

**SCOTT TOWNSHIP
LACKAWANNA COUNTY, PENNSYLVANIA
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING THE SCOTT TOWNSHIP ZONING
ORDINANCE ENACTED ON JULY 25, 2003, TO PROVIDE
DEFINITIONS AND REGULATIONS FOR THE ESTABLISHMENT,
CONSTRUCTION, AND OPERATIONS OF SOLAR FARMS AND DATA
CENTERS AND TO OTHERWISE PROVIDE FOR THE PROTECTION
OF THE PUBLIC’S HEALTH, SAFETY AND GENERAL WELFARE.**

BE IT HEREBY ORDAINED AND ENACTED by the Scott Township Board of Supervisors, Lackawanna County, Pennsylvania, by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, as reenacted and amended to date, known and cited as the “Pennsylvania Municipalities Planning Code” as well as the powers vested by virtue of the Second Class Township Code and pursuant to regulations regarding public hearings and due advertisement, the Scott Township Zoning Ordinance enacted July 25, 2003, (STZO) is hereby amended to reflect the following:

SECTION 1 – PURPOSE

The purpose of this Ordinance is to amend the STZO to provide definitions and regulations for solar farms otherwise known as solar electric energy facilities and for data centers in the Industrial District (ID) Zone.

SECTION 2 – ARTICLE II – DEFINITIONS

Add the following definitions:

Backup Generators: Natural Gas, diesel, hydrogen fuel cells UPC, Power Storage System or other non-coal equipment used to generate electricity during a power outage or similar emergency. Backup generators are only to be used during periods of outages, natural disasters or similar "emergency events" for power generation and for regular reliability testing and exercising.

Data Center- A facility which includes a building or buildings used or intended to be used for the housing, operation, management and/or co-location of computer systems, servers, networking and communications equipment and storage infrastructure. A data center may range from a small on-premise facility for the handling, storage and backup of data used by a single business or entity to a massive remote facility operated by a third-party technology company that provides on-demand access to computing

resources, file storage, applications and other “cloud” services over the internet. The use does not include computers or telecommunications related equipment that is secondary and customarily incidental to and otherwise permitted as a use on the property, such as everyday servers associated with a single office building. This use shall also include crypto-currency mining, block change transaction processing and server farms.

Data Center Accessory Uses – Uses that are appurtenant to the operation of a data center including utilities, utility lines, power generation stations, electrical substations, pump stations, water towers, mechanical equipment, cooling systems, sound control systems, fire suppression systems, and environmental controls (emission controls, noise pollution controls, environmental impact monitoring), redundant/backup power supplies, redundant data communications connections, and security operations when located on the same parcel or assemblage of adjacent parcels developed as a unified development for a Data Center.

Data Center Equipment ("DCE") - Includes any equipment or accessory use that, in an unmuffled state, generates noise at the point of generation in excess of the permitted maximum d.B as set forth within this ordinance. DCE shall be accessory to a data center and be located on the same tract or assemblage of adjacent parcels developed as a unified development. Data Center accessory uses may also be included in this definition.

Data Center Campus (CAMPUS): A Data Center Campus includes all of the real estate owned, controlled, leased which comprises the development of Data Center(s), Data Center Accessory Uses, DCE, Backup Generators, preserved land and undeveloped land.

Power Generation Plant: A power generation plant fueled by natural gas, combined or single cycle power plant, or natural gas linear generation, fuel cell, or similar non-oil or non-coal based power generation systems and equipment, which creates electricity to be used on the Campus, sold to or by a utility company, or in some combination of sale or purchase.

Power Storage System: A power storage system and the infrastructure systems and processes used to efficiently store, distribute and manage the power generated within the Campus. Power Storage System may also include a BESS (Battery Energy Storage System), which provides support to the local, regional or overall power grid by storing energy during off-peak hours and releasing it back into the grid as demand warrants.

Small Modular Reactor. The small modular reactor (SMR) is a class of small nuclear fission reactors, designed to be built in a factory, shipped to operational sites for installation and then used to power buildings or other commercial operations. SMR designs include: pressurized water, generation IV, thermal-neutron reactors, fast-neutron reactors, molten salt, and gas-cooled reactor models, as examples. SMR's or any type of nuclear reactors or nuclear generators are not permitted in a Data Center Campus.

Solar Farm- Also known as Solar Electric Energy Facility or "SEF". A

large-scale Solar Electric Energy Facility whose main purpose is to generate and supply electricity and consists of one or more solar electric systems and other accessory structures and buildings, including substations, electric infrastructure, transmission lines and other appurtenant structures and facilities whose principal purpose is to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. These facilities shall not include on-site solar electric energy systems meant solely for residential or singular commercial use. Such uses are regulated by the Uniform Construction Code. **Any Solar facility not constructed for the sole purpose of powering a single residential structure or a single commercial facility shall be considered a large-scale Solar Electric Energy Facility**

SECTION 3 – ARTICLE III – 305.2 DISTRICT USE SCHEDULES

Add to Schedule of Uses for Industrial District (ID) Zone the following:

Solar Farms/Solar Electric Energy Facilities or SEFs- as a Conditional Use.

Data Center- as a Conditional Use

The above uses shall be excluded as uses in any other District other than the Industrial Zone (ID) Zone.

SECTION 4 – ARTICLE IV – 427 SUPPLEMENTARY REGULATIONS

Add Section 427 Supplementary Regulations as follows:

427.1 - SOLAR FARMS –

Solar farms shall be allowed as a conditional use in the Industrial District Zone (ID) Zone. The Board of Supervisors shall review a complete application and conduct a hearing to ensure that the following conditions are met:

1.) The applicant shall submit a Master Plan which shows the following:

- a.) Existing and Proposed Public and Private Roadways;
- b.) Conservation Areas;
- c.) Flood Plains;
- d.) Steep Slopes;
- e.) Relationships to Other Properties and Proposed Setbacks;
- f.) Proposed Buffers and Landscaping Plans;

- g.) Proposed Sidewalks;
- h.) Proposed Emergency Access Locations.
- i.) A proposal for decommissioning

All plans shall be prepared by professional licensed Engineer and shall otherwise fully comply with all other requirements set forth in the STZO.

2.) The Master Plan shall also show the proposed SEF, including an overhead view of the project, the project location, the approximate generating capacity of the SEF, height and style of the panels or other solar electric system equipment to be constructed, including their generating capacity, dimensions and respective manufacturers and a description of all ancillary facilities. The plan shall also specify as to whether the panels are ground mounted, wall mounted or roof mounted. The Master Plan shall be completed by a professional engineer. In no event shall any panels exceed ten feet (10') in height from the ground. All master plans shall include a comprehensive glare study

3.) The applicant shall submit a Master Plan fee established by the Township's published fee schedule. In addition, the fee shall include a deposit of Twenty Thousand (\$20,000.00) Dollars into the Township's escrow account to pay for the Township's professional fees incurred in processing the zoning permit application which shall be replenished upon notification that it has been depleted by the Township in Ten Thousand Dollar (\$10,000.00) increments.

4.) An SEF and any of its individual panels shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Zoning Officer outlining the steps and schedule for returning the panels to service. All panels and above ground facilities in an SEF shall be completely removed within ninety (90) days of the discontinued use. As part of its master plan, an applicant shall provide an appropriate decommissioning agreement. A bond shall be required by the Township.

The facility owner shall, at the time of the land development plan application, provide the municipality with an estimate of the cost of performing the decommissioning activities required herein. The facility owner shall provide financial security of 110% of the estimated cost of decommissioning. The estimate may include an estimated salvage and resale value, discounted by a factor of 10%. The decommissioning cost estimate formula shall be: gross cost of decommissioning activities minus 90% credit of salvage and resale value equals the decom-missioning cost estimate.

On every 5th anniversary of the date of providing the decom-missioning financial security, the facility owner shall provide an updated decommission cost estimate,

utilizing the formula set forth above with adjustments for inflation and cost and value changes. If the decom-missioning security amount increases, the facility owner shall remit the increased financial security to the municipality within 30 days of the approval of the updated decommissioning security estimate by the municipality. If the decommissioning security amount decreases by greater than 10%, the municipality shall release from security any amount held in excess of 110% of the updated decommission cost estimate.

Decommissioning security estimates shall be subject to review and approval by the municipality, and the facility owner shall be responsible for administrative, legal, and engineering costs incurred by the municipality for such review.

Decommissioning Shall include:

#1. To the extent possible, the materials shall be re-sold or salvaged. Materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials by federal or state law.

#2 Any soil exposed during the removal shall be stabilized in accordance with applicable erosion and sediment control standards.

#3 The SEF site area shall be restored to its pre-development condition, suitable for its prior use Except in the case that the landowner authorizes in writing any buffer landscaping or access roads installed to remain.

#4 #3. To the extent possible, the materials shall be re-sold or salvaged. Materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials by federal or state law.

#4 Any soil exposed during the removal shall be stabilized in accordance with applicable erosion and sediment control standards.

#6 The SEF site area shall be restored to its pre-development condition, suitable for its prior use Except in the case that the landowner authorizes in writing any buffer landscaping or access roads installed to remain.

District	Minimum Lot Area Acres	Minimum Lot Width (ft) Depth (ft)	Minimum Setback (ft.) All buildings shall be set at the greater of 300 feet from any existing primary residential structure on an adjoining lot, or the distances set below.	Maximum Building Height (ft)	Maximum Lot Coverage (%)
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			<u>Front</u>	<u>Rear</u>	<u>Side</u>		
ID	60 Acres	750/750	300 ft from the Lot Line	300 ft from the Lot Line	300 ft from the Lot Line	<p>Maximum height of 70 ft for principal and accessory uses; roofline shall not exceed 100 ft unless the Applicant receives a variance in accordance with the STZO of the roof line height limitation and agrees to pay for all necessary safety equipment, vehicles, ladders, etc.</p> <p>70 ft for any Water Tower 100 feet for any Power Generation facilities</p>	40%

	<p>9. Manufacturing operations which support/supply or develop equipment and materials used in any use permitted or otherwise approved by Conditional Use approval in the ID Zoning District.</p> <p>10. Wastewater treatment and disposal plants, and all facilities associated therewith, including storage, irrigation and wastewater transportation facilities in accordance with the Township's Act 537 Plan.</p>		
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427.3 – DATA CENTERS CRITERIA REQUIREMENTS

- A. Data Centers shall be permitted by conditional use when approved in compliance with the procedures, standards, and criteria contained herein.
- B. Master Plan: The Developer or any user of any use within a Campus shall submit a master plan, as defined herein, which all parcels intended to be developed as part of a Campus. Once the Master Plan is submitted, parcels may only be added or removed from the Campus by approval of the Township.

The Plan for the Data Center Campus shall contain the following:

1. A proposed plan showing the location of all proposed uses, accessory uses, preserved land, data center(s), data center accessory uses, DCE, Backup generator power storage, SMR (if permitted), energy generation stations, substations, cooling and heating equipment, water supply, storage and management systems, fuel supply, storage and management systems, wastewater treatment system (s), waste disposal systems, infrastructure of any kind, and the location of any building or structure, shall be shown. The proposed plan may be amended to comply with Federal, State, County, and Municipal laws and regulations throughout the land development process, including revisions to the foregoing.
2. The Master Plan shall show existing and proposed public and private roadways, conservation areas, floodplains, steep slopes, relationships to other properties, proposed setbacks, proposed buffers and landscaping, proposed sidewalks, proposed emergency access locations.
3. A boundary and topographic survey plan signed and sealed by a Pennsylvania-licensed surveyor.
4. Wetland and waterway delineation maps and plans.
5. Proposed traffic information. Traffic information shall include the number of employees expected per shift, and the frequency and volume of any anticipated truck traffic after construction is completed. The trip generation for these items shall be provided using the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual as well as those items required by Section 409.1 of the STZO
6. If any use permitted by conditional use is proposed, the same shall be noted on the Master Plan, but the materials required for the conditional use approval shall be submitted as part of the conditional use process, and not the Master Plan.

Estimated economic impact. A good faith estimate of the costs incurred to the Township related to infrastructure, emergency preparedness, administrative costs, police and fire protection shall be provided and itemized. Additionally, a good faith estimate of the revenues generated by the campus including, but not limited to,

real estate sales, real estate taxes and income taxes that may be realized by the Township, Lakeland School District and Lackawanna County.

8. An Environmental Impact Statement. The Applicant shall submit an environmental impact statement as set forth in Section 417 of the Zoning Ordinance.
9. Section 608, Conditional Uses and Special Exceptions, applies and the Master Plan shall contain all the information, factors, narrative(s), plot plan(s) and otherwise fully comply with the requirements of this section, including, but not limited to, Section 608.2 Standards and Criteria and Section 408 Performance Standards.
10. A pre-application meeting must be held at least thirty (30) days prior to a formal submission being made to the Scott Township Planning Commission and Lackawanna County Regional Planning Commission.
11. A storm water management plan complying with all appropriate sections of the Scott Township Zoning Ordinance and the Subdivision and Land Development Ordinance and all other federal and/or state requirements.
12. All data center campuses must be completely enclosed by fencing that consists of a minimum of six (6') feet and maximum twelve (12') foot high fence with a fire-department accessible locking gate. The fence shall not include razor or barbed wire. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers, generators and substations and on the fence informing individuals of potential voltage hazards all around the property. A twenty-five (25') foot wide buffer area clear of any trees and shrubs shall be maintained on the outside of any perimeter fence for the purpose of security of the facility.
13. Building shall be painted/sided/sheeted in a color and manner that blends into the surrounding area as best as possible, which shall be at the discretion of the Township.
14. Ancillary facility such as offices, employee parking and accessory structure shall be setback a minimum of fifty (100') feet from all property lines and road right-of-ways.

15. The facility must have a “knox box” type device for use by the fire department as necessary.
16. All data centers must be at least three hundred (300’) feet from any residential property line.
17. A proposal for the parking of vehicles and loading spaces in accordance with Section 411 of the STZO.
18. A decommissioning agreement and accompanying bond must be presented with the master plan for the Data Center Campus. All Data Center buildings and/or equipment must be decommissioned and appropriately removed within six (6) months for its discontinued use at the sole cost of the owner.

C. Conditional Use Requirements:

1. The parcel or assemblage of adjacent parcels developed as a unified development must have direct access to an arterial or collector street. Parcels divided by a public roadway or land owned by a public utility but owned in common or otherwise developed as a unified development are deemed to be contiguous for the purpose of all area and land mass calculations.

2. Woodland standards:

- i.) A woodland buffer of at least one hundred (100) feet in depth shall be maintained adjacent to all exterior property boundaries of the Data Center development.
- ii.) In the event existing woodlands are insufficient to meet the buffer requirement, additional trees of a type common in the Township and having a minimum caliper width of 3 inches at planting and an anticipated minimum height of 15 feet within 2 years shall be planted to meet the buffer requirement.

3. It shall be demonstrated that there is an adequate second means of ingress and egress suitable for emergency access to

the site and such means shall be maintained for the duration of the use.

4. Dimensional standards shall be in accordance within this Ordinance and the STZO.

D. Data Center Equipment (DCE)

1. DCE shall not be located between the building(s) and the street upon which the parcel fronts, unless approved during the Conditional Use process.

2. DCE shall be substantially separated from all adjacent residential uses by principal building(s) such DCE serves.

3. The Applicant shall submit a traffic and/or community impact study to document potential impacts and necessary mitigation measures.

4. Data Center Accessory Uses and Data Center Equipment shall comply with all principal building setback standards.

E. Water Service

1. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources conducted by certified hydrologist indicating quantity of water required. At the request of the Township, which the Township can request at any time, the Developer shall fund a water study to be conducted on behalf of the Township by an entity selected by the Township.

2. The Applicant shall provide a water feasibility study 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 wells in the vicinity within one thousand (1500) feet of all external property lines. No Data Center shall be approved without sufficient water supply and no Data Center shall be approved that demonstrates a likelihood of adverse impacts on existing wells in the vicinity. The water feasibility study(s) shall include the following minimum information:

a.) Calculations of the projected water needs.

- b.) A geologic map of the area with a radius of at least one mile from the site.
- c.) 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.
- d.) The location of all streams within 1,000 feet of the site and all known point sources of pollution.
- e.) Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
- f.) 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.
- g.) Identification of how water will be recycled or released into surrounding water bodies and the environmental impact of each release.
- h.) A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- i) Data centers shall use closed loop cooling to minimize water consumption
- j) Well water shall only be used for domestic purposes and fire protection

- 3. Depending on the specific location of the site within the Township, the applicant shall provide proof of review and approval from the Lackawanna River Basin Commission (LRBC) or the Delaware River Basin Commission (DRBC) (whichever has jurisdiction) for projects that have:
 - a.) Water withdrawals of 100,000 gallons per day (gpd) or more over any 30-day average from any source or combination of sources within the applicable River Basin.
 - b.) Any consumptive water use of 20,000 gpd or more over any 30-day average from any other water source.

F. Electric Use

1. The applicant shall provide an interconnection agreement from the applicable electric service provider indicating that the necessary capacity is available, and the data center will be served while maintaining the same levels of service for existing residents and businesses within the Township. Known impacts on electric rates or availability for other uses directly attributable to the data center project shall be set forth in the agreement. Additionally, the applicant shall demonstrate that power consumption will be approved by the applicable utility and shall be secured by financial security required by said utility prior to the start of any Data Center building construction.

G. Noise Control

1. For Data Center uses, it shall be demonstrated through a sound study conducted by a professional acoustical expert that the installation of one or more sound reducing materials or systems, approved by the Township, will effectively reduce the sound generated by the Data Center and associated DCE during normal operations and testing and maintenance operations (i.e. all standby emergency equipment, including but not limited to generators) to a maximum daytime (7:00 AM to 8:00 PM Monday-Friday) decibel level of 65 dB(A) and a maximum nighttime (8:00 PM to 7:00 AM Monday-Friday and all day Saturday and all day Sunday) decibel level of 55 dB(A) as measured from all external property lines of the Data Center use. At no point shall the decibel level exceed 55 dB(A) at a property line adjoining a residential structure. Such sound study or studies shall be conducted using Sound Level Meters described in ANSI S1.4-2014 and using generally accepted criteria. A sound study shall be conducted at the following phases:

- a.) A preliminary sound study for the Data Center and associated DCE shall be conducted as part of the Conditional Use process and submitted with the Zoning Permit Application. The preliminary sound study shall set forth the sound levels at representative external property boundaries and recommend the sound reducing materials or systems to meet the aforesaid sound limits. The Township may have a preliminary sound study generated on its behalf. The cost of the sound study shall be reasonable, and the Township shall solely select the entity conducting the sound study.
- b.) An as-built sound study shall be conducted six (6) months after issuance of the certificate of occupancy for any Data

Center and associated DCE prior to the final escrow release for any Data Center land development phase. The Township may have a sound study generated on its behalf at any time thereafter, by an entity selected by the Township, at the expense of the Developer.

- c.) If it is determined by an as-built sound study that there is a violation of the aforesaid sound limits, then the issued Zoning Permit is rescinded until the Developer provides a sound study showing that the sound does not exceed 65Db at all external property lines of the sound generating property or 55Db of an external property line adjoining a residential structure. The Township may select an entity to conduct a sound study to verify that that the sound does not exceed the limits established by this Ordinance, and the cost of the sound study shall be borne solely by the Developer. Upon verification that the sound does not exceed the limits established by this Ordinance, the Zoning Permit shall be reinstated.

- d.) In the event of a failure by the owner or occupant to remediate a sound violation, the Township may revoke any zoning permit(s) previously issued for the Data Center. Notwithstanding the foregoing, during a power outage which removes power from all or a part of any Data Center building, or the Data Center Campus, the above noise limits shall not be in effect; it being recognized that the Data Center must be able to operate 24 hours per day, and 7 days per week without power interruption. In the event of such power outage, the Data Center building, or Data Center Campus, Operator, as applicable, must re-establish compliance with the noise provisions herein within three (3) hours of the restoration of power.

H. Buffering/Screening/Landscaping/Lighting

The applicant shall provide within the master plan its provisions for buffering, screening, landscaping and lighting all of which must comply with all other terms and conditions of the Zoning Ordinance.

I. Radiological

- a.) The Applicant shall submit a preliminary Radiological Land Survey conducted by a qualified professional of the entire site with its application. The Radiological Land Survey must show measurements at external perimeter points of the property which must include measurements taken at perimeter points within 400 feet of residential or commercial activity. The Radiological Land Survey must make recommendations as to how to contain and minimize the release, dispersion, movement, emission and spread of radiation from the Property. The Township may have a Radiological Land Survey generated on its behalf at any time thereafter, by an entity selected by the Township, at the expense of the Applicant.
- b.) An as-built Radiological Land Survey shall be conducted six (6) months after issuance of the certificate of occupancy for any Data Center and associated DCE prior to the final escrow release for any Data Center land development phase. The Township may have a Radiological Land Survey generated on its behalf at any time thereafter, by an entity selected by the Township, at the expense of the Applicant or Developer.
- c.) If it is determined that there is a violation of the prescribed radiation limits, then the issued Zoning Permit is rescinded until the Applicant or Developer provides a Radiological Land Survey showing that the sound does not exceed the prescribed radiation limits. The Township may select an entity to conduct a Radiological Land Survey to verify that that the sound does not exceed the prescribed radiation limits and the cost of the Survey shall be borne solely by the Applicant or the Developer. Upon verification that the radiation does not exceed the limits established by this Ordinance, the Zoning Permit shall be reinstated.
- d.) In the event of a failure by the owner or occupant to remediate a radiation violation, the Township may revoke any zoning permit(s) previously issued for the Data Center.

J. State/Federal Regulations/Requirements

The proposed plan must comply with all other aspects of federal and/or state law and/or regulations.

427.4 DATA CENTER PROCEDURES

A. Upon submission of the Master Plan, each Township shall review and process the Master Plan in accordance with the Municipalities Planning Code. The Township shall review the proposed Master Plan in accordance with the criteria contained in this chapter and with other applicable ordinances/regulations. It shall provide informal dialogue with the applicant and advise them as promptly as possible of the extent to which the proposed subdivision or land development conforms to the respective Comprehensive Plans and relevant standards of this chapter and will discuss possible plan modifications that would increase its degree of conformity.

B. The applicant may request to submit alternative sketch plans. If granted, an agreement must be used to further define the roles and obligations of the applicant and the Township in the review process. Aspects of the sketch plan that shall be specifically evaluated include but are not limited to:

1. The location of all areas proposed for disturbance (streets, foundations, yards, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's existing resources and site analysis plan.
2. The potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels.
3. The location of proposed access points along the existing road network.
4. The general location and extent of open space and/or preserved land.
5. The location and extent and configuration of buildings, parking lots, and common areas in proximity to existing, residential, multifamily and commercial developments.
6. The proposed building density and impervious coverage.

The Developer may submit a Preliminary Plan with or without a recommendation of approval of the Master Plan, but is encouraged to obtain such recommendation for approval from the Township prior to submission.

427.5 - SUBMISSION FEE (MASTER PLAN):

The fee for the Master Plan submission shall be as established in the Township's published fee schedule. In addition, the fee shall include a deposit of Twenty Thousand (\$20,000.00) Dollars into the Township's escrow account to pay for the Township's professional fees incurred in processing the zoning permit application

which shall be replenished upon notification that it has been depleted by the Township in Ten Thousand Dollar (\$10,000.00) increments.

427.6 - PRELIMINARY AND FINAL PLANS:

To avoid confusion, all Preliminary and Final Land Development Plans shall comply with the SCOTT TOWNSHIP Subdivision and Land Development Ordinances SALDO. All other supporting documents required by this Ordinance and the Scott Township Zoning Ordinance shall also be included for Preliminary and Final Plan approval.

427.7 - ENFORCEMENT

A. Data Center campus owners shall allow the Township Officials to access the buildings and grounds at least four (4) times per year for inspections, participation in emergency management and fire training and provide the Township's fire departments with any necessary equipment, at their own cost, to extinguish a data center fire or incident.

B. In the event that there are violations of this Ordinance, the Township shall notify the Owner/Operator of the Data Center, DCE or Campus of the violation and provide written notice of the violation and the actions needed to remedy the violation. If the violation(s) are not corrected within such time period, the Township may take any and all actions to compel compliance including but not limited to injunctive relief and monetary fines at an amount set by way of resolution of the Board of Supervisors. Should legal action be necessary to compel compliance, venue shall be in the Lackawanna County Court of Common Pleas or the United States District Court for the Middle District of Pennsylvania. The Township shall be entitled to all attorneys' fees, costs and expenses incurred to compel compliance.

SECTION 5 – SEVERABILITY

Should any section, subsection, clause, provision, or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Board of Supervisors having adopted this Ordinance as if such invalid portions had not been included therein.

SECTION 6 – REPEALER

All existing ordinances or parts of ordinances, which are contrary to the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 7 – ENACTMENT

BE IT HEREBY ENACTED this ____ day of _____, 2025, by the

oard of Supervisors of Scott Township, Lackawanna County, Pennsylvania, to be effective five days from enactment.

ATTEST:

SCOTT TOWNSHIP

Secretary

Michael Giannetta , Chairman

Steven Russell, Supervisor

Approved as to form:

Brian Brenzel, Supervisor

Richard A. Fanucci, Esq.
Solicitor to Scott Township