

**CHARLEROI BOROUGH
WASHINGTON COUNTY, PENNSYLVANIA**

RESOLUTION NO. 8

A Resolution of Charleroi Borough Council setting forth specific findings of substantive invalidity of the Charleroi Borough Zoning Ordinance relative to Data Centers, Data Center Accessory Uses, and Energy Generation Systems pursuant to Section 609.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended ("PA MPC")

WHEREAS, Charleroi Borough Council adopted Resolution Number _____ at its September 9, 2026 regular meeting in an abundance of caution, to seek the protection of Sections 609.2 in declaring the Charleroi Borough Zoning Ordinance ("Zoning Ordinance") substantively invalid for failing to define, classify, or adequately regulate Data Centers, Data Center Accessory Uses, and Energy Generation Systems; and

WHEREAS, Sections 609.2 of the PA MPC explicitly mandate that within thirty (30) days of declaring an ordinance substantively invalid, the municipal governing body shall adopt specific preliminary findings setting forth the precise nature and details of the declared invalidity; and

WHEREAS, Borough Council, in consultation with the its Solicitor and Zoning Officer desires to ensure statutory compliance in order to utilize the protections afforded by Section 609.2 of the PA MPC in order to conduct a deliberate and legally defensible review and amendment of its Zoning Ordinance by setting forth such findings pertaining to Data Centers, Data Center Accessory Uses, and Energy Generation Systems in accordance with the PA MPC; and

NOW, THEREFORE BE IT RESOLVED by the Borough Council of Charleroi, Washington County, Pennsylvania, as follows:

Section 1. The foregoing recitals are incorporated herein as though fully set forth.

Section 2. Data Centers, Data Center Accessory Uses, and Energy Generation Systems (including generators) and the variety of other improvements associated with the foregoing (collectively "Data Center Uses"), can raise unique, wide-ranging impacts on the public health, safety, and welfare, which compel

appropriate land use planning by the Boroughs within the scope of their authority under the PA MPC and the Pennsylvania Borough Code.

Section 3. Such impacts to the public health, safety, and welfare are driven by the nature of the Data Center Use, the size of such facilities and systems, and their potential external impacts.

Section 4. The Boroughs acknowledge their obligation under current law to provide for all legitimate land uses within the Zoning Ordinance, including Data Center Uses, while balancing the impacts of the same on the community.

Section 5. The Zoning Ordinance does not explicitly define or regulate Data Center Uses and other data center related uses.

Section 6. The Zoning Ordinance does not provide specific standards for the consideration of Data Center Uses as a principal or accessory use on a property throughout the zoning districts and areas of the Borough.

Section 7. While the Zoning Ordinance provides for various uses in its zoning districts, by right, special exception, and conditional use, the Borough Council declares that such a lack of standards or mentioning of Data Center Uses does not adequately satisfy the Borough's obligation to provide appropriate regulation for Data Center Uses in a manner so as to guide landowners and the community at large on appropriate, objective criteria under which proposed Data Center Uses must be reviewed. Borough Council has specifically determined and declared that the standards set forth in Article III District Regulations, does not adequately satisfy the Borough's obligation to provide appropriate regulations for Data Center Uses.

Section 8. The provisions in the Zoning Ordinance pertaining to noise, noise frequency, decibel levels, vibration, glare, heat, storage and waste disposal, and other environmental factors do not wholly or adequately address the potential impacts of the various levels and impacts of noise, noise frequency, decibel levels, vibration, glare, heat, storage and waste disposal, and other environmental factors that may emanate from Data Center Uses.

Section 9. Charleroi Borough Council concludes that the imposition of such provisions and objective criteria is necessary for the Borough to establish

appropriate, lawful and consistent standards under which applications for Data Center Uses may be considered.

Section 10. Charleroi Borough Council therefore renews its discretion and authorization to the Charleroi Borough Planning Commission, Zoning Hearing Board, Zoning Officer, Solicitor, and Municipal Engineer to prepare a curative amendment to the Zoning Ordinance proposing to cure the declared invalidities. With the participation of such other consultants as the Boroughs may provide, the curative amendment shall be presented to the Borough Council within the time frame provided by law.

Section 11. Charleroi Borough Council hereby reaffirms and declares that the Zoning Ordinance is valid, binding, and in full force and effect in all provisions and respects other than the above-discussed matters relating to Data Center Uses.

Section 12. The provisions of this Resolution are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Resolution. It is hereby declared to be the intent of the Charleroi Borough Council that this Resolution would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 13. This Resolution shall take effect and be in force immediately as provided by law.

Section 14. A copy of this Resolution shall be made immediately available for public inspection by contacting the Borough Secretary.

DULY ADOPTED AND EFFECTIVE, this 7th day of October 2026, by the Charleroi Borough Council.

ATTEST:

CHARLEROI BOROUGH COUNCIL

Tammy Greco

Tammy Greco, Secretary

10/7/2026

Date

Paul Pivovarnik

Paul Pivovarnik, President

10/7/2026

Date

Edward M. Bryner

Edward Bryner, Mayor

10/7/2026

Date