

TOWNSHIP OF WASHINGTON
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2026- 1

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WASHINGTON, BERKS COUNTY, PENNSYLVANIA, TO AMEND CHAPTER 131 OF THE TOWNSHIP OF WASHINGTON CODE OF ORDINANCES, TITLED "ZONING" TO DEFINE AND ADD SPECIFIC REQUIREMENTS FOR DATA CENTERS AND DATA CENTER ACCESSORY USES, INCLUDING: (1) ARTICLE II TITLED "DEFINITIONS AND WORD USAGE", SECTION 131-7 TITLED "DEFINITIONS", TO ADD DEFINITIONS FOR "DATA CENTER", "DATA CENTER ACCESSORY USE", AND "SENSITIVE RECEPTORS"; (2) ARTICLES IX TITLED "C-COMMERCIAL DISTRICT", ARTICLE X TITLED "LI-LIGHT INDUSTRIAL DISTRICT", AND ARTICLE XI TITLED "GI-GENERAL INDUSTRIAL DISTRICT", TO ADD DATA CENTERS AND DATA CENTER ACCESSORY USES AS PERMITTED USES BY SPECIAL EXCEPTION; ARTICLE XV TITLED "SUPPLEMENTARY REGULATIONS", TO ADD SECTION 131-82 TITLED "DATA CENTERS AND DATA CENTER ACCESSORY USES", ESTABLISHING REGULATIONS REGARDING DIMENSIONAL STANDARDS, LANDSCAPE BUFFERS, SCREENING AND FENCING, NOISE AND VIBRATION, PERFORMANCE STANDARDS, POST CONSTRUCTION VERIFICATION, ONGOING COMPLIANCE, NEGATIVE IMPACTS, WATER AND SEWER SERVICE, POWER SUPPLY, SAFETY, EMERGENCY PLANNING, SPILL PREVENTION, POLLUTION PREVENTION AND CONTROL (PPC) PLAN REQUIREMENTS, ELECTRONIC WASTE DISPOSAL, EMERGENCY CONTACT INFORMATION, PARKING, OFF STREET LOADING, LIGHTING, PHASING, ENVIRONMENTAL AND COMMUNITY IMPACT ANALYSIS, AND DECOMMISSIONING PLAN.

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, *et seq.*, authorizes the Township of Washington to enact, amend and repeal Zoning Ordinances within the Township; and

WHEREAS, the emergence of new technologies has led to the need for greater data processing capabilities in centralized locations, creating new types of land uses; and

WHEREAS, the Board of Supervisors of the Township of Washington deems it to be in the best interest and general welfare of the residents of the Township to update and amend the Washington Township Zoning Ordinance of 1982, as comprehensively revised by amendment of 1993, and as further amended from time to time ("Zoning Ordinance"), found at Chapter 131 of the Code of Ordinances of Washington Township to provide for "Data Centers" and "Data Center Accessory Uses.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of the Township of Washington as follows:

SECTION 1. Definitions. Chapter 131, Art. II, Section 131-7 of the Zoning Ordinance, entitled Definitions, is amended to add the following definitions:

DATA CENTER - A building or buildings which are occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred and/or stored, primarily to and from offsite locations. This use shall also include processing for artificial intelligence and machine learning applications, cryptocurrency mining, blockchain transaction processing, and server farms. A Data Center may include Data Center Accessory Uses. This use does not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building.

DATA CENTER ACCESSORY USE - An ancillary use or structure secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; energy generation systems used or intended to be used to supply power to the Data Center during normal operations; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; carbon separation systems, water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); and 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.

SENSITIVE RECEPTORS - Residential uses, schools, preschools, daycare centers, in-home daycares, hospitals, long term care facilities, retirement and nursing homes, inpatient rehabilitation facilities, community centers, places of worship, public and private parks and trails, campgrounds, prisons, dormitories, and properties in active agricultural use.

SECTION 2. Data Centers and Data Center Accessory Uses shall be permitted in the following Zoning Districts

A. Article IX, titled "C-Commercial District," Section 131-31, titled "Permitted Uses," Subsection A.2 titled "Uses by Special Exception" shall be amended to add the following:

G. Data Centers and Data Center Accessory Uses, in accordance with Section 131-82.

- B. Article X, titled "LI-Light Industrial District," Section 131-36, titled "Permitted Uses," Section B, titled "Uses by Special Exception" shall be amended to add the following:

6. Data Centers and Data Center Accessory Uses, in accordance with Section 131-82.

- C. Article XI, titled "GI-General Industrial District," Section 131-40, titled "Permitted Uses," Section B, titled "Uses by Special Exception," shall be amended to add the following:

5. Data Centers and Data Center Accessory Uses, in accordance with Section 131-82.

SECTION 3. Article XV of the Zoning Ordinance, titled "Supplementary Regulations" is amended to add Section 131-82, Data Centers and Data Center Accessory Uses:

131-82 - Data Centers and Data Center Accessory Uses

- A. Data Centers shall be permitted by Special Exception in the C-Commercial, LI-Light Industrial, and GI-General Industrial Zoning Districts when approved in compliance with the **procedures**, standards, and criteria contained in this section 131-82 and applicable provisions of Township ordinances not in conflict with this section.
- B. **Dimensional Standards.** The dimensional standards of Data Centers and Data Center Accessory Uses shall be in accordance with the dimensional regulations of the Zoning District in which the use is located, with the following exceptions:
- (1) The maximum building height for a Data Center shall be the maximum building height permitted in the underlying zoning district, inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units and cooling towers.
 - (2) The maximum height of Data Center Accessory Uses shall be no greater than the height of the principal building.
 - (3) The minimum lot size for a Data Center shall be ten (10) acres adjusted tract area.
 - (4) All Data Centers and Data Center Accessory Uses shall maintain the following setback distances:
 - (a) Minimum building setback from public road rights-of-way - 100 feet

- (b) Minimum building setback from boundaries of the WSC-Watershed Conservation District, R-1 Rural Residential District, R-2 Suburban Residential District, A-Agricultural District and HDV- High Density and Residential Village District – 200 feet
 - (c) Minimum building setback from residences and Sensitive Receptors – 500 feet
 - (d) Minimum building setback from bodies of water (including intermittent or perennial streams) or wetlands – 200 feet, unless greater distance is required by regulation or directive of any agency having jurisdiction
 - (e) Any parking area for a Data Center or Data Center Accessory Use shall be set back at least 50 feet from residential uses, or boundaries of the WSC-Watershed Conservation District, R-1 Rural Residential District, R-2 Suburban Residential District, and HDV- High Density and Residential Village District, except for Sensitive Receptors, for which the setback distance shall be 100 feet
- C. **Landscape Buffer.** A landscape buffer is required between Data Centers and Data Center Accessory uses and adjoining uses in accordance with Section 107-75 of the Subdivision and Land Development Ordinance.
- D. **Screening and Fencing**
- (1) To provide visual screening and reduce noise levels, ground-mounted and roof-mounted equipment used for cooling, ventilating, or otherwise operating the facility, including power generation or other power supply equipment, must be fully enclosed, except where not mechanically feasible based on the manufacturer’s specifications. If it is not mechanically feasible to fully enclose the equipment, it must be fully screened from view using one or more of the following means:
 - (a) The landscape buffer required by subsection (C) above.
 - (b) By existing vegetation that will remain on the property.
 - (c) By the principal Data Center building or an accessory building
 - (d) A berm averaging a minimum of five (5) feet in height above the adjacent average ground level with a maximum side slope of 3:1, provided that the berm shall be covered by a well-maintained all season natural ground cover, and any required screening plantings shall be arranged on the outside and top of the berm.

- (e) A visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building. Fencing shall comply with Section 131-82.D.(2) below.
 - (f) Roof-mounted equipment shall be screened from view to the degree feasible by the design of the building
- (2) Fencing of the property is permitted, provided fencing along public and private roadways is not chain-link, with or without slatted inserts, and does not include barbed wire or other similar, visibly intrusive deterrent device. An applicant shall not be required to comply with this requirement if fencing is fully screened from view by one or more of the means identified in subparagraph (1) above.

E. Noise and Vibration

(1) Sound Study Requirement

- (a) Prior to the grant of any special exception approval for a Data Center or Data Center Accessory Use, the applicant shall submit a Baseline and Operational Sound Study prepared by a qualified acoustical engineer or noise consultant licensed or certified to practice in the Commonwealth of Pennsylvania.
- (b) The sound study shall demonstrate, to the satisfaction of the reviewing authority, that sound generated by the data center during normal operations (e.g., operations during times other than power outages or similar emergencies when a backup generator is in use) will not exceed the ambient sound level measured at the nearest receptor(s).
- (c) The sound study shall include, at a minimum, the following:

[1] **Baseline Ambient Measurement** - A measurement of existing ambient sound levels at all receptor locations at the facility property line, or as otherwise required by the reviewing authority, conducted over a period of not less than 48 consecutive hours, capturing both daytime (7:00 a.m. - 10:00 p.m.) and nighttime (10:00 p.m. - 7:00 a.m.) conditions.

[2] **Sound Source Inventory** - Identification and characterization of all proposed noise-generating equipment associated with the data center, including

HVAC systems, cooling towers, generators, chillers, air handling units, and any other mechanical equipment.

- [3] **Propagation Modeling** - An acoustic propagation analysis using recognized modeling methods demonstrating projected sound levels at each property line during normal operations.
- [4] **Cumulative Impact Assessment** - A demonstration that the combined effect of all facility-generated sound, when added to existing ambient levels, does not cause the ambient sound level at the property line to be exceeded.
- [5] **Mitigation Measures** - Where projected sound levels are found to approach or exceed ambient levels, the study shall identify specific mitigation measures - including but not limited to sound barriers, enclosures, equipment setbacks, or acoustic treatments - sufficient to achieve compliance.

(2) **Performance Standard**

- (a) At no point on the facility property line shall the sound level attributable to the data center facility during normal operations exceed the pre-existing ambient sound level, measured in dBA (Leq), as established by the baseline sound study.
- (b) Nighttime performance (10:00 p.m. - 7:00 a.m.) shall be evaluated independently from daytime performance, and compliance shall be demonstrated for both periods.
- (c) Low-frequency noise and tonal components shall be addressed separately where applicable, in accordance with applicable acoustical standards.

(3) **Post-Construction Verification**

- (a) Within 180 days following the commencement of normal operations, the applicant shall submit a Post-Construction Sound Verification Study conducted by a qualified acoustical engineer demonstrating that actual operational sound levels comply with the standards set forth in Section 131-82.E(2).
- (b) If post-construction measurements demonstrate non-compliance, the operator shall implement corrective measures within 30 days and submit a follow-up verification study confirming compliance.

(4) Ongoing Compliance

The reviewing authority may require additional sound monitoring at any time upon reasonable written notice if complaints are received or if modifications to facility operations or equipment are proposed that may affect sound output.

F. Negative Impacts

No use or activity producing dust, smoke, fumes, glare, exhaust, heat, or ionizing or electromagnetic radiation shall be carried on above limits established by applicable law or regulation.

G. Water and Sewer

- (1) The Data Center shall be connected to public sanitary sewer. The applicant shall submit documentation from the public utility or authority certifying that the public utility or authority will supply the sewer capacity needed (i.e., a "will serve" letter).
- (2) The Data Center shall provide evidence of an adequate water supply. If the Data Center will be served by public water, the applicant shall submit documentation from the public utility or authority certifying that the public utility will supply the capacity needed (i.e., a "will serve" letter).
- (3) The Data Center shall be designed to include a closed-loop water circulation system to cool processing equipment or other components.
- (4) In the event that a Data Center requires any expansion or upgrade to either a public water system or conveyance and/or treatment capacity for a public sanitary sewer system, all costs of construction, design, permitting and/or installation shall be borne by the Applicant.
- (5) 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 use and to estimate the impact of the use on existing wells, groundwater, and surface waters in the vicinity. 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 and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity, and that if public water is being used, that the Data Center's use will not impact water quantity, water pressure, or water or sewer availability to other customers, and will not cause or contribute to an increase in water or sewer rates for other customers. 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 water to be used;
 - (c) A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g. cooling, humidity control, fire suppression, and domestic usage);
 - (d) The long-term safe yield of the water source;
 - (e) A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means;
 - (f) A geologic map of the area with a radius of at least one mile from the site;
 - (g) The location of all publicly known existing and proposed wells within 1,000 feet of the property boundary, with a notation of the capacity of all wells;
 - (h) The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within 1,000 feet of the property boundary;
 - (i) A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, surface waters, and the groundwater table; and
 - (j) A statement of the qualifications and the signature(s) of the person(s) preparing the study. The study shall be prepared by a qualified licensed engineer or geologist.
 - (k) The Township reserves the right, at Applicant's cost, to retain qualified professionals to review water impact studies and plans.
 - (l) The applicant shall provide proof of review and approval from the Delaware River Basin Commission (DRBC) for projects proposing withdrawal of water or consumptive water use above DRBC thresholds then in effect.
- (6) The applicant shall obtain an industrial user permit before connecting to or contributing to the public sanitary sewage system in accordance with Section 95-9.D of the Code of Ordinances.

H. Power Supply

- (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 electric service provider will serve the Data Center. An assessment identifying any detrimental impacts on electric rates or availability for other uses directly attributable to the Data Center project shall be provided to the Township.
- (2) If the above-mentioned assessment identifies a detrimental impact or threshold where utility capacity is not sufficient, the applicant shall provide, at their own expense, the system improvements necessary to mitigate any limits or system constraints to accommodate the proposed Data Center. The necessary system improvements shall conform to all specifications, procedures and timelines required for the public utility. If the necessary system improvements are determined by both the Township Engineer and the respective public utility provider to be infeasible, then on-site utility methods may be considered in compliance with all Township Ordinances.
- (3) Utility supply and equipment and related electrical infrastructure must be sufficiently sized and can safely accommodate the proposed use.
- (4) Any system designed for cooling and operation of the facility (electricity, water, or other means) shall be adequate and will not negatively impact the surrounding region.
- (5) The use shall not cause electrical interference or fluctuations in line voltage on and off the operating premises.

I. Safety

- (1) The equipment used in any Data Center operation shall be housed in a metered, electrically grounded, and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space shall contain baffles that automatically close in event of fire, independent of a possible electric system failure.
- (2) Any Data Center use 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 (NFPA) Standard 855, Installation of Stationary Energy

Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.

J. **Emergency Planning**

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

- (a) Be reviewed and accepted by the local fire department and emergency management services as part of the land development process;
- (b) Include detailed procedures for fire suppression, containment, ventilation, and evacuation for the Data Center, Data Center Accessory Use(s), and any on-site power generation systems.
- (c) Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
- (d) Ensure that all first responders receive adequate training specific to the installed system; and
- (e) 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.

(2) **Spill Prevention**

- (a) **Plan Required.** Prior to commencing operations, any data center subject to this Part shall prepare and implement a site-specific Spill Prevention Plan for oil and chemicals stored or used on the site in the operations of the Data Center or Data Center Accessory use. The Spill Prevention Plan shall be submitted to the Board of Supervisors, who shall refer it to appropriate technical staff and emergency responders for review as part of the permit application.
- (b) **Plan Contents.** At a minimum, the Spill Prevention Plan shall include:
- (c) A facility diagram showing the location of all oil storage tanks, transfer areas, secondary containment structures, drainage pathways, stormwater outfalls, and nearby water bodies;

- (d) Spill prevention measures, including secondary containment for all tanks and transfer areas sized to contain 110 percent of the largest single tank volume;
- (e) Spill response procedures, including immediate notification protocols, containment steps, and cleanup procedures;
- (f) Emergency contact list including the facility response coordinator, the National Response Center (1-800-424-8802), local emergency management, the Pennsylvania Department of Environmental Protection, and qualified cleanup contractor(s);
- (g) Inspection and testing schedules for all storage tanks, containment systems, and transfer equipment;
- (h) Employee training program, including annual spill prevention briefings for all oil-handling personnel; and
- (i) **Recordkeeping procedures** for all inspections, spill incidents, training, and maintenance activities.
- (j) **Professional Engineer Certification.** Unless the facility qualifies for self-certification under federal rules, the Spill Prevention Plan shall be reviewed and certified by a licensed Professional Engineer (PE) registered in the Commonwealth of Pennsylvania prior to submission.
- (k) **Plan Updates.** The Spill Prevention Plan shall be reviewed and updated:
 - [1] Within 180 days of any increase in oil storage capacity greater than 55 gallons;
 - [2] Following any discharge of oil to navigable waters or adjoining shorelines;
 - [3] At least once every five (5) years as a comprehensive review; and
 - [4] Whenever there is a material change in facility operations, equipment, or site conditions.

(3) **Pollution Prevention and Control (PPC) Plan Requirement**

- (a) **Plan Required.** Prior to commencing operations, any data center subject to this Section shall prepare and implement a Pollution Prevention and Control (PPC) Plan. The PPC Plan

shall be submitted to the Township as part of the permit application process.

- (b) **Plan Contents.** The PPC Plan shall include, at a minimum:
- (c) Facility description, including a description of all operational activities, chemical use, waste generation, and stormwater exposure pathways;
- (d) Inventory of all regulated substances stored or used on-site, including quantities, storage methods, and Safety Data Sheets (SDS) for each substance;
- (e) Identification of pollution sources, including fueling operations, cooling tower blowdown, transformer fluids, fire suppression agents (including per- and polyfluoroalkyl substances (PFAS) containing agents), batteries, and wastewater discharges;
- (f) Best Management Practices (BMPs) to minimize or eliminate pollutant exposure, including:
 - [1] Covering or enclosing chemical storage and transfer areas;
 - [2] Implementing spill kits at all fuel transfer and storage locations;
 - [3] Routing all contaminated stormwater through oil/water separators or equivalent treatment prior to discharge;
 - [4] Proper management and disposal of all hazardous and universal wastes (e.g., batteries, fluorescent lamps, used oil);
- (g) Cooling system chemical management, including identification of any biocides, corrosion inhibitors, or other chemicals introduced into cooling water, and procedures for managing and limiting blowdown discharge to the publicly owned treatment works (POTW) in compliance with applicable pretreatment standards;
- (h) Stormwater management measures, consistent with any applicable National Pollutant Discharge Elimination System (NPDES) permit or MS4 requirements;

- (i) Spill response and incident notification procedures consistent with the Spill Prevention Plan described above; and
 - (j) Training and personnel responsibilities, including designation of a facility Pollution Prevention Coordinator.
 - (k) **Plan Review and Updates.** The PPC Plan shall be reviewed and updated annually and upon any material change in facility operations, chemical use, or site conditions.
- (4) 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.

K. Electronic Waste Disposal

An Electronic Waste Disposal Plan shall be submitted outlining procedures for safe removal and recycling or disposal of server infrastructure, hazardous materials, batteries, electronic waste, and related products. The Plan shall identify the recycling and/or disposal service providers to be used and provide documentation of each provider's registration/licensing to provide such services. Providers operating or located in Pennsylvania are required to comply with the applicable regulations set forth by the PA Department of Environmental Protection.

L. Emergency Contact Information

The Data Center owner/operator shall provide the Township, Berks County 911 Communications, and emergency service providers with current emergency contact information. Such information shall include, at minimum, the owner/operator's name, name of the owner/operator's representative, and the representative's cell phone number.

M. Parking

A minimum of one (1) parking space per employee based upon the maximum number of employees on site during the largest shift shall be provided, plus an additional ten (10) visitor parking spaces. Accessible parking spaces shall be provided in compliance with the accessibility provisions of the Pennsylvania Uniform Construction Code and the Americans with Disabilities Act.

N. Off Street Loading

A minimum of one (1) loading bay is required. Loading bays shall be located on one façade of the Data Center principal building. These bays shall be designed to cause no obstructions to adjacent street traffic whether during backing and parking or parking and unloading. Sufficient area shall be provided to allow for emergency access around loading areas.

O. Lighting

Lighting shall comply with Subdivision and Land Development Ordinance Section 107-42.

P. Phasing

A Data Center may be developed in one or more phases, in accordance with Chapter 107, Subdivision and Land Development. Compliance with this Section 131-82 shall be demonstrated to the Township's satisfaction prior to approval of the preliminary plan, unless otherwise set forth in this section.

Q. Environmental and Community Impact Analysis

(1) The applicant shall provide an environmental and community impact analysis. The environmental and community impact analysis shall include:

(a) A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials.

(b) A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waters of the Commonwealth and cultural and historic resources on the property and within 500 feet of the boundaries of the property.

(c) Evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.

(d) An evaluation of the potential impacts of the proposed use, both positive and negative, upon:

[1] Emergency services and fire protection,

[2] Water supply,

[3] Sewage disposal,

[4] Solid waste disposal,

[5] School facilities and school district budget, and

[6] Municipal revenues and expenses.

- (e) Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, radiation and electromagnetic emissions, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts.
- (2) The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.

R. Decommissioning

- (1) The Applicant shall submit with the Application for Special Exception approval a decommissioning plan that ensures the return of all participating properties to a useful condition, including removal of above-surface facilities and infrastructure that have no ongoing purpose. The owner and/or operator of the Data Center shall, at their expense, complete decommissioning within six (6) months of the cessation of operations at the Data Center.
- (2) The decommissioning plan shall include financial assurance in the form of cash, a bond, parent company guarantee, or an irrevocable letter of credit, to be in place prior to recording of the final land development plan. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the facility, after deducting salvage or recycling value, as calculated by a third party with expertise in decommissioning, hired by the applicant, and with amount to be agreed upon by the Board of Supervisors.
- (3) In no event shall the security be less than 100 percent of the estimated cost of decommissioning. The owner shall provide a new estimate of the cost of decommissioning every ten years thereafter and increase its security if the cost increases.
- (4) The Township is granted the right to injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from the owner or owner successor for decommissioning costs in excess of the amount deposited in the account and to file a lien against any real estate owned by the owner or owner successor, or in which they have an interest, for amount of the excess, and to take all steps allowed by law to enforce such lien.

SECTION 4: Severability. If any sentence, clause, section, or part of this Ordinance is for any reason held to be invalid, such invalidity shall not affect nor impair any remaining provision, sentence, clause, or part hereof, it being the intent of the Board of Supervisors of the Township of Washington, Berks County, Pennsylvania that such remainder shall be and

shall remain in full force and effect and for this purpose the provisions of this Ordinance are hereby declared to be severable.


SECTION 5. Repealer. The Ordinances of the Township of Washington, Berks County, Pennsylvania, shall be and remain unchanged and in full force and effect except as amended, supplemented or modified by this Ordinance. This Ordinance shall become part of the Code of the Township of Washington, Berks County, Pennsylvania, upon adoption. All Ordinances or parts of Ordinances of the Township which are conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

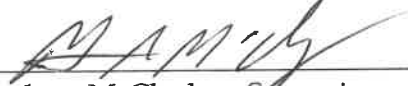
SECTION 6. Effective Date. This Ordinance shall take effect and be in force after its enactment by the Board of Supervisors as provided by law.

ORDAINED AND ENACTED as an Ordinance by the Board of Supervisors of the Township of Washington, Berks County, Pennsylvania, in lawful session duly assembled this 28th day of May 2026.

TOWNSHIP OF WASHINGTON
BERKS COUNTY PENNSYLVANIA


Romnie S. Long, Chairman

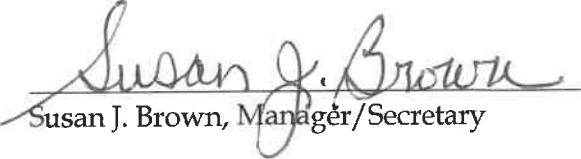

Thomas Powanda, Vice Chairman


Matthew McCluskey, Supervisor

Attest: 
Susan J. Brown, Manager/Secretary

MUNICIPAL CERTIFICATION

I, Susan J. Brown, the Manager/Secretary of the Township of Washington, Berks County, Pennsylvania, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2026-1 adopted at a regular meeting of the Board of Supervisors of the Township of Washington, Berks County, Pennsylvania held on the 28th day of May 2026.


Susan J. Brown, Manager/Secretary