

**BOROUGH OF ARCHBALD
LACKAWANNA COUNTY
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. _____ OF 2026

AN ORDINANCE OF THE BOROUGH OF ARCHBALD, LACKAWANNA COUNTY, PENNSYLVANIA, AMENDING THE BOROUGH OF ARCHBALD ZONING ORDINANCE, ORDINANCE NO. 03-2023, AS AMENDED BY ORDINANCE NO. 04-2025, TO REVISE SECTION 1502 (DEFINITIONS); DEFINE AND REGULATE DATA CENTERS AND SIMILAR HIGH-INTENSITY COMPUTING FACILITIES; TO PERMIT SUCH USES ONLY AS A CONDITIONAL USE IN AN 1-2 INDUSTRIAL DISTRICT; TO ESTABLISH PERFORMANCE AND REVIEW STANDARDS CONSISTENT WITH THE BOROUGH COMPREHENSIVE PLAN; TO PROVIDE FOR THE REPEAL OF INCONSISTENT ORDINANCES; TO PROVIDE FOR SEVERABILITY AND THE EFFECTIVE DATE HEREOF.

WHEREAS, the Borough Council of the Borough of Archbald (“Council”) is authorized under the Pennsylvania Municipalities Planning Code (MPC), 53 P.S. §10101 *et seq.*, to enact, amend, and enforce zoning regulations for the protection of the health, safety, and general welfare of the community; and

WHEREAS, the Borough’s Comprehensive Plan, revised in 2023, establishes a community vision of guiding development and redevelopment in a manner that protects residential neighborhoods and important natural features, while concentrating new industrial development so as not to adversely affect residential neighborhoods or steep roads; and

WHEREAS, the Plan further calls for limiting the heaviest and most intensive industrial uses to selected land areas distant from existing neighborhoods, thereby ensuring compatibility between industrial and residential uses and preserving community livability; and

WHEREAS, large-scale or “hyperscale” data centers and similar computing facilities have the potential to generate significant and continuous demands upon the Borough’s electrical, water, neighborhood roadway, and emergency-response infrastructure; and

WHEREAS, large-scale or “hyperscale” data centers and similar computing facilities have the potential to generate significant and continuous measurable noise, heat, vibration, and air pollution that may impact surrounding uses; and

WHEREAS, the Council finds it necessary to define, regulate, and geographically limit to designated industrial areas capable of accommodating their infrastructure requirements without adversely affecting the Borough's residential, environmental, and community resources; and

WHEREAS, Borough Council, after due consideration of the proposed ordinance amendment, at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of Archbald Borough will be served by the proposed Ordinance Amendment.

NOW, THEREFORE, the Borough Council of the Borough of Archbald does hereby **ENACT AND ORDAIN** the following Ordinance Amendment to Chapter 550, Zoning, of the Borough of Archbald's Code of Ordinances as follows:

SECTION 1. ORDINANCE AMENDMENT. Chapter 550, Zoning, is hereby amended as set forth herein:

- I. Article 2, Establishment of Zoning Districts, Section 205, Uses not Specifically Regulated, is hereby amended with the underlined text to be added:*

§ 550-205. Uses not specifically regulated. If a use clearly is not permitted by right or as a special exception use or a conditional use by this chapter within any zoning district, the use is prohibited, except that the Borough Council may permit such use as a conditional use in an I-2 Zoning District. If an I-2 district is unavailable, Council may permit such use in another zoning district if the applicant specifically proves to the clear satisfaction of the Borough Council that all of the following conditions would be met:

- A. The proposed use would be no more intensive with respect to external impacts and nuisances than uses that are allowed in the District,
- B. The proposed use would be closely similar in impacts and character to uses allowed in that District,
- C. the use would meet the standards that would apply under Section 550-1417 to a conditional use, and
- D. the use is not specifically prohibited in that District.

- II. Article 5, Dimensional Requirements in Each District, Section 507, Dimensional Standards for Data Centers, is hereby amended as follows with struck text to be deleted, underlined text to be added and ellipses to denote text remaining unchanged:*

507. Dimensional Standards for Data Centers

* * *

4. Minimum Building Setbacks:

- a. ~~Data Center Buildings—Front, Side and Rear Yard Setbacks shall be two (200) hundred feet or the height of the building whichever is greater; In addition, the~~

~~minimum required setback shall be increased to a minimum of three (300) hundred feet from any property boundary of a lot in an R-1, R-2 or R-3 zoning district except such lots that are: (i) contained within the Data Center Overlay, or (ii) owned in common with the Data Center operator.~~

~~b. Data Center Accessory Structures—Front, Side and Rear Yard Setbacks shall be 50 feet or the height of the building, whichever is greater, except that one-story security sheds or similar structures may be setback 25 feet.~~

a. Data Center buildings, generators, cooling systems, substations, battery energy storage systems, and all accessory uses shall be located a minimum of one thousand (1,000) feet from:

- 1) Any Residential District boundary;
- 2) Any lot containing an existing principal dwelling not owned by the applicant;
- 3) Any school, daycare facility, hospital, nursing home, publicly owned or operated park, playground, or place of worship.

b. Data Center buildings, generators, cooling systems, substations, battery energy storage systems, and all accessory uses shall be located at a minimum of five hundred (500) feet from all other property boundaries.

c. The required setbacks established by this section shall be measured from the nearest point of the structure, equipment, or accessory use to the nearest point of the protected feature or property boundary.

III. *Article 6, Additional Requirements for Specific Uses, Section 602, Typically principal uses, is amended as follows with struck text to be deleted, underlined text to be added and ellipses to denote text remaining unchanged:*

602. Additional Standards for Data Centers

A. Each of the following uses shall meet all of the following requirements for that use:

* * *

(62) Additional Standards for Data Centers:

1. As a part of any applicant's ~~Land Development~~ Conditional Use Application, all Data Center applications shall include a sound study conducted by a professional acoustical expert, paid for by the applicant and approved by the Borough of Archbald's professional acoustical expert. Should the study results demonstrate that the installation of sound reducing materials or systems is/are needed to comply with the standards found in Section 1005 and Section 602.A.(62) (a) of the Borough of Archbald's Zoning Ordinance, such items shall be installed at the applicant's expense and approved by the Borough's professional acoustical expert. A sound study shall be conducted in the following phases:

* * *

2. ~~Data Centers, Data Center Campuses, Data Center Accessory Uses, and DCEs shall comply with the Borough's Noise Regulations set forth in Section 1005, except that:~~

- a. ~~Maximum dBA limitations shall not apply during a power outage or similar emergency and for a period of two hours after power is restored.~~
- b. ~~Maximum dBA limitations shall not apply during routine testing and maintenance of back-up generators, such testing shall not occur before 7 am or after 8 pm.~~
- c. ~~Future sound levels attributable to Project Operation ("Project Sound") shall not exceed the measured preconstruction ambient sound level by more than 5 dBA, as assessed at any lot line of the property where residential uses exist within 2,500 feet, or at the site of any other residential uses within 2,500 feet.~~
- d. ~~The pre-construction ambient sound level shall be quantified through a continuous, long-term sound measurement survey paid for by the applicant. The measurement survey shall be performed, to the extent practicable, per the methodology described in ANSI S12.9 1992, Part 2, "American National Standard Quantities and Procedures for Description and Measurement of Environmental Sound, Part 2, Measurement of Long Term, Wide Area Sound". Specific measurement locations and survey durations shall be established on a per Project basis within a sound survey protocol drafted in consultation with an acoustical consultant approved by the Borough of Archbald Code Enforcement Office and paid for by the applicant.~~
- e. ~~Project Sound determined to be five (5) decibels above the determined ambient noise level shall be a violation of the Borough of Archbald Zoning Ordinance, subjecting the applicant to all penalties and remedial provisions of the Borough of Archbald Zoning Ordinance, and shall be attenuated and mitigated to comply with the terms of the Borough of Archbald Zoning Ordinance as soon as possible.~~

2. Sound Study Methodology for Data Centers.

- a. Definitions. For purposes of this Part, the following terms shall have the meanings indicated:

Ambient Sound Level - The lowest valid one-hour A-weighted L90 sound level (LA90,1-hour) measured during a pre-construction ambient sound survey of not less than forty-eight (48) consecutive hours conducted in accordance with this Section. Hours affected by precipitation, excessive wind, equipment malfunction, construction activity, maintenance activity, emergency response activity, or other atypical sound sources not representative of normal environmental conditions shall be excluded from consideration.

Fast Response - The sound level meter detector response setting having a time constant of one hundred twenty-five (125) milliseconds as defined by ANSI/ASA S1.4, *Specifications for Sound Level Meters*, as amended.

Holiday Quiet Day - Christmas Day, Thanksgiving Day, New Year's Day, Easter Sunday, Memorial Day, Independence Day (July 4), and Labor Day.

LA90 - The A-weighted sound level exceeded ninety (90) percent of the measurement period.

LC90 - The C-weighted sound level exceeded ninety (90) percent of the measurement period.

LAeq - The equivalent continuous A-weighted sound level measured over a specified period.

LCeq - The equivalent continuous C-weighted sound level measured over a specified period.

Professional Acoustical Expert - An individual or firm possessing education, training, and experience in acoustics, noise measurement, sound modeling, acoustical analysis, and environmental noise control and qualified to prepare acoustical studies, perform acoustical compliance evaluations, and provide professional acoustical review services.

Project Sound - Sound attributable to the Data Center, Data Center Campus, Data Center Accessory Uses, Data Center Equipment, or associated operations, including cooling systems, generators, transformers, substations, switchgear, ventilation systems, mechanical equipment, and any other sound-producing component of the facility.

Residential Property - A lot, parcel, or tract of land containing a lawful residential use, regardless of the zoning district in which the residential use is located.

- c. Acoustical Consultant Review and Reimbursement. The Borough may retain a Professional Acoustical Expert to assist in the review of any application submitted pursuant to this Section. The duties of the Professional Acoustical Expert may include, but shall not be limited to:
 - i. Review of acoustical studies, sound surveys, acoustical modeling, mitigation measures, and other acoustical information submitted by the applicant.
 - ii. Review and approval of proposed ambient sound measurement locations.
 - iii. Review and approval of proposed ambient sound measurement protocols.
 - iv. Coordination of pre-construction ambient sound monitoring requirements.
 - v. Review of sound measurement equipment specifications and calibration documentation.
 - vi. Review of sound modeling assumptions, source data, and compliance calculations.
 - vii. Attendance at meetings, hearings, site visits, and inspections.
 - viii. Review of post-construction compliance testing and acoustical reports.
 - ix. Review and comment on proposed noise mitigation measures.
 - x. Independent acoustical analysis, measurements, or modeling where deemed necessary by the Borough.
 - xi. Any other acoustical review reasonably necessary to determine compliance with this Ordinance.
- d. The applicant shall reimburse the Borough for the reasonable and necessary costs incurred by the Borough for the services of the Professional Acoustical Expert. The Borough may require the applicant to establish and replenish an escrow account in an amount reasonably determined by the Borough to cover anticipated acoustical review costs. Failure to replenish such escrow account

- following written notice from the Borough may constitute grounds for suspension of application review until the required funds are deposited.
- e. Preliminary Sound Study. A preliminary sound study shall be submitted as part of the conditional use application and revised and updated at the time of land development application and shall:
 - i. Quantify existing ambient sound conditions.
 - ii. Identify all significant sound sources associated with the proposed facility.
 - iii. Predict Project Sound at all required compliance locations.
 - iv. Evaluate all operating modes.
 - v. Identify all mitigation measures necessary to achieve compliance.
 - vi. Demonstrate compliance with this Section and §550-1005.
 - f. As-Built Sound Study. An as-built sound study shall be conducted at the following milestones and performed while the facility is operating under representative worst-case operating conditions.
 - i. Within nine (9) months following issuance of a certificate of occupancy and achievement of full operational capacity.
 - ii. Following completion of each development phase.
 - iii. Following any expansion or modification that may increase sound emissions.
 - iv. Upon reasonable request of the Borough based upon documented complaints or evidence of non-compliance.
 - g. Measurement Standards. All sound studies shall be prepared by a Professional Acoustical Expert and conducted using applicable ANSI/ASA standards, ISO standards, and generally accepted acoustical engineering practices. At a minimum, measurements shall conform to:
 - i. ANSI/ASA S12.9 Part 2, *Quantities and Procedures for Description and Measurement of Environmental Sound – Part 2: Measurement of Long-Term, Wide-Area Sound.*
 - ii. ANSI/ASA S12.9 Part 3, *Quantities and Procedures for Description and Measurement of Environmental Sound – Part 3: Short-Term Measurements with an Observer Present.*
 - iii. ANSI/ASA S1.4, *Specifications for Sound Level Meters.*
 - iv. ANSI/ASA S1.40, *Specifications and Verification Procedures for Sound Calibrators.*
 - v. All measurements shall be performed using ANSI Type/Class 1 sound level meters and calibrators.
 - vi. Unless otherwise specifically required by an ANSI or ISO standard referenced herein, all sound measurements used to determine compliance with the limits established by this Section shall be conducted using the Fast Response detector setting of the sound level meter.
 - h. Acoustic Modeling Requirements. All predictive analyses of Project Sound submitted pursuant to this Section shall be performed using ISO 9613-2:2024, *Acoustics — Attenuation of Sound During Propagation Outdoors — Part 2: Engineering Method for the Prediction of Sound Pressure Levels Outdoors*, as amended. The acoustical model shall:

- i. Include all significant sound sources associated with the proposed facility, including but not limited to cooling equipment, chillers, cooling towers, air handling equipment, generators, generator exhaust systems, transformers, substations, switchgear, mechanical equipment, ventilation systems, and any other equipment capable of producing measurable sound at a compliance location.
- ii. Evaluate all operating modes, including normal operation, peak shaving, demand response participation, utility curtailment, load shedding, backup power operation, emergency operation, routine testing, maintenance activities, start-up, shutdown, and commissioning activities.
- iii. Utilize sound power levels supported by manufacturer-certified data, field measurements, third-party laboratory testing, or other documentation acceptable to the Borough's Professional Acoustical Expert.
- iv. Include terrain effects, ground attenuation, atmospheric attenuation, shielding effects, barrier attenuation, building reflections, existing and proposed structures, topographic features, existing and proposed sound walls and berms, and other acoustically significant site features.
- v. Predict sound levels at:
 - 1. All required compliance locations;
 - 2. All Residential Properties within 2,500 feet of the Data Center property boundary;
 - 3. All noise-sensitive receptors within 2,500 feet of the Data Center property boundary; and
 - 4. Any additional locations required by the Borough.
- vi. Report predicted LA90, LC90, LAeq, LCEq, and one-third octave-band sound levels from 16 Hz through 8,000 Hz.
- vii. Demonstrate compliance with all requirements of this Section under representative worst-case operating conditions.
- viii. Apply the tonal penalty required by subsection (m) wherever a tonal condition is predicted or cannot reasonably be ruled out.
- i. Applicability. All Data Centers, Data Center Campuses, Data Center Accessory Uses, and Data Center Equipment shall comply with this Section and §550-1005. Where the requirements of this Section are more restrictive than §550-1005, the requirements of this Part shall govern. These requirements shall apply during all modes of operation, including normal operation, peak shaving, demand response participation, utility curtailment, load shedding, backup power operation, emergency operation, routine testing, maintenance activities, start-up, shutdown, commissioning, and any other operating condition.
- j. No exemption from the sound limits established by this Section shall apply to generator operation, backup power operation, emergency operation, maintenance activities, testing, commissioning, peak shaving, demand response participation, utility curtailment, load shedding, or any other operating mode.
- k. Ambient Sound Survey. The pre-construction ambient sound level shall be determined through a continuous long-term sound measurement survey

performed by a Professional Acoustical Expert approved by the Borough. Prior to commencement of any ambient sound measurements, the applicant shall submit a proposed sound measurement protocol for review and approval by the Borough's Professional Acoustical Expert. No ambient sound measurements shall be used for compliance with this Section unless conducted pursuant to a protocol approved by the Borough's Professional Acoustical Expert. Measurement locations, survey duration, equipment settings, meteorological limitations, data screening procedures, and measurement protocols shall be established through the approved protocol. Each monitoring location shall be measured continuously for a minimum of forty-eight (48) consecutive hours of valid data. The Borough or its Professional Acoustical Expert may require longer monitoring durations where weather conditions, atypical sound events, equipment malfunctions, insufficient valid data, seasonal considerations, or other factors indicate that additional measurements are necessary to adequately characterize ambient sound conditions. The protocol shall identify, at a minimum:

- i. Proposed monitoring locations.
- ii. Monitoring duration.
- iii. Equipment specifications.
- iv. Calibration procedures.
- v. Meteorological limitations.
- vi. Data screening criteria.
- vii. Measurement parameters.
- viii. Site access arrangements.
- ix. Any other information reasonably required by the Borough's Professional Acoustical Expert.

1. Project Sound Limits. Project Sound attributable to the Data Center shall not exceed:

Ambient Sound Level + 5 dBA (LA90) at:

1. Any Residential Property located within 2,500 feet of the Data Center property boundary;
or
2. Any school, park, church, hospital, nursing facility, daycare, playground, recreational facility, or other noise-sensitive use located within 2,500 feet of the Data Center property boundary.

In addition, the maximum Project Sound shall not exceed the following limits:

<u>Receiving Location</u>	<u>Daytime (7:00 a.m. – 10:00 p.m.), Except Holiday Quiet Days</u>	<u>Nighttime (10:00 p.m. – 7:00 a.m.) and Holiday Quiet Days</u>
<u>At or within a Residential Property</u>	<u>50 dBA</u>	<u>40 dBA</u>

Compliance shall be based upon the more restrictive requirement.

For purposes of this Section, Holiday Quiet Days shall be treated as nighttime hours regardless of the time of day.

- m. Low-Frequency Sound Limits. The maximum Project Sound shall not exceed the following limits when measured at or within a Residential Property:

<u>Receiving Location</u>	<u>Daytime (7:00 a.m. – 10:00 p.m.), Except Holiday Quiet Days</u>	<u>Nighttime (10:00 p.m. – 7:00 a.m.) and Holiday Quiet Days</u>
<u>At or within a Residential Property</u>	<u>60 dBC</u>	<u>50 dBC</u>

For purposes of this Section, Holiday Quiet Days shall be treated as nighttime hours regardless of the time of day.

- n. Compliance Determination. Compliance measurements shall be performed in accordance with ANSI/ASA S12.9 and the measurement standards established by this Section. Compliance evaluations shall be performed while the facility is operating under representative worst-case or maximum sound-producing operating conditions, as determined by the Borough or the Borough's Professional Acoustical Expert. Compliance with the Ambient Sound Level + 5 dBA limitation established in subsection (l) shall be determined using the measured A-weighted L90 sound level (LA90) attributable to Project Sound during periods of representative worst-case or maximum sound-producing operation. Compliance with the absolute sound limits established in subsection (l) shall be determined using the measured A-weighted L90 sound level (LA90) attributable to Project Sound during periods of representative worst-case or maximum sound-producing operation. Compliance with the low-frequency sound limits established in subsection (m) shall be determined using the measured C-weighted L90 sound level (LC90) attributable to Project Sound during periods of representative worst-case or maximum sound-producing operation.
- i. Each compliance measurement shall have a minimum duration of fifteen (15) consecutive minutes. Longer measurement durations may be required by the Borough or the Borough's Professional Acoustical Expert where necessary to adequately characterize Project Sound under the operating conditions being evaluated. Measurements shall include, at a minimum:
 1. LA90.
 2. LC90.
 3. LAeq.
 4. LCeq.
 5. One-third octave-band sound levels from 16 Hz through 8,000 Hz.
 - ii. LAeq, LCeq, and octave-band data shall be collected for informational, diagnostic, tonal assessment, enforcement support, and source identification purposes but shall not be used as the primary metric for determining compliance with the limits established by this Section unless expressly required elsewhere in this Ordinance.

- iii. The Borough may require compliance testing during any operating mode, including generator operation, cooling system operation, transformer loading, emergency operation, testing, commissioning, maintenance activities, peak shaving, demand response operation, utility curtailment, load shedding, or any combination thereof.
- iv. The applicant or operator shall provide reasonable access to operational data, equipment status information, loading information, generator dispatch records, demand response participation records, utility curtailment records, maintenance logs, and other information reasonably necessary for the Borough or its Professional Acoustical Expert to verify that compliance measurements were obtained during representative worst-case or maximum sound-producing operating conditions.
- o. Tonal Sound. Project Sound shall not exhibit a clearly audible pure tone at or within a Residential Property or at a noise-sensitive receptor. Tonal sound shall be evaluated using ANSI/ASA S12.9 Part 4, ISO 1996-1, ISO 1996-2, or another professionally accepted acoustical method approved by the Borough's Professional Acoustical Expert. Where a tonal condition is predicted by acoustical modeling or identified through compliance measurements, a penalty of five (5) dBA shall be added to the modeled or measured A-weighted sound level, as applicable, for purposes of determining compliance with this Section. The tonal penalty shall be applied during:
 - i. Review of preliminary acoustical studies and predictive acoustical models.
 - ii. Review of revised acoustical studies submitted in support of permit applications, modifications, or expansions.
 - iii. Post-construction compliance testing.
 - iv. Any subsequent compliance evaluation conducted pursuant to this Ordinance.
 - v. Where the presence of tonality cannot be reasonably ruled out based upon the proposed equipment, manufacturer data, octave-band data, one-third octave-band data, sound power level data, or other available information, the Borough's Professional Acoustical Expert may require application of the five (5) dBA tonal penalty during predictive modeling and compliance demonstrations.
- p. Future Expansion. Any expansion, equipment replacement, increase in generating capacity, increase in cooling capacity, increase in electrical capacity, increase in IT load, or other modification that may increase Project Sound shall require submission of an updated acoustical analysis demonstrating continued compliance with this Section prior to approval.

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15. Environmental Impact Requirements.

- a. All applications for Data Centers shall provide the following minimum studies based upon the proposed project to demonstrate compliance with the standards of this Part as part of the conditional use application:
 - 1) Air Emissions Standards
 - 2) Additional Sound and Vibration Standards
 - 3) Electrical Generation and Backup Power Systems
 - 4) Environmental Impact Study
 - 5) Public Health Impact Analysis
 - 6) Emergency Response Plan
 - 7) Property Value Impact Assessment
 - 8) Decommissioning and Site Restoration Plan
- b. The Applicant shall provide updated studies prior to submission of final land development plan that consider the final design of the project. Material changes of increased impact between the prior studies and the updated studies shall require resubmission to Borough Council for conditional use review as a use not previously considered by Council.
- c. Upon reaching 90% operational capacity, the Data Center must undergo the following compliance testing by performing to the Borough's satisfaction and at the Data Center's cost, the following analyses based upon the actual operation of the facility:
 - i. Environmental Impact Study
 - ii. Air Emissions Standards
 - iii. Additional Sound and Vibration Standards
 - iv. Emergency Response Plan
 - v. Decommissioning and Site Restoration Plan
- d. The Borough Council may request additional compliance testing of the Data Center or Data Center Campus at any time, provided that the request comes at least nine (9) months after the completion of any previous compliance testing. Compliance testing shall be completed by a qualified engineer in the respective field selected or approved by the Borough and funded by the applicant.

IV. *Article 10, Environmental Protection, Section 1005, Noise, is amended as follows with struck text to be deleted, underlined text to be added and ellipses to denote text remaining unchanged:*

1005. Noise.

- A. No principal commercial or industrial uses or their operations on their lot shall generate a reoccurring sound level exceeding the limits established in the table below, when measured at the specified locations:

LAND USE OR ZONING DISTRICT <u>RECEIVING</u> THE NOISE	HOURS / DAYS	MAXIMUM SOUND LEVEL
1. At a lot line of a residential use, in a residential district, <u>or</u>	1) 7 a.m. to 10 p.m., other than anytime on: Christmas Day, Thanksgiving Day,	1) 55 dBA

<u>resource conservation district</u>	New Years Day, Easter Sunday, Labor Day, 4th of July, and Memorial Day 2) 10 p.m. to 7 a.m., plus anytime on any of the following days: Christmas, Thanksgiving, New Years Day, Easter Sunday, Labor Day, 4th of July and Memorial Day	2) 45 dBA
2. At a lot line of a commercial or R-C District <u>Any other Lot Line</u>	All times and days	65 <u>60</u> dBA
3. Any lot line other than "1." or "2."	All times and days	70 dBA

- V. *Article 14, Administration, Section 1416, Special Exception Use Process, is amended as follows with struck text to be deleted, underlined text to be added and ellipses to denote text remaining unchanged:*

1416. **Special Exception Use Process**

- * * *
- C. Consideration of Special Exception Applications. When special exceptions are allowed by this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with standards established by this Ordinance, including the following:

- * * *
- (3) Traffic. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion, after considering any improvements proposed to be made by the applicant as a condition of ~~on~~ approval.

- * * *
- (5) Neighborhood. The proposed use shall not substantially negatively change the character of any surrounding residential neighborhood, after considering any proposed conditions upon approval such as limits upon hours of operation and proposed buffering and setbacks. Further, the relationship of the proposed use and development to other activities existing or planned in the vicinity shall be harmonious in terms of the character and height of buildings, walls, and fences so that the use, development, and value of the neighborhood is not impaired.

- (6) Safety. The proposed use shall not create a significant hazard to the public health, welfare, morals, and safety, such as fire, toxic or explosive hazards.

- * * *
- (8) Zoning District. The proposed use and development shall not be more objectionable in its operations in terms of noise, fumes, odors, vibration, or lights than would be the operations of any permitted use in the zoning district.

(9) Compliance with the Comprehensive Plan. The proposed use shall be consistent with the purpose and intent of the statement of community development objectives, the purposes for which the zoning district was created, and the comprehensive plan.

D. Conditions. In granting a special exception, the Board shall require such reasonable conditions and safeguards (in addition to those expressed in this chapter) as it determines are necessary to implement the purposes of this chapter. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of a construction permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this chapter. These conditions may include, but are not limited to, the following:

(1) Air Emissions Standards.

- (a) All generators, cooling systems, and mechanical equipment shall comply with all applicable Pennsylvania Department of Environmental Protection (DEP) and United States Environmental Protection Agency (EPA) standards and permitting requirements as a minimum threshold of compliance.
- (b) Any stationary reciprocating internal combustion engine, including emergency or backup generators associated with data centers or similarly intensive energy uses, shall be certified to meet U.S. EPA Tier 4 Final emission standards, or a more stringent standard if available, at the time of installation.
- (c) The use shall not emit visible smoke, odor, or particulate matter detectable beyond the property line, nor shall the operation of the facility causes degradation of local air quality measurable at the property line in excess of the National Ambient Air Quality Standards (NAAQS) for pollutants regulated under 40 C.F.R. Part 50, as such standards exist on the date of enactment of this Ordinance.

(2) Additional Sound and Vibration Standards.

- (a) Purpose. This section recognizes that due to scale, certain operations generate additional sound and vibration concerns that fall outside of Article 10 of this document. This section is meant to ensure that operations, including cooling systems, mechanical equipment, electrical infrastructure, and backup power generation, do not create noise or vibration impacts beyond those normally expected from permitted industrial uses or adversely affect nearby residential areas, sensitive receptors, or environmental resources in those instances.
- (b) Ambient Sound Limits. Project Sound shall not exceed the established baseline ambient sound level by more than five (5) dBA at any receiving property line.
- (c) Octave Band Sound Pressure Limits. Octave band sound pressure levels measured at any property boundary shall not exceed the following limits:
- (d) Enclosures. Industrial equipment that makes sufficient noise to be detectable beyond the property line, including emergency or backup generators associated with data centers, shall be enclosed to mitigate the noise impact on surrounding properties.
- (e) Vibration Control. Vibration resulting from the construction or operation of the use, including cooling systems, mechanical equipment, electrical infrastructure, and backup power generation, shall not be perceptible without instruments at or

beyond any property line and shall not adversely affect neighboring properties, structures, or sensitive receptors.

- i. No use shall generate vibration that causes damage to structures, interferes with the use and enjoyment of property, or poses a risk to public health, safety, or welfare.
- ii. These standards shall apply to all sources of vibration associated with the use, regardless of whether such vibration originates from mechanical equipment, generators, or auxiliary facilities.

(3) Electrical Generation and Backup Power Systems.

- (a) Onsite electrical generation facilities accessory to a Data Center or Data Center Campus shall be limited to natural gas-fired generation systems, fuel cells, battery energy storage systems, or other technologies demonstrated to have environmental impacts equal to or less than those associated with natural gas-fired generation.
- (b) Emergency and backup power systems shall be permitted solely for emergency operations, maintenance, and testing. Demand response, peak shaving, grid support, and economic dispatch are not permitted uses for emergency and backup power systems.
- (c) Diesel-fueled emergency and backup generators shall be certified to meet United States Environmental Protection Agency Tier 4 Final emission standards, or any more stringent standard adopted by the EPA at the time of installation.
- (d) Emergency and backup power systems utilizing battery energy storage systems, fuel cells, renewable energy sources, or other technologies demonstrated to have environmental impacts equal to or less than those associated with Tier 4 Final diesel generators shall also be permitted.
- (e) Electrical generation facilities utilizing nuclear fission, small modular reactors, or radioactive materials regulated by the Nuclear Regulatory Commission shall not be permitted as accessory uses to a Data Center or Data Center Campus.
- (f) All onsite electrical generation facilities and emergency backup power systems shall comply with the setback, air emissions, noise, vibration, emergency response, thermal impact, decommissioning, and all other applicable provisions of this Ordinance.

(4) Environmental Impact Study (EIS).

- (a) Purpose. An EIS shall be required to be performed by the applicant. The purpose of this EIS is to disclose the impacts of a proposed use upon the environment, public health, safety, and welfare, so that the governing body can decide whether to approve or deny the application or approve the application with conditions.
- (b) The applicant shall demonstrate, through the Environmental Impact Study and supporting documentation, that the proposed use will not result in adverse impacts that exceed applicable Borough, State, or Federal standards, or otherwise pose a risk to public health, safety, and welfare. Failure to adequately demonstrate compliance with this standard shall be grounds for denial of the application.

- (c) The statement shall be prepared by a professional engineer licensed within the Commonwealth of Pennsylvania and shall include, at a minimum, an analysis of the following:
- i. Soil Types, including:
 1. Descriptions of the different soil types using USDA soil taxonomy,
 2. Permeability of soil on the site, and
 3. The rate of percolation of water through the soil, in no larger than 5-acre increments.
 - ii. Surface Waters, including:
 1. Distance of the site from nearest surface water and headwaters of streams;
 2. Sources and rates of runoff water;
 3. Destination of runoff water and method of controlling downstream effects;
 4. Makeup and concentration of chemical additives to runoff water on the site;
 5. An erosion and sediment control plan; and
 6. Completion of a storm water management plan, meeting the requirements of the SALDO, PA DEP, and the Lackawanna Conservation District.
 - iii. Ground Cover (Vegetation and Animal Life), including:
 1. Extent of existing impervious ground cover on the site;
 2. Extent of proposed impervious ground cover on the site;
 3. Type and extent of existing vegetative cover on the site;
 4. Extent of proposed vegetative cover on the site; and
 5. Type of animal life and effect of development on animal habitats.
 - iv. Topographic and Geologic Information, including:
 1. Maximum and minimum existing elevations on site;
 2. Maximum and minimum proposed elevation of site after land preparation and development;
 3. Surface and subsurface geology;
 4. A description of the topography of the existing site and any special topographic features; and
 5. The impact land preparation and development will have on existing topography.
 - v. Ground Water, including:
 1. Average depth to seasonal highwater table;
 2. Minimum and maximum depths to water table on site; and
 3. Ground water quality.
 - vi. Water Supply, including:
 1. The source and adequacy of water to be provided to the site;
 2. The expected water requirements (in gallons per day) for the site, including peak water requirements; and
 3. The usage of water throughout the site after development.
 - vii. Sewage Disposal, including:
 1. Sewage disposal system (description and location).

2. Expected content of the sewage effluent (human waste, pesticides, detergents, oils, heavy metals, other chemicals, etc.).
 3. Expected daily volumes of sewage; and
 4. Affected sewage treatment plant's present capacity and authorized capacity.
- viii. Solid Waste Disposal, including:
1. Estimated quantity of solid waste to be developed on the site during and after construction;
 2. Method of disposal of solid waste during and after construction; and
 3. Plans for recycling solid waste during and after construction.

(5) Public Health Impact Analysis

- (a) The applicant shall submit a Public Health Impact Analysis prepared by qualified professionals, as appropriate, evaluating the potential impacts of the proposed use on the public health, safety, and welfare during both the construction and operational phases of the proposed use. The analysis may incorporate by reference information contained in other reports or studies submitted as part of the application, provided such reports adequately address the requirements of this section. At a minimum, the analysis shall address the following:
- i. Noise. Evaluate potential impacts from construction and operation, including proposed mitigation measures.
 - ii. Air Quality. Evaluate potential impacts to air quality resulting from construction and operation, including proposed mitigation measures.
 - iii. Lighting. Evaluate potential impacts associated with exterior lighting, including light trespass and glare, together with proposed mitigation measures.
 - iv. Cumulative Impacts. Evaluate the cumulative impacts of the proposed use in combination with existing, approved, or reasonably foreseeable development in the surrounding area, including the combined effects of noise, air quality, lighting, and other applicable impacts on the public health, safety, and welfare.
 - v. Mitigation Measures. Identify measures proposed to avoid, minimize, or mitigate adverse impacts identified in the analysis and describe how such measures will be implemented and maintained.
- (b) The Borough may require additional health information where necessary to evaluate the potential impacts of the proposed use on public health, safety, and welfare.

(6) Thermal Impact and Heat Dissipation Study

- (a) The applicant shall submit a Thermal Impact and Heat Dissipation Study prepared by qualified professionals, as appropriate, evaluating the potential impacts of the amount of heat to be produced and released into the atmosphere during construction, normal operations, and emergency operations; its impact on the public health, safety, and welfare; and strategies to minimize heat dissipation and

achieve a neutral impact on the surrounding properties, conducted by a professional Thermal Heat expert.

(b) The Thermal Impact study shall address the following:

- i. The impact of exhaust air on the health of any required Buffer Yards as set forth in 1303.D.
- ii. The impact of thermal plumes on local weather and the surrounding environment of the facility (for example, fog and icing on adjoining roadways)
- iii. The impact of any heat island effects on the adjoining properties.

(7) Community Emergency Response Action Plan (CERAP).

- (a) As a condition of approval, the applicant shall prepare and submit for approval to the Borough of Archbald, a comprehensive Community Emergency Response Plan (CERAP) prepared by a qualified professional with relevant experience in emergency response planning. The CERAP shall be used to assist emergency services personnel (fire-police-ambulance), and local and County EMA agencies in effectively managing incidents for the protection of occupants, responding personnel, the surrounding community, property and the environment.
- (b) The CERAP shall be prepared in accordance with the latest edition of NFPA-1620 Standard for Pre-Incident Planning and the latest version of FEMA CPG 101- Developing and Maintaining Emergency Operations Plans.
- (c) The CERAP shall be subject to confidentiality of security information. Information in the CERAP shall be considered confidential information and exempt from disclosure under the Right-to-Know Law, to the extent that disclosure would be reasonably likely to jeopardize the safety or physical security of the facility or critical infrastructure. Access to the information in the CERAP would be limited to Authorized personnel by the Borough, including the Borough Building Code Official, emergency responders including Fire, Police, and EMS officials and Local/County Emergency Management Agency personnel.
- (d) The CERAP shall be prepared in collaboration with Archbald Borough emergency services and surrounding community emergency services **within a 5-mile radius** of the project site, local and county EMA agencies. The applicant's consultant shall hold periodic roundtable meetings with all identified emergency services, the purpose of which is to ensure the CERAP captures all salient emergency response and logistical issues across the various emergency services and emergency management agencies impacted.
- (e) Emergency scenarios addressed in the CERAP shall include, but not be limited to, the following:
 1. Medical Emergency (worker injury or personal medical issue);
 2. Fire (wildland/grass fire, electrical fire, flammable/combustible liquids, chemical spills, equipment fires, batteries including containment strategies);
 3. Electrocution hazards
 4. Severe weather events including extreme heat, cold, rain, wind, snow, and flooding.
 5. Cyber and Terrorism Acts.

- (f) Specific elements addressed in the CERAP shall include, but not be limited to, the following:
1. Physical and site considerations
 2. Emergency Responder Radio Coverage.
 - a. The applicant shall provide a site/ building survey performed by a certified professional in accordance with the latest edition NFPA 1225 Standard for Emergency Services Communication.
 - b. The survey shall determine emergency responder signal strength and coverage around and within the building(s) to ensure the applicant's building/site Emergency Responder Radio Communications System (ERRCS) is in accordance with NFPA 1225 and the adopted International Fire Code. Testing shall include baseline signal testing, grid testing and delivered audio quality (DAQ).
 - c. The costs for the NFPA 1225/ International Fire Code compliant ERRCS shall be borne by the Owner of the building and subject to the approval of local emergency services and the Building Code Official.
 - d. The ERRCS system operation shall be tested, commissioned, and approved by local Building Code Official and Emergency Services and meet the requirements of NFPA 1225 and the International Fire Code. The final CERAP shall be amended as necessary to reflect the installed ERRCS.
 3. Security and Access to the site, including facility point-of-contact information, emergency services apparatus/vehicle access and designated incident command staging area.
 4. Building Management Systems and Utilities.
 5. Building elevators.
 6. Electrical Components, Power Supplies, and Energy Sources.
 - a. The ERP shall address electrical hazards to first responders including but not limited to; substations, switchyards, transformers, uninterruptable power supplies, switchgear, transfer switches, and electrical power conductors (high and low-voltage, above- and underground).
 7. Stationary Energy Storage Systems (SESS). For energy storage systems exceeding the threshold quantities listed in the latest edition of NFPA-855 Standard for the Installation of Stationary Energy Storage Systems, The CERAP shall:
 - a. Show compliance with NFPA-855 Standard for the Installation of Stationary Energy Storage Systems.
 - b. Provide a hazard analysis section that addresses the dangers associated with SESS including fire, explosion, toxic and flammable gases, and stranded or stored energy and physical hazards; and

- c. Include hazard considerations for SESS under normal and abnormal/emergency conditions, address detection of abnormal conditions, fire suppression systems, containment, specialized firefighting methods and equipment, and containment under abnormal/emergency conditions, including post-incident ambient air monitoring.
8. Hazardous materials.
 - a. The ERP shall include any known hazardous materials that will be used and/or stored on site, ncluding but not limited to flammable and combustible liquids, and reactive chemicals.
 - b. The ERP shall include the location, storage type and quantity, and containment measures associated with each hazardous material.
9. Site Domestic and Fire Protection Water Supplies, including distribution, hydrants, storage tanks, critical valve locations, fire department connections, and fire pumps.
10. Facility Fire Protection and Detection Systems, including water-based fire suppression and clean agent fire suppression and protected premises fire alarm system.
- (g) Prior to the submission of the final CERAP, the applicant shall coordinate with all authorized emergency response agencies to ensure adequate review and comments have been addressed and the operational readiness of the final CERAP. The final CERAP, prior to submission shall:
 1. Be reviewed and approved by all stakeholders listed above including Fire, Police, EMS and EMA officials. Borough Council shall consider such review and approval by the emergency services stakeholders in its decision; and
 2. Include documentation of all coordination meetings with the emergency services including law enforcement, fire, EMS, EMA agencies and any additional emergency response entities authorized by the Borough
 3. Provide a comprehensive evaluation of current emergency responder equipment assets (e.g. PPE, fire apparatus, tools, radio communications, etc..) and determine deficiencies and list them in the CERAP. The CERAP shall include a list of required assets necessary for operational readiness along with an estimated cost for the acquisition of such assets.
 4. Provide a comprehensive evaluation of current emergency services staffing and training capabilities and determine deficiencies and list them in CERAP along with recommendations and estimated costs for such training and manpower necessary for operational readiness.
 5. Contain detailed procedures for fire suppression, containment, ventilation, and evacuation for the Data Center and Data Center Equipment; and
 6. Identify any emergency response infrastructure, equipment, staffing considerations, or operational protocols necessary for safe and effective responses.
 7. Include an evaluation of the access roads and hydrant locations within the site to demonstrate suitable access for emergency equipment within the site; and

8. Ensure that all first responders receive adequate training specific to the installed system; and
9. Include provisions for required annual fire safety inspections demonstrating compliance with current fire code standards.

(h) The CERAP will be updated periodically, but not less than every two (2) years unless significant modifications or additions are made at the facility in which case the CERAP shall be amended at that time to include such changes. In the event of a transfer of ownership or operation, responsibility for the maintenance of the CERAP shall transfer to the new owner/operator. The CERAP shall be updated and submitted to the Borough for review and approval within 6 months of transfer of ownership of operation.

(8) Traffic Impact Study (TIS).

- (a) The applicant shall submit a Traffic Impact Study prepared by a Licensed Professional Engineer with expertise in traffic engineering, evaluating the potential impacts of increased traffic on the public health, safety, and welfare of Borough residents during both the construction and operational phases of the proposed use; minimize adverse impacts from traffic, noise, lighting, utilities, and emergency operations; ensure compatibility with adjacent residential and recreational uses; and protect community infrastructure, including roads, stormwater systems, and utilities.
- (b) The Traffic Impact Study shall include, but not be limited to, the following information:
 - i. Anticipated construction phase and operational traffic volumes;
 - ii. Evaluate average daily trips (ADT) and peak-hour trips;
 - iii. Identify truck traffic (including delivery, fuel, equipment replacement, and emergency generator fuel supply);
 - iv. Evaluate impacts to all Borough roads within one-half(½) mile of the site;
 - v. Evaluate sight distance, turning movements, and intersection capacity;
 - vi. Identify roadway improvements, turning lanes, widening, or signalization required;
 - vii. Address pavement wear and heavy-load impacts on Borough roads; and
 - viii. Include a construction traffic management plan.
- (c) Mitigation. The applicant shall be responsible for implementing or funding necessary roadway improvements identified in the approved study.

(9) Property Value Impact Assessment.

- (a) The applicant shall submit a Property Value Impact Assessment prepared by a qualified real estate appraiser evaluating the potential effects of the proposed conditional use on nearby residential property values. The analysis shall utilize generally accepted appraisal principles and methodologies and shall consider factors including, but not limited to, proximity to the proposed use, visual impacts, noise, lighting, traffic, and other site-specific characteristics that may

influence residential property values. The Borough may require the applicant to provide any additional information reasonably necessary to evaluate the analysis.

(10) Bonding.

- (a) The Borough Council may require that bonds or other forms of financial security be provided by the applicant to ensure the installation, completion, operation, maintenance, monitoring, repair, replacement, reclamation, decommissioning, or other improvements or mitigation measures required by this Ordinance or as a condition of approval. Such financial security may be required whenever the Borough Council determines that it is necessary to protect the public health, safety, and welfare or to ensure compliance with this Ordinance and any conditions of approval. The terms and form of such bond or other financial security shall be as the Borough Council, in consultation with the Borough Solicitor, Borough Engineer, and Planning Commission, determines to be appropriate.

(11) Decommissioning and Site Restoration.

- (a) Prior to issuance of any zoning, building, or occupancy permit, the applicant shall submit a Decommissioning and Site Restoration Plan for approval by the Borough. The plan shall describe the manner in which the site will be decommissioned and restored upon cessation of operations.
- (b) The Decommissioning Plan shall include, at a minimum:
- i. Removal of all buildings, structures, equipment, foundations, utilities, storage tanks, and other improvements associated with the use;
 - ii. Removal of above-ground and below-ground infrastructure to a depth sufficient to allow future reuse of the site, unless the Borough approves otherwise;
 - iii. Proper handling, disposal, or recycling of materials in accordance with applicable laws and regulations;
 - iv. Remediation of any contamination or hazardous materials in accordance with federal and state requirements;
 - v. Restoration of the site to a safe and stable condition, including grading, drainage, and revegetation as appropriate;
 - vi. Measures to prevent erosion, sedimentation, or environmental degradation during decommissioning;
 - vii. A schedule for completion of decommissioning activities.
- (c) Trigger for Decommissioning. Decommissioning shall be initiated when operations cease for a continuous period of twelve (12) months, or upon abandonment of the use, unless the Borough grants an extension for good cause shown.
- i. Financial Security. The applicant shall provide financial security to guarantee completion of decommissioning and site restoration. Such security shall:
 - a. Be in a form acceptable to the Borough, including but not limited to bond, irrevocable letter of credit, escrow, or other security;
 - b. Be payable to the Borough;
 - c. Remain in effect for the life of the facility;

- d. Be sufficient to cover the full cost of decommissioning and restoration as determined by a qualified professional.
- ii. Initial Cost Estimate. The amount of financial security shall be based on a detailed cost estimate prepared by a qualified engineer or other professional approved by the Borough and shall be subject to independent review at the applicant's expense.
- iii. Periodic Review and Adjustment of Security. The Borough shall review the amount of financial security at least every five (5) years. At such time, the owner or operator shall submit an updated decommissioning cost estimate prepared by a qualified professional, such as a licensed engineer or other professional acceptable to the Borough.
 - a. The Borough shall require an independent review of the updated estimate at the owner's expense and shall require adjustment of the financial security to reflect current costs, facility conditions, inflation, technological changes, expansion of the facility, or other relevant factors.
 - b. Failure to provide an updated estimate or maintain required financial security shall constitute a violation of this Ordinance.
- iv. Failure to Decommission. If the owner or operator fails to complete decommissioning in accordance with the approved plan, the Borough may use the financial security to perform or contract for the necessary work.
- v. Transfer of Ownership. Any transfer of ownership or operation shall not relieve the owner or operator of responsibility for maintaining the required financial security unless approved by the Borough.
- vi. Continued Compliance. Failure to maintain the required financial security shall constitute a violation of this Ordinance and may result in enforcement action, suspension, or revocation of approvals.

- VI. *Article 15, Terminology, is amended by the replacement in full of the existing definitions with the below text:*

Data Center - A building, structure, or facility—alone or as part of a unified campus—used primarily for the housing, operation, or co-location of computer and communications equipment engaged in the storage, processing, management, or transmission of digital data. This term includes, but is not limited to, facilities supporting cloud computing, artificial intelligence or machine learning applications, digital currency mining, telecommunications switching or routing, and other high-intensity computational or data-processing operations requiring continuous electrical power and cooling infrastructure. For regulatory purposes, a Data Center shall include associated mechanical, electrical, and environmental systems, including back-up power generators, transformers, cooling or thermal-management systems, water-treatment or recycling equipment, data-communications infrastructure, and security facilities located on the same lot or unified campus.

Data Center Accessory Use - A use customarily incidental to and located on the same lot or unified campus as a Data Center, including but not limited to electrical substations, cooling towers, water storage or treatment systems, emergency generators, and administrative or maintenance facilities.

Data Center Campus - An integrated group of buildings and accessory uses functioning as a single coordinated Data Center operation, whether or not divided by public rights-of-way, provided the operation is under common ownership or management.

SECTION II. AMENDMENT OF THE BOROUGH OF ARCHBALD’S ZONING MAP.

Chapter 550 Zoning, Attachment 1 - Zoning Map, is hereby amended by repealing the current map and enacting the revised map attached hereto and incorporated herein as Exhibit “A” and more specifically as follows:

1. the following Lackawanna County Tax Map Parcels are removed from the Data Center Overlay District:
 - a. 0730301000204
 - b. 0730301000210
 - c. 0730301000209
 - d. 0730301000208
 - e. 08402020001
 - f. 08404010001
 - g. 0840401000101
 - h. 08404030002
 - i. 0840401000402
 - j. 0840101000103
 - k. 0840301000112

- l. 0840301000113
 - m. 0840101000104
 - n. 0840101000106
 - o. 0840101000102
 - p. 0840101000101
 - q. 0730301000202
 - r. 08401020001
 - s. 08304020003
 - t. 08304020001
 - u. 08304020002
 - v. 0840301000102
 - w. 0840301000103
 - x. 0840301000101
 - y. 0840301000111
 - z. 0840301000104
 - aa. 09302010001
 - bb. 0930401000607
 - cc. 0930401000606
 - dd. 0930401000604
 - ee. 0930401000601
 - ff. 0950201000101
2. The portion of Lackawanna County Tax Map Parcel 08502010001 currently zoned I-2 is rezoned I-2.
3. The portions of the following parcels currently zoned C/LI are hereby rezoned C-1:
- a. 0730301000202
 - b. 0730301000204
 - c. 08401020001
 - d. 0730301000210
 - e. 0730301000209
 - f. 0730301000208
 - g. 08402020001
 - h. 0840101000103
4. The portions of the following parcels currently zoned I-2 are hereby rezoned C-1:
- a. 08404010001
 - b. 0840401000101
 - c. 0840401000402
 - d. 08404030002
 - e. 0730301000209
 - f. 0730301000208
5. Any inconsistency between the parcels identified herein and the Zoning Map shall be resolved in favor of effecting the zones as shown on the Zoning Map in Exhibit A.

SECTION III. REVISIONS.

The Borough Council does hereby reserve the right, from time to time, to adopt modification of, supplements to, or amendments of its zoning ordinance, including this provision.

SECTION IV: REPEALER

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed, it being understood and intended that all other ordinances of the Borough of Archbald not otherwise in conflict shall remain in full force and effect, the same being reaffirmed hereby.

SECTION V: SEVERABILITY

In the event any provisions, sections, sentences, clause, or part of this Ordinance Amendment shall be held invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance Amendment, it being the intent of the Board of Commissioners that the remainder of the Ordinance Amendment shall remain in full force and effect.

SECTION VI: EFFECTIVE DATE

This Ordinance Amendment shall take effect and be in force in accordance with applicable law.

ENACTED AND ORDAINED this _____ day of _____, _____, by the Borough Council of the Borough of Archbald, Lackawanna County, Pennsylvania.

ATTEST:

BOROUGH OF ARCHBALD

By: _____

**LOUIS RAPOCH, PRESIDENT
ARCHBALD BOROUGH COUNCIL**

ATTEST:

By: _____

**JAMAYCA KAVANAUGH, SECRETARY
BOROUGH OF ARCHBALD**

EXAMINED AND APPROVED this _____ day of _____, 2026.

**SHIRLEY BARRETT, MAYOR
BOROUGH OF ARCHBALD**

DRAFT