain in place for the life of the Data Center and until the Township confirms completion of decommissioning and site restoration.
4. The amount of financial security shall be reviewed and updated at least every three (3) years, or more frequently if required by the Township due to expansion, modification, changed conditions, inflation, or increased decommissioning costs.
5. If the Owner or Operator fails to comply with this Ordinance, Permit conditions, decommissioning obligations, removal obligations, site restoration obligations, or corrective action requirements, the Township may draw upon the financial security to complete or cause completion of the required work, to the extent permitted by law.

SECTION 19 - DECOMMISSIONING, ABANDONMENT, AND REMOVAL

1. The Applicant shall submit a decommissioning and site restoration plan with the Permit application.

2. A Data Center shall be deemed abandoned if it ceases active operations for a continuous period of six (6) months, unless the Owner or Operator demonstrates to the Township's satisfaction that the cessation is temporary and that operations will resume within a reasonable time.
3. Within thirty (30) days after cessation of operations, the Owner or Operator shall notify the Township in writing of the cessation and the intended plan for recommencement, reuse, sale, conversion, or decommissioning.
4. If a Data Center is abandoned or permanently ceases operations, the Owner shall, within one hundred eighty (180) days unless extended by the Township:
 - a. Remove all equipment used in the operation of the Data Center, unless the Township approves retention of specific equipment for a lawful reuse;
 - b. Remove generators, batteries, cooling equipment, tanks, hazardous materials, fuel, coolants, refrigerants, and regulated substances;
 - c. Properly dispose of or recycle removed equipment and materials;
 - d. Secure the building and site;
 - e. Restore disturbed areas as required by the Township; and
 - f. Complete all other decommissioning and site restoration obligations required by the approved plan.
5. The building may remain only if it is maintained in a safe condition and converted, sold, or reused for a lawful purpose in compliance with applicable Township requirements and other applicable laws.
6. If the Owner fails to complete required decommissioning or site restoration, the Township may use available financial security and pursue all remedies available at law or equity.

SECTION 20 - VIOLATIONS, ENFORCEMENT, AND REMEDIES

1. It shall be a violation of this Ordinance for any person to construct, install, operate, maintain, modify, expand, or decommission a Data Center or Data Center Supporting Facility in violation of this Ordinance, approved plans, Permit conditions, or any lawful order of the Township.
2. Each day that a violation continues shall constitute a separate violation.
3. Upon determining that a violation exists, the Township may issue a written notice of violation requiring corrective action within a time specified by the Township.
4. The Township may require immediate corrective action, suspension of operations, emergency shutdown, or other action without a cure period if the Township determines that a violation creates an imminent or substantial risk to public health, safety, welfare, emergency response, groundwater, surface water, neighboring properties, or public infrastructure.
5. The Township may require additional studies, inspections, testing, mitigation, professional review, or certifications to determine or confirm compliance.
6. The Township may revoke, suspend, or modify a Permit for material violation of this Ordinance, failure to comply with Permit conditions, false or misleading application

materials, failure to maintain required financial security, failure to pay required fees, failure to permit inspection, or failure to complete required corrective action.

7. Enforcement shall be pursuant to the Second Class Township Code and all other applicable law. To the extent a violation concerns building, health, fire, public safety, water pollution, air pollution, noise pollution, or another category required by law to be enforced as a summary offense, enforcement shall be by action brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses. For violations that may be enforced through civil enforcement proceedings, the Township may initiate a civil enforcement proceeding before a magisterial district judge.
8. In addition to proceedings before a magisterial district judge, the Township may enforce this Ordinance through an action in equity brought in the Court of Common Pleas of Clearfield County.
9. The remedies provided in this Ordinance are cumulative and may include, without limitation, civil enforcement proceedings, summary-offense proceedings where applicable, injunctive relief, recovery of costs and attorney fees to the extent permitted by law, use of financial security, suspension of operations, revocation of Permit approval, and any other remedy available at law or equity.
10. The Board of Supervisors may delegate the initial determination of ordinance violations and the service of notices of violation to such officers, employees, consultants, or agents as the Township deems qualified for that purpose.

SECTION 21 - PENALTIES

1. For violations enforceable through civil enforcement proceedings, any person who violates this Ordinance shall, upon being found liable in a civil enforcement proceeding, pay a judgment of not more than six hundred dollars (\$600.00) per violation, plus all court costs and reasonable attorney fees incurred by the Township to the extent permitted by law.
2. For violations required or authorized by law to be enforced as summary offenses, any person who violates this Ordinance shall, upon conviction, pay a fine of not more than one thousand dollars (\$1,000.00) per violation, plus costs of prosecution, and may be subject to imprisonment to the extent permitted by law for the punishment of summary offenses.
3. Each day that a violation continues shall constitute a separate violation.
4. Imposition of a penalty shall not limit the Township's right to seek injunctive relief, abatement, cost recovery, Permit suspension, Permit revocation, use of financial security, or any other remedy available at law or equity.
5. All fines and penalties collected for violations of this Ordinance shall be paid to the Township Treasurer.

SECTION 22 - RELATIONSHIP TO OTHER LAWS AND APPROVALS

1. This Ordinance shall be interpreted as a standalone non-zoning Township regulatory ordinance and not as a zoning ordinance.
2. Compliance with this Ordinance does not relieve any Applicant, Owner, or Operator from compliance with the Township Subdivision and Land Development Ordinance, stormwater requirements, building codes, sewage requirements, fire codes, environmental laws, utility requirements, state and federal permits, or any other applicable legal requirement.
3. If another applicable law, ordinance, permit, or approval imposes a stricter requirement than this Ordinance, the stricter requirement shall apply.

SECTION 23 - ADOPTION PROCEDURE AND PUBLIC NOTICE

1. The Township shall advertise this Ordinance in accordance with the Second Class Township Code and all other applicable legal requirements before adoption.
2. Public notice shall include either the full text of the proposed Ordinance or a brief summary listing the provisions in reasonable detail and identifying a place within the Township where copies of the proposed Ordinance may be examined.
3. If the full text is not included in the public notice, a copy shall be supplied to the publishing newspaper when the notice is published, and an attested copy shall be filed after enactment in the county law library or other county office designated by the county commissioners, as required by law.
4. If substantial amendments are made before enactment, the Township shall readvertise the proposed Ordinance as required by law before voting upon enactment.

SECTION 24 - SEVERABILITY

If any sentence, clause, section, subsection, paragraph, phrase, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid by a court of competent jurisdiction, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, subsections, paragraphs, phrases, or parts hereof. It is hereby declared as the intent of Goshen Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision not been included herein.

SECTION 25 - REPEALER

All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 26 - EFFECTIVE DATE

This Ordinance shall take effect five (5) days after adoption.

ORDAINED and ENACTED this 8TH day of July, 2026.

ATTEST:

Secretary/Treasurer — Wanda Rougeux

TOWNSHIP OF GOSHEN, BOARD OF SUPERVISORS

BY: David Taylor
David Taylor, Chairman

BY: James R Sankey
James Sankey, Vice-Chairman

BY: John W Taylor
John Taylor, Supervisor