

MERCER COUNTY, PENNSYLVANIA
ORDINANCE NO.

AN ORDINANCE OF MERCER COUNTY, PENNSYLVANIA,
AMENDING ITS SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
REGARDING THE DEVELOPMENT, CONSTRUCTION, SITE DESIGN, AND
DECOMMISSIONING OF DATA CENTERS IN THE COUNTY.

WHEREAS, as authorized by the Pennsylvania Municipalities Planning Code (MPC), the Board of Commissioners of Mercer County regulates land developments within the County through its Subdivision and Land Development Ordinance, currently adopted as Ordinance #2025-005, as amended;

WHEREAS, upon the recommendation of the Planning Commission, the Board of Commissioners wishes to amend its Subdivision and Land Development Ordinance, as follows: amend Article VI Land Development Standards by adding new Section 606 Data Centers to provide for the development, construction, operation and decommissioning of Data Centers in the County;

WHEREAS, the County has, in accordance with the requirements of the MPC, submitted the proposed amendments to its Planning Commission, which gave its recommendations regarding the proposed amendments at a duly noticed public meeting;

WHEREAS, on **INSERT DATE**, the Board of Commissioners held a duly noticed and advertised public hearing to take public comment on the proposed subdivision and land development ordinance amendment; and

WHEREAS, the Board of Commissioners, having received such public comment as may have been given at the Public Hearings, and having received the recommendations of the Planning Commission, finds that enactment of the proposed amendment to the subdivision and land development ordinance will be beneficial to the health, safety, and welfare of the County and consistent with the MPC.

NOW THEREFORE, be it Ordained and Enacted by the County of Mercer Board of Commissioners, and it is hereby Ordained and Enacted by authority of same, as follows:

SECTION 1: AMENDMENT REGARDING THE DEVELOPMENT, CONSTRUCTION, OPERATION AND DECOMMISSIONING OF DATA CENTERS.

That the County Subdivision and Land Development Ordinance, currently Ordinance #2025-005, as amended, is hereby amended to add the following as subsection 606 and subsequent enforcement and financial security provisions as set forth herein to Article VI.

Section 606 Data Centers

606.1. Purpose The purpose of this Section is to provide for the development, construction, operation and decommissioning of Data Centers in the County, subject to reasonable conditions that will protect the public health, safety and welfare. This Section is intended to regulate the site design, construction, operation, and external physical impacts of Data Centers as land developments and shall not be construed to regulate the use of land, which is governed, where applicable, by municipal zoning ordinances, or state and federal laws. All information required under this Section shall be used solely for the purpose of evaluating site design, infrastructure adequacy, and external impacts, and shall not be used to regulate the internal operations or business activities of the Data Center. Nothing in this Section shall regulate cybersecurity, data processing logic, or computational workloads, which remain outside land development jurisdiction. Nothing in this Section shall be interpreted to authorize the County to regulate land use classifications, permitted uses, density, or zoning matters reserved to municipalities under the MPC.

606.2 Definitions Specific to Data Center Facilities

That the County Subdivision and Land Development Ordinance, currently Ordinance #2025-005, as amended, is hereby amended to add the following definitions in alphabetical order as applicable to subsection 202 to Article II, Definitions:

Consumptive Use: The loss of water from a groundwater or surface water source through a manmade conveyance system, including such water that is purveyed through a public water supply system, due to transpiration by vegetation, incorporation into products during their manufacture, evaporation, diversion out of a basin, or any other process to the extent that the water withdrawn is not returned to the waters of a basin.

Data Center: A building or buildings that 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 cryptocurrency mining, blockchain transaction processing, high-performance computing, artificial intelligence processing, machine learning, or similar data-intensive computational activities, in which such operations constitute the primary use of the facility. 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. This definition applies to both hyperscale and edge data center facilities, regardless of physical size, where the primary land use is dedicated to data processing or computational workloads.

Data Center Accessory Use: Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; 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; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); 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. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

Data Center Operator: Any person or entity responsible for the day-to-day operation of a Data Center Facility.

Closed-loop cooling system: A cooling system that circulates a single contained coolant or fluid that is not discharged to the environment as a normal part of operation (may include plate-and-frame heat exchangers, rear-door heat exchangers, immersion, or other sealed liquid cooling approaches).

Electric Utility System: Facilities and operations owned by, operated by, or otherwise associated with a public utility or subject to jurisdiction of the Pennsylvania Public Utility Commission or Federal Energy Regulatory Commission.

Facility(ies): Shall mean Data Center and any Data Center Accessory Uses on the property(ies).

Safe Yield: The amount of water that can be withdrawn from a water resource over a period of time without impairing the long-term water utility of a water resource, such as dewatering of an aquifer, impairing the long-term water quality of a water resource, inducing a health threat, or causing irreparable or unmitigated impact upon reasonable and beneficial uses of a water resource. Safe yield of a particular

water source is primarily determined based on the predictable rate of natural and artificial replenishment of the water resource over a reasonable period of time.

Sensitive Receptor: Residential uses, schools, preschools, educational institutions, daycare centers, accredited in-home centers, long-term care facilities, retirement and nursing homes, hospitals, community centers, places of worship, parks (excluding trails), campgrounds, correctional facilities, and dormitories.

Withdrawal: The removal or taking of water from any source water resource, whether or not returned to the water source, as defined and regulated by applicable state and interstate authorities, including but not limited to the Pennsylvania Department of Environmental Protection and relevant river basin commissions.

606.3 Applicability This Section applies to all land development plans which provide for Data Centers to be constructed after the effective date of the addendum, Data Centers constructed prior to the effective date of this addendum shall not be required to meet the requirements of this Section; provided that any physical modification to an existing Data Center that materially alters the size, intensity, and type or other equipment shall comply with the provisions of this Section.

606.4 Procedures and Standards: A Data Center shall be considered a land development as defined by this Ordinance, and the application for the development of a Data Center shall be processed in accordance with all the procedures established by this Ordinance for major subdivisions and land developments and shall comply with site design, infrastructure, and improvement standards of this Section 606. Standards shall be interpreted in a technology-neutral manner to allow emerging cooling and energy systems that achieve equivalent or better performance. Applicants may propose alternative designs that meet or exceed the performance standards of this Section. This Section applies to both hyperscale and distributed/edge data center facilities, provided that facilities operating primarily as Data Centers shall remain subject to review regardless of scale or zoning classification. All standards contained herein are intended to be objective, uniformly applicable land development standards enacted pursuant to the County's authority under the MPC.

606.5 Data Centers and Data Center Accessory Uses

Data Centers shall be subject to land development standards approval in compliance with the procedures, standards, and criteria contained in this section.

606.6 Dimensional Standards

The dimensional standards of Data Centers and Data Center Accessory Uses shall be in accordance with Section 606.4, with the following exceptions:

- A. The maximum building height for a Data Center shall be [60] feet, inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units, and cooling towers.
- B. The maximum height of Data Center Accessory Uses shall be no greater than the height of the principal building.
- C. Data Centers and Data Center Accessory Uses shall be set back a minimum of [200] feet from any property line containing a sensitive receptor use. This setback requirement shall be in addition to, and not inclusive of, any required landscape buffer under Section 606.7.
- D. The minimum front setback for a Data Center and Data Center Accessory Use shall be 35 feet, the minimum rear setback shall be 20 feet, and the minimum side yard setback shall be 10 feet. A landscaped buffer with a minimum width of fifty (50) feet shall be established adjacent to and extending inward from the required setback line surrounding the facility, including along all front, side, and rear yard areas.
- E. These dimensional standards are minimum land development design standards applicable at the County level and shall not supersede more restrictive municipal zoning requirements where applicable.

606.7 Landscape Buffer

- A. The required landscaped buffer shall consist of native trees, shrubbery and other vegetation in accordance with Section 602.8. The buffer shall be designed to provide visual screening to block the view of interior objects from the exterior of the lot and to assist with sound reduction as much as possible.
 - 1. Design details of buffers shall be included in the site plan, and buffers shall be considered improvements for the purpose of guaranteeing installation in accordance with the requirements for land developments in this Ordinance.

2. It shall be the responsibility of the applicant and/or operator to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.
- B. Screening and Fencing. The Data Center facility site shall be enclosed by a minimum eight (8) foot high security fence. The use of razor wire or similar security enhancements is discouraged and shall only be permitted where the applicant demonstrates a documented security need. Any such features shall be clearly identified on the land development plan and may be subject to additional screening or setback requirements as deemed necessary to protect adjacent properties and public safety.
 - C. Article VI allows earthen berms to be used with any large-scale development and shall be applicable to this Section.

606.8 Noise and Vibration

The applicant shall demonstrate through a sound study conducted by a qualified acoustical professional that noise generated by the Facility has been evaluated and that reasonable mitigation measures have been incorporated into the site and building design to minimize adverse impacts on adjacent properties and Sensitive Receptors. Such sound study shall be conducted using Sound Level Meters meeting ANSI S1.4-2014 standards and in accordance with generally accepted methodology. Such a sound study shall be conducted at the following phases:

- A. A preliminary study shall be conducted as part of the land development process. The preliminary sound study shall include recommended sound-reducing materials or systems as needed to meet the aforesaid sound limits.
- B. An interim sound study shall be conducted during the building permit approval process based on the proposed users of the Data Center and Data Center Accessory Uses depicted on the building plans. Any sound-reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for the land development.
- C. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy and prior to the final escrow release for any land development phase. An as-built sound study may also be required thereafter by the County. If it is determined by the as-built sound study that there is a violation of the aforesaid noise limits, it shall be considered a violation of this Ordinance.

Upon identification of a violation, the Data Center Owner or Operator shall, within thirty (30) days, submit a corrective action plan prepared by a qualified acoustical professional identifying measures necessary to achieve compliance. The Owner or Operator shall implement the approved corrective measures within a timeframe established by the County.

Compliance shall be verified by a follow-up sound study demonstrating that the Facility meets the applicable noise limits. Failure to submit a corrective action plan, implement required measures, or achieve compliance within the required timeframe may result in enforcement actions as provided in Section 608 of this Ordinance, including but not limited to withholding of approvals, suspension of permits, or other remedies authorized under the Pennsylvania Municipalities Planning Code.

- D. The maximum decibel levels specified herein shall not apply during unplanned utility power outages or emergency conditions beyond the operator's control; however, the sound studies shall also evaluate and report anticipated decibel levels when all emergency power generation equipment is operating, including backup generators. Routine testing, maintenance, or non-emergency operation of backup systems shall not qualify for this exemption and shall comply with applicable noise limits.
- E. The applicant shall provide a vibration study prepared by a qualified professional demonstrating that vibration from the Data Center, Data Center Accessory Uses, or associated equipment shall not exceed the vibration thresholds established by applicable ANSI or ISO standards.
- F. All costs for present and future noise and vibration studies will be incurred by the applicant.

606.9 Water and Sewer

Water and sewage plans meeting the requirements of Sections 505, 506 and 507 of this Ordinance are required for all Data Center land developments. Additionally, Data Centers and Data Center Accessory Uses shall meet the following requirements:

- a. If the development will be served by a public water supply, the applicant shall submit documentation from the public authority certifying that the public authority will supply the required water.
- b. If the development relies on nonpublic water sources, the applicant shall provide a water feasibility study. The purpose of the study is to

determine whether there is an adequate water supply for the proposed development and to estimate the impact of the development on existing wells, groundwater, and surface waters in the vicinity. Use of wells, groundwater and surface waters (including reservoirs, lakes and ponds) in the vicinity shall be regulated in accordance with applicable permits and approvals issued by the Pennsylvania Department of Environmental Protection (DEP) and other applicable agencies. Water for cooling, humidity control, fire suppression and non-domestic uses shall be identified and subject to approval by applicable regulatory authorities. No Data Center land development plan shall be approved unless the water feasibility study demonstrates to the satisfaction of applicable regulatory authorities under state law 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. The water feasibility study shall include the following information at a minimum:

1. The projected water demands of the Data Center.
2. The source of water to be used.
3. 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).
4. The long-term safe yield of the water source.
5. A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means. Discharged water shall comply with applicable state and federal regulations.
6. A geological map of the area with a radius of at least one mile from the site.
7. The location of all existing and proposed wells within 1,000 feet of the property boundary, with a notation of the capacity of all high-yield wells.
8. 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.
9. 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.
10. A statement of the qualifications and the signature(s) of the person(s) preparing the study.

11. Require documentation of conservation practices and efficiency measures that are designed to accomplish any of the following:
- a) Reduce the demand for water;
 - b) Improve efficiency in water use and reduce losses and waste of water;
 - c) Improve reuse and recycling of water;
 - d) Improve land management practices to conserve water or to preserve water recharge.

606.10 Mandatory Cooling System Requirements

- A. All new Data Centers and qualifying expansions shall design a cooling system that minimizes consumptive water and environmental impacts with closed-loop or equivalent low-consumption cooling for server racks and IT equipment. Use of open, evaporative cooling towers for facility heat rejection is discouraged and shall only be permitted where an applicant demonstrates, through clear and convincing licensed professional engineering evidence, that alternative systems meeting comparable performance standards are not feasible for the specific project, and the applicant obtains an approved conditional exemption under this Section and all applicable state and federal permits and approvals.
- B. A conditional exemption may be granted by the Mercer County Regional Planning Commission upon a written request made at the time of land development or permit application and must include:
1. Detailed engineering documentation prepared by a licensed professional engineer demonstrating that the preferred low-consumptive-use cooling technologies are not reasonably feasible for the specific project.
 2. Proposed alternative technologies such as geothermal, air-cooled, direct-to-chip liquid cooling, or waste-heat recovery systems that demonstrably meet or exceed the performance standards of this Section with respect to water use, noise, and environmental impact. Applicants using alternative designs must disclose coolant type, total coolant volume, and spill/containment designs.
 3. The County may impose objective, clearly stated conditions necessary to ensure compliance with this Section.

- C. Prohibition on private well dependency. Data Centers may not be designed to draw primary cooling make-up water from private potable wells.
- D. No final land development approval shall be granted until all required state and interstate permits are obtained.

606.11 State Permits & Certifications

Applicants must submit evidence of compliance with all applicable Pennsylvania DEP and Federal requirements prior to issuance of any building or occupancy approvals. All provisions are subject to applicable utility tariffs and regulatory approvals, and shall not require actions inconsistent with utility or regulatory authority. No approvals shall be issued unless all required permits and regulatory authorizations are obtained where applicable.

606.12 Chemical Handling, Glycols, and Containment

- A. Anti-freeze or heat-transfer fluids (e.g., propylene glycol/ethylene glycol) used in closed loops must be non-hazardous where feasible. If hazardous materials are used, the applicant must provide spill prevention, secondary containment (sized for the full system volume), and a hazardous materials response plan.
- B. The Owner or Operator shall conduct routine testing for fluid leaks and shall provide an annual certification of containment integrity prepared by a qualified professional. Such certification shall be submitted to the County upon request.
- C. Compliance with this Section shall be the responsibility of the Owner or Operator and shall be subject to applicable requirements of the Pennsylvania Department of Environmental Protection (“PADEP”), including but not limited to spill prevention, storage, reporting, discharge, and hazardous material management regulations. The Owner or Operator shall obtain and maintain all required permits, approvals, and authorizations from PADEP and any other agency having jurisdiction. The County may require documentation demonstrating compliance as a condition of land development approval and may enforce violations in accordance with Section 608 of this Ordinance.

606.13 Power Supply and Distribution

The following provisions are intended solely to evaluate site design, infrastructure adequacy, and external impacts associated with electrical service to the proposed development. Nothing herein shall be construed to regulate the generation, transmission, distribution, or pricing of electricity, which are under the jurisdiction of the Pennsylvania Public Utility Commission and the Federal Energy Regulatory Commission.

- a. If the applicant proposes to connect the Data Center to the electric grid, the applicant shall provide, prior to final land development approval, a letter from the applicable electric service provider confirming that the provider is willing and able to provide electric service to the proposed facility, subject to applicable utility review, permitting, and required infrastructure improvements.
- b. Any energy generation system designed or used to supply power directly to a Data Center during normal operations shall be subject to all applicable federal, state, county, and municipal regulations, and shall be reviewed as part of the land development application only to the extent of its site design, infrastructure, and external impacts.
- c. In accordance with Section 602 of this Ordinance, all new primary distribution lines and associated electrical infrastructure serving a Data Center shall be installed underground from the utility's point of supply (or nearest manhole/transformer point) to the Data Center's point of service. To minimize visual and surface disturbance impacts, underground installation is preferred where feasible.

606.14 Emergency Management

The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall be reviewed and accepted by the local fire department and emergency management services as part of the Land Development approval process. 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. The Data Center shall provide 24-hour contact, including the name and 24-hour telephone number of a contact representative, to the Mercer County 911 Center. The ERP shall provide:

- a. Detailed procedures for fire suppression, containment, ventilation, and evacuation;
- b. An evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
- c. Ensure that all first responders receive adequate training specific to the installed system;
- d. 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.
- e. Any Data Center development 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.

- f. The Applicant shall demonstrate that emergency radio, telephone, and related public safety communications function adequately within the facility, including coordination with the Emergency Management Agency and fire department.

606.15 Signal Interface

The Applicant shall take reasonable measures, consistent with industry standards, to minimize disruption and shall mitigate any resulting impacts, disruptions, or loss of radio, telephone, television, or similar signals caused by the Data Center.

606.16 Parking

Off-street parking shall be provided at a minimum ratio of one (1) space per employee based on the greatest number of employees present at any one time during the facility's peak operating shift.

606.17 Decommissioning

- A. The Data Center Owner and Operator shall, at its expense, complete decommissioning of the Facility, within twelve (12) months after the end of the useful life of the Facility. The Facility will be presumed to be at the end of its useful life if it is not used for a continuous period of twelve (12) months. The Facility Owner or Operator shall report to the County within 48 hours any cessation or discontinuation of the development. If the County becomes aware of the cessation or discontinuation, the County shall provide written notice to the Facility Owner or Operator, at which point the twelve (12) month decommissioning period shall be deemed to have commenced, unless the Owner demonstrates active use at the Facility.
- B. Decommissioning shall include the removal of all hazardous materials and contents, including cabling, electrical components, and any other associated facilities. The Facility Owner or Operator shall certify that all hazardous materials and contents have been removed at the end of the twelve (12) or six (6) month period in the ordinance as applicable.

- C. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- D. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (“Decommissioning Costs”) without regard to the salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (“Net Decommissioning Costs”). Said estimates shall be submitted to the Planning Commission after the first year of operation and every fifth year thereafter.
- E. The Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs +10%. The Decommissioning Funds shall be posted and maintained with a bonding company, Federal or Commonwealth chartered lending institution chosen by the Facility Owner, Operator, and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the County, subject to applicable law and judicial enforcement procedures.
- F. Decommissioning Funds may be in the form of a performance bond, surety bond, or other form of financial assurance that are acceptable to the County. These funds must be delivered before construction begins on the proposed project. This bond will be maintained by the municipality. This requirement is separate from and in addition to any financial security required under Section 607.
- G. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by this Section, then the landowner shall have six (6) months to complete decommissioning.
- H. If neither the Facility Owner nor Operator nor the landowner completes decommissioning within the periods prescribed by the Ordinance, the municipality may take such measures as necessary to complete decommissioning, following written notice and consistent with applicable law. The entry into and submission of evidence of a Participating Landowner agreement to the County shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns

that the County may take such action as necessary to implement the decommissioning plan.

- I. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated, and the municipality concurs, that decommissioning has been satisfactorily completed, or upon the municipalities' written approval to implement the decommissioning plan.
- J. In the event of sale or transfer of the Facility, the acquiring agency shall adhere to the original monetary and operational decommissioning requirements set forth for the original developer.

Section 607 – Financial Security for Land Development Improvements, Restoration, and Site Stabilization

The provisions of this Section shall apply to all land developments regulated under this Ordinance unless otherwise specifically provided.

A. Purpose

The purpose of this section is to ensure that sufficient financial security is provided for the construction, completion, maintenance, restoration, stabilization, remediation, removal, and/or decommissioning of required land development improvements and associated infrastructure in the event the Owner, Developer, or Operator fails to fulfill its obligations under this Ordinance or abandons the development or site.

B. Financial Security Requirements

Prior to the issuance of any final land development approval, recording of a final plan, issuance of any zoning permit or building permit, or commencement of site work, the Applicant shall provide financial security in a form acceptable to the Municipality and consistent with the requirements of Section 509 of the Pennsylvania Municipalities Planning Code, as amended.

Acceptable forms of security may include, but are not limited to, a performance bond, irrevocable letter of credit, escrow account, cash deposit, or other financial security approved by the governing body and Municipal Solicitor.

C. Amount of Security

The amount of the financial security shall be determined by a professional engineer licensed in the Commonwealth of Pennsylvania and approved by the Municipality. The Municipality may require an independent third-party review of cost estimates at the Applicant's expense.

The amount of financial security shall be sufficient to cover:

- 1) Completion of all required site improvements and infrastructure;
- 2) Site restoration, grading, stabilization, and revegetation;

- 3) Removal of abandoned, unsafe, or incomplete structures, materials, and equipment;
- 4) Restoration and remediation of site conditions required as part of approved land development activities or as otherwise required by applicable law;
- 5) Repair or replacement of damage to public infrastructure, including roads, drainage facilities, sidewalks, utilities, and other public improvements; and
- 6) Any other costs reasonably associated with bringing the property into compliance with this Ordinance, approved plans, permits, or applicable laws and regulations.

D. Review and Adjustment

The Municipality may require periodic review and adjustment of the financial security amount to reflect changes in construction costs, inflation, revised site conditions, modifications to approved plans, or the status of required improvements. Updated cost estimates may be required at the Applicant's expense.

E. Default and Use of Funds

If the Owner, Developer, or Operator fails to comply with any conditions of approval, abandons the site, or fails to complete required improvements, restoration, stabilization, or remediation activities, the Municipality may draw upon the financial security, in whole or in part, to complete such work and bring the property into compliance with this Ordinance and approved plans.

F. Transfer of Ownership

Any transfer of ownership or operational control of the land development shall require the successor Owner or Operator to assume all obligations associated with the required financial security prior to transfer approval by the Municipality. Failure to maintain the required financial security shall constitute a violation of this Ordinance.

G. Abandonment

A land development shall be considered abandoned when construction activities or operations cease for a continuous period of twelve (12) months without written notice to and approval from the Municipality demonstrating intent to resume activity.

Upon determination of abandonment, the Municipality may require completion of unfinished improvements, removal of unsafe or abandoned structures or materials, and site restoration or stabilization utilizing the posted financial security.

H. Release of Security

Financial security may be released, in whole or in part, upon written request by the Applicant and certification by the Municipal Engineer that the required improvements or corrective actions have been satisfactorily completed in accordance with approved plans, permits, and this Ordinance.

Partial releases may be authorized by the governing body in accordance with the Pennsylvania Municipalities Planning Code.

Section 608 Enforcement and Remedies

The provisions of this Section shall apply to all subdivisions and land developments regulated under this Ordinance unless otherwise specifically provided. Any violation of this Ordinance and amendments thereto shall constitute a violation of the Mercer County Subdivision and Land Development Ordinance and may be enforced by the County Planning Commission or its designee in accordance with applicable provisions of the PA MPC, as amended.

Upon determination of a violation, the County shall provide written notice to the Owner or Operator describing the nature of the violation and may establish a reasonable timeframe for corrective action, where applicable, unless immediate enforcement action is necessary to protect public health, safety, or welfare.

Enforcement actions may include, as appropriate:

1. Suspension or revocation of land development approval;
2. Withholding of building permits or occupancy certificates;
3. Stop-work orders;
4. Requirement of corrective action plans;
5. Forfeiture of financial security where applicable.

The County may pursue any remedy available under the PA Municipalities Planning Code or other applicable law to enforce compliance. Each day a violation continues shall constitute a separate offense unless otherwise provided by law.

SECTION 2: SEVERABILITY.

That if any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3: CONFLICT.

Any ordinances or any part of any ordinance that conflict with this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4: EFFECTIVE DATE.

That this Ordinance shall take effect immediately upon enactment as provided by law.

ENACTED AND ORDAINED into Law this the 2nd day of July, 2026.

BOARD OF COMMISSIONERS:

ATTEST:

Ann Coleman, Chair

Roni Shilling, Chief Clerk

William A. Finley, Jr.

Timothy M. McGonigle

APPROVED AS TO FORM:

County Solicitor