

ORDINANCE NO. 118 OF 2026



DRAFT

**BUFFALO TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA**

AN ORDINANCE OF BUFFALO TOWNSHIP, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE BUFFALO TOWNSHIP ZONING ORDINANCE, TO PROVIDE DEFINITIONS AND STANDARDS RELATED TO DATA CENTERS, AND ADD REGULATIONS AS TO THE REQUIREMENTS OF DIFFERENT ZONING AREAS.

WHEREAS, the Board of Supervisors of Buffalo Township, Washington County, Pennsylvania, have previously enacted the Buffalo Township Zoning Ordinance; and

WHEREAS, Buffalo Township seeks to promote the general health, safety and welfare of the community by adopting and implementing an amendment to the Zoning Ordinance providing for regulations and definitions relating to Data Centers; and

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

SECTION 1. TITLE.

This Ordinance shall be known as the “Buffalo Township Data Center Ordinance of 2026.”

SECTION 2. DEFINITIONS

Amendment of Article XII, Section 265-75 of the Buffalo Township Zoning Ordinance entitled “Definitions”. Section 265-75 of the Buffalo Township Zoning Ordinance is hereby amended to add or amend the following definitions to the ordinance:

CONTINUOUS NOISE EQUIVALENT LEVEL (CNEL): A measure of the cumulative noise exposure in a community over a 24-hour period. It is calculated by adding up the average noise levels over the day and applying different weighting factors to the evening and nighttime periods. The computation of CNEL adds 5 dB to the average hourly noise levels between 7:00 p.m.

and 10:00 p.m. (evening hours), and 10 dB to the average hourly noise levels between 10:00 p.m. and 7:00 a.m. hours. This weighting accounts for the increased human sensitivity to noise in the evening and nighttime hours.

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

SECTION 3. Amendment of Article IX of the Buffalo Township Zoning Ordinance entitled “Supplemental Regulations” to add a new Section 265-62 for regulation of Data Centers.

There is hereby added a new Section 265-62, with related subsections, to Article IX of the Buffalo Township Zoning Ordinance, entitled “Supplemental Regulations” to add regulations for the use of Data Centers which shall read as follows:

265-62- Data Centers

265-62(A) Regulations Applicable to All Data Centers

1. Data Centers are a Conditional Use in the Rural Agricultural District, Highway Commercial District, and Light Industrial District.
2. Data Center Uses shall not be closer than 1,000 feet (measured radially from Data Center building and/or any exterior equipment to residential property) from any residential use (whether in a mixed-use development or not).

3. Any proposal for a Data Center Use shall include a letter from the electrical provider that certifies that the power grid has the capacity to meet the demands of the proposed facility while maintaining sufficient levels of service to the existing residents and business in the Township. In addition, any proposal for a Data Center use shall include a copy of the executed agreement between the operator and electrical provider for Township records. .
 - a. In the event that turbines, generators, or diesel engines are utilized for on-site power generation, and not powered by the public transmission grid, any on-site power generation facilities must be in a building constructed with durable materials conducive to safe Data Center construction, in order to mitigate noise and any other nuisance caused by the on-site power generation. These buildings must contain automatic fire suppression systems, as well as heat and gas detection systems.
4. Any proposal for a Data Center use shall include a letter from the developer providing an analysis of the anticipated raw water needs and proposed sources thereof. Further, the proposal for a Data Center Use shall include a letter from the water provider that certifies that the water provider has the capacity to meet the demands of the proposed facility while maintaining sufficient levels of service to the existing residents and business in the Township.
5. Data Centers shall be required to use an automatic fire suppression system that is in compliance with National Fire Protection Association (NFPA) 75 and 76 Standards. The design and use of the aforementioned fire suppression system shall be to reasonable satisfaction of the Township and shall be in compliance with NFPA 75 and 76 Standards. An approved hard top surface, installed for use as a fire apparatus access road, shall be installed around any data center structures, extending 30 feet out from the building. The access road shall be maintained year-round, at all times.

6. The Data Center developer and/or operator shall provide the Township fire department companies with annual training on firefighting procedures, methods, and possible hazards specific to the designed and built system. As part of the annual training, the developer and/or operator shall communicate with Township fire department companies to identify any special equipment that may be required to fight a fire at a Data Center in order to meet NFPA standards, and the same shall be provided to the fire companies at the expense of the developer and/or operator and the fire departments shall be trained in their use. Fire Hydrants and Fire Pumps must be utilized on site in accordance with NFPA standards and guidelines, Township amendments, and approved by the authority having jurisdiction..
7. All Data Center Uses shall comply with the provisions of the Buffalo Township Fire Code and any amendments thereof.
8. If natural gas is used, the developer shall utilize a Gas Detection System.
9. Data Centers Uses shall not have blank exterior walls on any side of a building. There shall be adequate fenestration as well as horizontal and vertical breaks every 35 lineal feet.
10. Building materials shall be durable, consisting of brick or other context sensitive masonry materials with variation of color. Rooflines shall have variation throughout.
11. Data Center Uses shall be limited to no more than 80,000 gross square feet for any one building, and shall have an approved hard top surface, and a 30-foot-wide gravel cartway between buildings to accommodate fire and safety vehicles in the event of emergency..
12. The owner shall identify all local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the Data Center.
13. Prior to the construction phase, the Developer shall provide to the Township a Construction Transportation Plan to provide for a road maintenance agreement and to address the potential

damage to Township roads.

14. During the construction phase of the Data Center the owner shall provide the Township with a road bond in accordance with Buffalo Township Zoning Ordinance.
15. Any proposal for a Data Center Use shall include pre- and post -construction sound studies which examine all exterior utility functions of the building (rooftop and ground -mounted) that produce sound. The sound study shall identify compliance with the Buffalo Township Zoning Ordinance as applicable. A post-construction sound study shall be submitted prior to an occupancy permit being issued for the building.
 - a. All rooftop equipment that produce sound (e.g., HVAC, generators, and the like) shall be fully screened from view and the screening shall be placed to shield the direction of emitted sound.
 - b. All ground -mounted equipment that produce sound (e.g., HVAC, generators, and the like) shall be fully screened from view and the screening shall be placed to shield the direction of emitted sound.
16. The Data Center must not generate a maximum sound in excess any acceptable level as defined by the Township's ordinances.
 - a. Compliance with the Township's ordinance is when the CNEL is equal to or less than the following limits:
 - i. 60 dBA CNEL for outdoor noise exposure levels for private residential areas in A-R and R-S zoning areas.
 - ii. 65 dBA CNEL for office buildings, commercial, professional and mixed-use developments in C-H zoning areas.
 - iii. 75 dBA CNEL for outdoor levels for recreational areas, cemeteries, industrial

manufacturing, utilities and agricultural areas in Light Industrial zoning areas.

17. Lighting of the Data Center is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the Data Center. The Data Center must not produce any glare that is visible to neighboring lots or to persons traveling on public or private roads.
18. All power transmission or other lines, wires, or conduits from a Data Center to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.
19. The Data Center must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drainage facilities at least once every three years by means of robotic camera, with the first inspection occurring before the Data Center is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.
20. The Data Center uses shall include modern technology that offsets a portion of the power needs through energy efficient solutions.
21. Any proposal for a Data Center shall include the latest technology in water conservation, including utilizing closed loop systems in order to reduce the demand for public water.
22. The applicant or operator will maintain property/casualty insurance and general commercial liability insurance at an amount of at least \$5 million per occurrence with a minimum A.M., Best Rating of A. Buffalo Township shall be listed as an additional insured on the policy at all times.

23. Prior to any construction or building, the developer and/or operator must conduct an environmental impact assessment to identify potential risks and develop strategies for minimizing the ecological footprint of operating, as well as consider factors such as e-waste disposal, energy consumption, and carbon emissions.
 - a. The developer and/or operator shall also conduct testing to determine baseline levels of air quality and water purity to establish a baseline to be referenced by the Township in the event of extraordinary or catastrophic event.
24. Prior to any construction or building, the developer and/or operator shall conduct studies to determine methane pockets above areas that were previously used for mining operations. In addition, the developer and/or operator shall conduct studies to determine areas where there is possible subsidence from previous mining operations. Data Centers shall not be constructed in areas where it has been determined that there are methane pockets from previous mining operations or mine subsidence.
25. Any maintenance, whether planned or on an emergency basis, must occur between the hours of 6:00 a.m. and 6:00 p.m.
 - a. In the event of maintenance, any manual generator utilized shall have a maximum run time of 120 hours on a yearly basis.
 - b. If an emergency situation directly affects the health and safety of residents, and emergency repairs must be made after hours (between 6:00 a.m. and 6:00 p.m.), the emergency repairs must be approved by the Township through the Fire Chief or Emergency Management Coordinator in conjunction with the Township Manager.
26. All required county, state, and federal permits must be obtained before the Data Center begins operating. A building permit from the Township is required for construction of a Data Center, regardless of whether the applicant or operator is otherwise exempt under state law.

27. If the Data Center experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township and Emergency Management Coordinator immediately, within but no later than 24 hours after the extraordinary or catastrophic event. A written follow-up detailing the incident and steps taken to remedy the situation must be provided to the Township and Emergency Management Coordinator within 72 hours of the event.
28. Annually, the operator and owner will participate in a public safety meeting, review their emergency response plan and emergency management information. In addition, an annual drill simulating an extraordinary or catastrophic event will be performed in conjunction with the Township fire department, county public safety personnel, and operator's facility staff.
29. The developer or operator must submit a report on or before January 1 of each year that includes all of the following:
 - a. Current proof of insurance;
 - b. Verification of financial security;
 - c. A summary of all complaints, complaint resolutions, and extraordinary events; and
 - d. List of updated emergency contact information.
30. The Township may inspect a Data Center at any time by providing 24 hours advance notice to the developer or operator.
31. To ensure proper decommissioning of a Data Center upon abandonment, the applicant must post financial security in the form of a security bond or escrow payment in an amount equal to 150% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator, the Township, and Township Engineer will review the amount of the financial security annually to ensure that

the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special use application.

32. In the event that a Data Center ceases operations or the property is no longer being used for the purposes of facilitating a Data Center use and begins decommissioning the Data Center developer shall:
- a. Conduct an environmental impact assessment to identify potential risks and develop strategies for minimizing the ecological footprint of decommissioning activities, as well as consider factors such as e-waste disposal, energy consumption, and carbon emissions.
 - b. Prioritize the recycling or responsible disposal of decommissioned hardware and materials to reduce environmental impact, and partner with certified e-waste recycling facilities to ensure proper handling and recycling of electronic components.
 - c. Establish secure logistics protocols to track the movement of decommissioned hardware throughout the decommissioning process, and maintain a chain of custody to ensure accountability and prevent unauthorized access or tampering.
 - d. Properly decommission power and cooling infrastructure, including UPS units, HVAC systems, and generators, to minimize energy consumption and ensure safety. The operator shall disconnect and remove all electrical and mechanical components according to industry best practices.
 - e. Provide comprehensive training to employees involved in the decommissioning process to ensure they understand and adhere to best practices. Increase awareness of data security protocols, environmental responsibilities, and safety procedures to minimize risks and errors during decommissioning activities. Regularly update training materials to reflect changes in regulations, technologies, and industry standards.

- f. Maintain comprehensive documentation of the decommissioning process, including records of data sanitization, hardware disposal, and environmental compliance. Retain audit trails to demonstrate adherence to best practices and regulatory requirements.
- g. Notify Township public safety and emergency management personnel of any changes in facility use and/or occupancy.

SECTION 5. Construction and Severability

- A. The provisions of this Ordinance shall be construed to the maximum extent possible to further the purposes and policies set forth herein, as consistent with applicable state statutes and regulations. If the provisions of this section and state law are in conflict, then state law shall prevail.
- B. It is the intention of the Township's Board of Supervisors that the provisions of this Ordinance shall be declared unconstitutional or invalid by the judgement or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining provisions of this Ordinance.

SECTION 6. Repealer. All prior ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7. Ratification. Except as amended by this Ordinance, all other portions, parts and provisions of the Buffalo Township Zoning Ordinance, as heretofore enacted and amended, shall remain in force and effect.

This Ordinance shall be effective five (5) days after its enactment.

ENACTED AND ORDAINED by the Board of Supervisors of Buffalo Township,
Washington County, Pennsylvania, this ____ day of __, 2026.

ATTEST:

BUFFALO TOWNSHIP

Michelle Markley, Secretary/Treasurer

By: _____
Randy Mounts, Chairman

(SEAL)



DRAFT

By: _____
Jim Mounts, Vice-Chairman

By: _____
Ken Gorby, Jr., Supervisor