

MORRIS TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA

ORDINANCE NO. 2026-3

**AN ORDINANCE OF THE TOWNSHIP OF MORRIS,
CLEARFIELD COUNTY, PENNSYLVANIA,
REGULATING DATA CENTER FACILITIES**

WHEREAS, the Board of Supervisors of the Township of Morris finds it necessary to regulate the placement, use, and maintenance of data center facilities to protect public health, safety, and welfare; and

WHEREAS, such regulation promotes orderly development, preserves property values, and ensures compliance with applicable building and safety standards.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the Township of Morris:

Section 1. Purpose and Intent

The purpose of this Ordinance is to protect the public health, safety, welfare, and rural character of Morris Township by regulating the location, development, and operation of data center facilities. The Township finds that such facilities may create significant impacts including but not limited to:

- Excessive electrical demand on local infrastructure
- Increased water consumption
- Noise from cooling and backup systems
- Light pollution
- Traffic impacts during construction and operation
- Land use incompatibility with residential and agricultural uses

It is the intent of this Ordinance to ensure that any such use is appropriately sited and subject to strict performance standards.

Section 2. Definitions

DATA CENTER — A facility primarily used for housing computer systems and associated components, including servers, data storage and processing systems, and auxiliary infrastructure such as cooling systems, power generators, electrical substations, and network hardware.

DATA CENTER ACCESSORY USE: Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center.

CRYPTOCURRENCY MINING FACILITY: Any facility utilizing computers, servers, specialized processors, or similar equipment for the purpose of validating, recording, processing, or mining digital currencies, blockchain transactions, or related digital assets. Cryptocurrency mining facilities shall be considered Data Centers and shall be subject to all provisions of this Ordinance.

AMBIENT NOISE LEVEL — The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location constituting the normal or existing level of environmental noise at a given location without extreme atmospheric conditions, such as wind greater than three meters per second or precipitation, and then adjusting the noise level to eliminate any noise associated with then existing development of facilities.

A. The noise level shall be established based on a test performed during a continuous seventy-two-hour time span which shall include at least one twenty-four-hour reading during either a Saturday or Sunday. The testing shall be done by a qualified noise control engineer or other qualified person approved by the Township and shall be in accordance with specifications ANSI S12.18-1994 Method II and ANSI SI.4-1971. The Township reserves the right to hire a third-party consultant to witness testing and review the results. The third-party costs will be deducted from the facility operator's escrow deposit. The sound level meters used shall meet the American Standard Institute's standard for a Type I sound level meter.

DECIBEL (DB) - A unit for measuring the intensity of a sound/noise; equal to 10 times the logarithm to the base 10 of the ratio of the measured sound pressure, squared to a reference pressure of 20 micropascals.

SETBACK — The required minimum horizontal distance between any principal or accessory structure and a residential district boundary or protected residential property.

Section 3. Use Classification and SALDO Restrictions

3.1 Conditional Use Requirement

Data Centers shall only be permitted through Board of Supervisors Approval on parcels meeting the requirements of this Ordinance as outlined in the SALDO, subject to approval by the Board of Supervisors after review from the Planning Commission.

Section 4. Use Standards

No Data Center shall be approved unless the applicant demonstrates that the proposed facility will result in a net public benefit to Morris Township, including but not limited to tax revenue, infrastructure improvements, emergency service support, employment opportunities, or other community benefits.

No data center shall be approved unless the applicant demonstrates compliance with all of the following:

A. Minimum Lot Size Requirement

All data center facilities shall be located on a parcel of land containing **no less than fifty (50) contiguous acres** under single ownership or unified development control. Buildings, impervious surfaces, parking, and accessory facilities shall not occupy more than 25% of the gross tract area.

B. Setbacks

All buildings, cooling systems, accessory facilities, and associated accessory structures must be located a minimum of 3,000 feet from any existing dwellings, residential subdivisions, schools, churches, parks, and similar occupied structures.

All buildings, cooling systems, accessory facilities, and associated accessory structures must be located at a minimum of 2,000 feet from any property line not owned or controlled by the applicant.

All buildings, cooling systems, accessory facilities, and associated accessory structures must be located a minimum of 1,000 feet of any stream, wetland, or floodplain as delineated on official Township maps.

Backup generators and fuel storage tanks shall be located no less than 3,000 feet from any dwelling.

No structure, accessory equipment, or appurtenance shall occupy any required setback area.

Any expansion exceeding 10% of approved building area, power demand, water demand, cooling capacity, or battery storage capacity shall require a new a new Board of Supervisors Approval pursuant to this Ordinance.

C. Closed-Loop Water System Requirement

All data center facilities shall utilize a **closed-loop water cooling system** or equivalent closed recirculating system. The use of once-through water cooling systems drawing and discharging water from groundwater, wells, streams, or municipal supply systems is prohibited. No net consumptive impact on township water resources shall be permitted. Continuous monitoring of groundwater withdrawals and monitoring wells.

Requirements: Quarterly reporting, Township access to data, Immediate mitigation if impacts occur.

D. Noise Limits

1. The applicant must submit a professional pre-construction study establishing baseline ambient noise and vibration levels, as well as predicted operational impacts.
2. Noise from operations, including cooling units and backup generators, shall not exceed 45 dBA or 60 dBC at the property line adjoining any residential zone between 10:00 p.m. and 7:00 a.m., and shall not exceed 40 dBA at other times. These thresholds are consistent with health-based guidelines established by the American National Standards Institute (ANSI), the World Health Organization (WHO), and the U.S. Environmental Protection Agency (EPA), and are intended to protect against both high-frequency and low-frequency tonal noise.
3. Following commencement of operations, an as-built noise and vibration study must be performed within six months to confirm compliance; any exceedance requires immediate mitigation.
4. The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the Data Center, Data Center Accessory Uses, or associated equipment and structures will be perceptible to the human sense of feeling beyond the property line.
5. Third-party reviews may be required at the applicant's cost.
6. Annual Reporting Requirements following approval, the Township should continue receiving the below information. Reports shall be submitted no later than March 1 of each calendar year.

The operator shall submit an annual compliance report documenting:

- Water consumption
- Electrical consumption

- Generator testing hours
- Noise monitoring results
- Fire safety inspections
- Any violations or incidents

7. Upon receipt of a written complaint from any property owner located within one mile of the facility, the Township may require independent noise testing by a qualified acoustical engineer. All reasonable costs shall be borne by the facility operator if a violation is confirmed.

E. Water Resource Protection

- Hydrogeologic study required prior to approval
- No adverse impact on Township or regional aquifers permitted

F. Utility Cost Protection

The applicant shall demonstrate that construction and operation of the facility will not result in increased utility rates, infrastructure costs, or service degradation to Township residents. The Township will require confirmation from the electric utility.

G. Telecommunications and Fiber Corridor Controls

Any off-site fiber optic infrastructure shall require separate Township approval and restoration bonding.

H. Environmental Review

- Stormwater management plan required
- Tree clearing minimized to the maximum extent practicable
- Environmental impact statement required for facilities exceeding 15,000 sq. ft.

Applicant shall submit at the time of application a comprehensive assessment covering:

1. Effects on ecosystems, stormwater, and water resources
2. Air quality and emissions
3. Energy consumption and greenhouse gas impacts
4. Infrastructure implications, including waste, heat and traffic

The operator shall maintain and provide upon request documentation demonstrating lawful recycling or disposal of electronic waste, batteries, cooling equipment, servers, transformers, and other equipment removed from service.

I. Emergency Management

The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional.

The ERP shall:

1. Be reviewed and accepted by the local fire department and emergency management services as part of the Township approval process.
2. Include detailed procedures for fire suppression, containment, ventilation, and Evacuation
3. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site
4. Ensure that all first responders receive adequate training specific to the installed system
5. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center
6. Any Data Center using 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 (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage
7. No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.
8. Increase Emergency Service Requirements. Emergency services impact fee
The applicant shall reimburse the Township, fire departments, and emergency service providers for reasonable costs associated with training, planning, and equipment necessary to respond to incidents at the facility.

Section 4.1. Screening, Buffers, and Access

Applicant shall provide a landscaped or forested buffer adjacent to residential areas.

Applicant shall enclose or screen mechanical equipment, including generators.

Applicant shall design safe ingress/egress with emergency vehicle access.

Section 4.2. Cybersecurity and Utility Security Requirements

The facility shall implement physical security measures including fencing, controlled access points, and 24-hour monitoring.

Section 4.3. Road Use and Damage Agreement

Prior to issuance of any permit, the applicant shall enter into a Road Maintenance Agreement with Morris Township. The applicant shall be responsible for repair of any Township roads damaged by construction, operation, or decommissioning activities. Including but not limited to: Pre-construction road condition survey, Post-construction survey, Financial security for repairs.

Section 5. Electrical Infrastructure

A Utility capacity impact study will be required. Applicants must demonstrate no degradation of reliability or cost impact to township residents. The applicant shall demonstrate through written confirmation from the electric utility that the facility will not require ratepayer-funded infrastructure improvements, result in increased electric rates for Township residents, or negatively affect electric reliability within Morris Township.

A. Maximum Power Demand

No data center shall be approved with a projected electrical demand exceeding 50 MW unless specifically authorized by amendment to this Ordinance.

B. Backup Generator Restrictions

Backup generators may only be operated for emergency use and routine testing.

Routine testing shall not exceed eight (8) hours per month.

Generator testing shall occur only between 8:00 a.m. and 6:00 p.m. except during emergencies.

C. Exterior Lighting Standards

All outdoor lighting shall be fully shielded and directed downward.

No lighting shall create glare visible from adjoining properties or public roadways.

Lighting shall comply with Dark Sky standards.

D. Heat Discharge Controls

No facility shall discharge heated air or water in a manner that creates measurable adverse impacts on neighboring properties, streams, wetlands, or wildlife habitat.

The applicant shall evaluate waste heat recovery and beneficial reuse opportunities and submit findings to the Township.

Section 6. Battery Storage Restrictions

Any battery energy storage system shall be located a minimum of 5,000 feet from any dwelling, school, church, or occupied structure and will require: A Thermal runaway study, Hazard mitigation analysis and a Third-party fire review.

Section 7. Fuel Storage, Backup Power Systems, and Environmental Protection

A. Applicability

The provisions of this section shall apply to all data centers, server farms, cloud computing facilities, cryptocurrency mining facilities, artificial intelligence processing facilities, and similar uses utilizing emergency generators or on-site fuel storage systems.

B. Fuel Storage Tanks.

1. All above ground and underground fuel storage tanks shall comply with all applicable requirements of the Pennsylvania Department of Environmental Protection (PADEP), the United States Environmental Protection Agency (EPA), the National Fire Protection Association (NFPA), and all other applicable federal and state regulations.
2. All fuel storage tanks shall be registered and permitted as required by law.
3. The storage of diesel fuel, gasoline, natural gas liquids, or other combustible fuels shall be limited to quantities reasonably necessary to support emergency backup power operations.

C. Secondary Containment.

1. All aboveground fuel storage tanks shall be equipped with secondary containment capable of holding not less than one hundred ten percent (110%) of the capacity of the largest tank within the containment area.
2. Secondary containment structures shall be constructed of impervious materials designed to prevent the release of fuels into the soil, groundwater, surface waters, drainage systems, streams, wetlands, and adjoining properties.
3. Containment systems shall be maintained in good condition and shall be inspected at least annually by a qualified professional.

D. Spill Prevention and Response Plan.

1. Prior to issuance of any permit, the applicant shall submit a Spill Prevention, Control, and Countermeasure (SPCC) Plan prepared by a qualified environmental professional.
2. The plan shall include:
 - a. Fuel storage locations and capacities.
 - b. Spill prevention measures.
 - c. Emergency response procedures.
 - d. Notification procedures.

- e. Employee training requirements.
- f. Site maps identifying drainage features, streams, wetlands, and environmentally sensitive areas.
- 3. The SPCC Plan shall be updated whenever fuel storage capacity is modified and shall be reviewed not less than every five (5) years.

E. Groundwater and Surface Water Protection.

- 1. No fuel storage area shall be located within:
 - a. Two hundred (200) feet of any stream, pond, wetland, spring, or watercourse.
 - b. Two hundred (200) feet of any private or public water supply well.
- 2. Fuel storage facilities shall be designed to prevent contamination of groundwater resources and shall not discharge contaminants to waters of the Commonwealth.
- 3. If groundwater monitoring demonstrates any measurable adverse impact on neighboring wells, springs, groundwater levels, stream baseflow, or aquifer recharge, the Township may require immediate reduction or suspension of water withdrawals pending corrective action.

F. Inspection and Reporting.

- 1. The owner or operator shall submit an annual inspection report prepared by a qualified engineer, environmental consultant, or certified tank inspector.
- 2. The annual report shall certify:
 - a. Structural integrity of all tanks.
 - b. Condition of containment systems.
 - c. Compliance with DEP and EPA requirements.
 - d. Any spills, releases, violations, or corrective actions occurring during the previous year.
- 3. Copies of all DEP inspection reports, notices of violation, enforcement actions, and corrective action plans shall be provided to the Township within thirty (30) days of receipt.

G. Emergency Response Coordination.

- 1. The owner or operator shall provide emergency response information to local fire departments and emergency management agencies.
- 2. Site plans identifying fuel storage locations, shutoff valves, emergency contacts, and hazardous materials shall be maintained on-site and updated annually.

H. Financial Security.

- 1. The Township may require a bond, irrevocable letter of credit, or other financial security acceptable to the Township Solicitor to ensure remediation of fuel contamination resulting from facility operations.
- 2. Such financial security shall remain in effect throughout the operational life of the facility and until all fuel storage systems have been removed and the site restored.

Section 8. Decommissioning Plan and Financial Assurance Requirement

8.1 Decommissioning Plan

A. Decommissioning Plan Required - At the time of application, the operator shall submit a Decommissioning Plan prepared by a qualified professional. The plan shall outline the procedures for safe shutdown, removal of equipment, disposal or recycling of materials, and site restoration.

B. Timeframe for Decommissioning - Decommissioning must begin within 1 year of cessation of data center operations, or upon notice of abandonment by the operator, whichever occurs first. Decommissioning shall be completed within 18 months thereafter unless extended by the municipality for good cause.

C. Standards for Decommissioning

All above-ground structures, equipment, and accessory facilities shall be removed

Hazardous materials, including batteries, fuel, or refrigerants, shall be disposed of in compliance with state and federal law.

Disturbed soils shall be stabilized and re-vegetated

Any utility connections shall be safely disconnected and capped

The site shall be restored to a condition compatible with surrounding land uses or consistent with the most restrictive adjacent zoning district.

A facility shall be deemed abandoned if operations cease for a period of twelve (12) consecutive months, excluding periods of repair, replacement, or force majeure events approved by the Township.

8.2 Financial Assurance (Decommissioning Bond)

As a condition of approval, the applicant shall provide a **performance bond, escrow account, or other financial security acceptable to the Township Solicitor**, in an amount sufficient to cover the full cost of decommissioning the facility.

- The bond shall be established prior to issuance of any permit or construction approval.
- The bond amount shall be reviewed and certified by a qualified third-party engineer selected by the Township, at the applicant's expense.
- The bond shall be maintained in full force for the life of the facility and adjusted every five (5) years to reflect current demolition and remediation costs.

- The Township may draw upon the bond if the owner fails to properly decommission the facility within 180 days of cessation of operations.

8.3 Application Escrow Requirement

- The applicant shall establish an escrow account in an amount determined by the Board of Supervisors to reimburse the Township for engineering, legal, planning, environmental, traffic, hydrogeologic, and other professional review costs.
- The Township may retain engineers, hydrogeologists, acoustical consultants, environmental consultants, emergency response specialists, attorneys, and other professionals as necessary to review the application, all at the applicant's expense.

Section 9. Compliance and Enforcement

A. Should monitoring indicate operation in violation of approved terms (e.g., noise or environmental thresholds), the facility must promptly implement remediation measures. Failure to comply shall result in permit revocation or operational suspension.

B. Any person found in violation of this article may be cited in a civil enforcement proceeding and fined up to \$1,000 per day per violation. Each day a violation persists constitutes a separate offense. The municipality may also seek injunction or other equitable relief.

Section 10. Severability

If any section is found invalid, the remaining sections shall remain in full force.

Section 11. Transfer Restriction

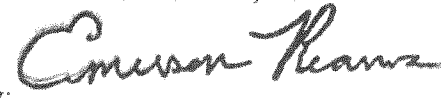
Any transfer of ownership or operational control shall require notification to the Township and assumption of all permit obligations, financial security requirements, and decommissioning obligations.

Section 12. Effective Date

This Ordinance shall take effect immediately upon enactment.

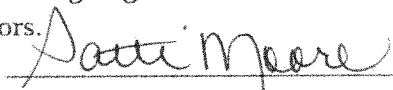
By: 
Mark Crompton, Chairman

By: _____
Frederick Little, Vice Chair

By: 
Emerson Reams, Supervisor

ATTESTATION

I hereby certify I am the Secretary of the Board of Supervisors of Morris Township, Clearfield County, Pennsylvania, and that the foregoing is attested to be a true and correct copy of the Ordinance as adopted by the Supervisors.


Patti Moore, Secretary

CERTIFICATION OF ADOPTION

I hereby certify that I am Secretary/Treasurer of the Board of Supervisors of Morris Township, Clearfield County, Pennsylvania, and that the foregoing Ordinance was adopted at a regular or special meeting of the Board of Supervisors held on the 8th day of September, 2026.
