Upper Bern Township Board of Supervisors

Meeting Agenda for August 13, 2026

A. Commencement of the Public Meeting of August 13, 2026

B. Approval of the Meeting Minutes from July 10, 2026.

C. Public Comments for Agenda Items

D. Payment and Ratification of Bills from July 10 to August 13, 2026.

E. Solicitor's Report
1. 299 MSS LLC Update on Civil Case Judgements: Discussion and possible action.
2. Data Center and Solar Ordinances for review, discussion and possibly authorize Solicitor to advertise for public hearing and possible adoption with any changes.
3. Wastewater Delinquents: Discussion and possible action.

F. Planning and Engineering Report
1. Mountain Road NPDES permit closed (Notice of Termination accepted by BCCD) update.
2. Consider request for Stormwater Escrow Improvements release (193 Valley Road – Guzanowski). Discussion and possible action.
3. PADEP closure of "C.A.P." and acceptance of the corrective actions implemented at the Pump Station. UPDATE.
4. Son-Rise View LLC Request for Planning Waiver & Non-Building Declaration: Discussion to sign and send to DEP.

G. Business
1. Shartlesville Fire Company Request for a Street Closure and Parking Restriction for the Fire Company's Annual Block Party on September 26, 2026, possible action.
2. PennDOT Winter Maintenance Agreement: Discussion and possible action.
3. Budget Workshop Date: Possible Action to advertise meeting.
4. Waste Water Sludge bids for 2027: Possible action to authorize the bidding process.
5. Shartlesville Fire Company Block Party Donation: Possible action.

H. Public Comments/Guest on Non-Agenda Items
1. Gregg Adams; Blue Mountain Wildlife Update Regarding Kernsville Dam Recreation Area Presentation, no action.

I. Adjournment

TOWNSHIP OF UPPER BERN
COUNTY OF BERKS
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO.: _____ of 2026

AN ORDINANCE OF THE TOWNSHIP OF UPPER BERN, BERKS COUNTY, PENNSYLVANIA, AMENDING THE UPPER BERN TOWNSHIP ZONING ORDINANCE OF 2008, BY REPEALING ARTICLE 9, SECTION 922, SUBSECTION C ("ALTERNATIVE AND RENEWABLE ENERGY SYSTEMS – SOLAR ENERGY SYSTEMS"), AND BY ADDING OR OTHERWISE ADOPTING ARTICLE 9, SECTION 925 ("SOLAR ENERGY SYSTEMS").

WHEREAS, the Township of Upper Bern has duly adopted and does maintain a zoning ordinance titled the "Upper Bern Township Zoning Ordinance of 2008", as amended (the "Zoning Ordinance"); and

WHEREAS, the Board of Supervisors of the Township of Upper Bern has previously adopted Ordinance No. 120 of 2012, which includes certain standards and criteria relating to the establishment, operations and maintenance of alternative and renewable energy systems within the Township; and

WHEREAS, the Pennsylvania Municipalities Planning Code (the "MPC"), at 53 P.S. §10609, authorizes the Board of Supervisors to add to, repeal or otherwise amend said Zoning Ordinance; and

WHEREAS, the Board of Supervisors has considered all comments of the Berks County Planning Commission, Shartlesville Community Fire Company No. 1, and the Upper Bern Township Planning Commission, in addition to the general public after public hearing duly held pursuant to and in accordance with the provisions of the MPC and all applicable laws; and

WHEREAS, the Board of Supervisors has determined it is in the best interest of the health, safety and general welfare of the Township and its residents to amend the standards and criteria regulating and otherwise governing the establishment and operation of solar energy systems within the Township of Upper Bern.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, that the Board of Supervisors of the Township of Upper Bern does hereby approve and adopt the following amendments to the Zoning Ordinance:

Section 1. All provisions of Section 922 of the Zoning Ordinance regarding solar energy, Solar Energy Systems, and solar energy facilities, including without limitation Section 922(D), are hereby repealed, and all other provisions of that Section shall remain in effect. Section 922(B) of the Zoning Ordinance shall be amended to insert Section 922(B)(5) as follows:

(5) Solar energy, Solar Energy Systems, and solar energy facilities are excluded from Section 922, and are included in Section 925, of this Zoning Ordinance.

Section 2. The following provisions shall amend and replace the provisions contained under Section 202 (Definitions) of the Zoning Ordinance:

Glare: An effect produced by light intensity sufficient to cause annoyance, discomfort, or loss in visual performance/visibility.

Solar Array: A grouping of multiple Solar Modules with the purpose of harvesting solar energy.

Solar Easement: A covenant, deed, restriction or other written and recorded instrument evidencing a right to assure access to direct sunlight executed by or on behalf of the landowner. Any required Solar Easement must run with the land and specifically define protected solar angles/hours with restrictions and terms.

Solar Energy System: A use containing a collection of interconnected technologies and equipment designed to capture photovoltaic energy from the sun, convert it into a usable form of energy, and distribute it for use or storage. Solar Energy Systems shall include the following subcategories of use:

Accessory Solar Energy System (ASES): A solar collection system on an area of land or portion of a building or structure primarily for on-site use which is subordinate and customarily incidental to the existing use of the parcel, building or structure, and is designed for the purpose of reducing on-site consumption of utility power and/or fuels. ASES may include: ground- or roof-mounted solar arrays/modules and related equipment.

Principal Solar Energy System (PSES): A solar collection system on an area of land used principally to capture solar energy, convert it to electrical or thermal power, and supply said power primarily for off-site use. PSES may include: solar arrays and accessory structures such as substations, electrical infrastructure, transmission lines, and other appurtenant structures.

Solar Module: A grouping of Solar/Photovoltaic Cell for the purpose of harvesting greater amounts of solar energy.

Solar Panel: The part or portion of a Solar Energy System containing one or more Solar/Photovoltaic Cells or Modules, the purpose of which is to convert solar energy for use in heating, cooling and/or for electricity on- or off-site.

Solar/Photovoltaic Cell: The smallest basic unit of a solar or photovoltaic device or system which generates electricity when exposed to sunlight.

Solar Related Equipment: Items including Solar/Photovoltaic Cells, Modules, Pannels or Arrays, and/or lines, pumps, batteries, mounting brackets, framing equipment, structural foundation or

other environmental or structural materials and modifications to land, building or structure that are used for or intended to be used for the collection of solar energy.

Section 3. The following provisions shall be added anew to the Upper Bern Township Zoning Ordinance under Section 925 ("Solar Energy Systems") of the Zoning Ordinance:

§925. Solar Energy Systems.

(A.) Use Authorization and Districts.

(1.) ASES with an energy output cap of 10 kW shall be permitted as an accessory use by right in all zoning districts subject to the provisions of this Zoning Ordinance. ASES with an anticipated energy output greater than 10 kW shall be permitted as a conditional use in all zoning districts, provided that the principal use is permitted in the underlying zoning district and is not a nonconforming use.

(2.) PSES shall be permitted only as a conditional use in the (AI) Agricultural Industrial Zoning District, subject to the provisions of this Zoning Ordinance.

(B.) General Standards. Any ASES and/or PSES installation shall comply with the following standards and criteria:

(1) Codes and Standards. The design and layout of any proposed Solar Energy System shall conform to the applicable industry and code standards, including the Upper Bern Township Building Code(s) and Fire Code(s), the Pennsylvania Uniform Construction Code (UCC), and all other applicable fire and life safety requirements.

(2) Prerequisite Qualifications. Solar energy system installers must certify that they are listed or otherwise identified as a certified installer through the Pennsylvania Department of Environmental Protection (DEP) Sunshine Program; are certified by the North American Board of Certified Energy Practitioners (NABCEP); or have completed an accredited photovoltaic or solar design and installation training program and have installed no less than three (3) Solar Energy Systems in the Commonwealth of Pennsylvania.

(3) Undergrounding. All on-site utility, transmission, and plumbing lines must be placed underground or in such a manner as to reduce visibility of system connections and equipment from adjoining parcels, to the greatest extent feasible.

(4) Stormwater. No Solar Energy System or Solar Related Equipment may be located or arranged in such a way as to create or exacerbate existing stormwater management concerns.

(5) Lot Coverage. The total surface area of a ground-mounted Solar Energy System and its Solar Related Equipment, together with all existing structures and improvements

present on the proposed site, shall not exceed the maximum lot coverage requirements of the underlying zoning district in which the facility will be located.

(6) Public Utility Notice and Approval. For all Solar Energy Systems that are intended or required to be grid-connected, the Applicant shall provide written confirmation that the public utility company to which the system will be integrated has been notified of the Applicant or landowner's intent to install such system, and approved of such connection. Off-grid or on-lot systems shall not require approval from the public utility.

(7) Reflectivity. All proposed Solar Energy Systems shall be sited and finished to prevent all concentrated solar radiation and Glare from projecting onto nearby parcels, buildings, structures, or roadways. Exterior surfaces must be non-reflective. Applicant shall bear the burden to prove, through the testimony or written report of a qualified professional, that adequate siting, controls, and safeguards shall be put in place for the avoidance of material adverse solar radiation or Glare impact(s).

(8) Signage and Advertisement(s). All exterior signage shall comply with Article 11 of this Zoning Ordinance. Notwithstanding any provision thereof, no exterior signage may be placed on any Solar Related Equipment.

(9) Conservation of Wooded Areas. No application for installation of a Solar Energy System may include clear cutting or the removal of mature trees or woodland areas unless necessary for the health and safety of the community in which the system is proposed and in accordance with silvicultural principles. If removal is allowed, the Applicant or landowner shall replace or plant, at a location approved by the Zoning Officer and/or the Upper Bern Township Board of Supervisors, additional trees at a ratio of two (2) new trees per one (1) removed tree.

(10) Limitation on Placement. No Solar Energy System or Solar Related Equipment may be located in any existing legal easement or right-of-way; land designated as a wetland, floodplain, or other environmentally sensitive area; and/or land containing prime agricultural soils. No Solar Related Equipment shall be constructed, placed or otherwise permitted in a required setback or buffer yard except for meters, pumps, lines or other ancillary equipment related to a necessary utility fixture, provided that said ancillary equipment is installed underground in accordance with Section 925(B)(3) of this Ordinance. Applicant shall, to the extent practicable, ensure that any connections to necessary utility fixtures be installed underground or in such a manner as to limit visibility from any perimeter lot line.

(11) Maintenance, Violations and Enforcement. Upon completion of installation, the Solar Energy System shall be maintained in good working order in accordance with manufacturer's standards, and any other applicable codes under which the system was constructed. Failure of the owner to maintain the Solar Energy System in good working order shall serve as grounds for appropriate enforcement actions by Upper Bern Township in accordance with applicable ordinances.

(12) Hazard Warnings and Safety. All Solar Energy Systems shall post clearly visible hazard warnings at the base of all ground-mounted transformers, substations, and/or Solar Related Equipment. Visible reflective warnings shall also be placed on and along any guy wires, utility connections or other materials projecting ten feet (10') or higher above the existing grade. Additionally, all electrical control devices shall be locked or sealed to prevent access except during maintenance or repair.

(13) Additional Requirement for Zoning Permit Application. Each application for a Zoning Permit under Section 1302 of this Zoning Ordinance shall also be accompanied by a drawing or plot plan showing the location of the Solar Energy System, including all Solar Related Equipment, on the building, structure, or property; the location of all above-ground or subterranean utility connections; the actual or anticipated output of the proposed Solar Energy System in kW's; and proof that the portion of building, structure, or property on which the Solar Energy System will be installed has sufficient structural capacity to support it.

(14) Expansion and Modification. Any proposed expansion, rearrangement, relocation, or modification to an existing and lawful Solar Energy System shall require additional approval in the same manner as was required under this Section for its initial authorization.

(15) No Right by Permit. As a condition to the issuance or maintenance of any permit or approval, the Applicant agrees that the issuance of such approval does not confer the right to be free from shadows or other obstructions caused by subsequent development or vegetation on or from adjoining properties. Nothing in this section shall prohibit the Applicant from seeking additional protections and operational safeguards in the form of Solar Easements with adjoining landowners.

(C.) ASES Requirements.

(1) ASES with Energy Output Cap of 10 kW.

(i.) Nonground-Mounted ASES. All ASES facilities which are proposed to be affixed to existing accessory or principal buildings or structures shall not extend beyond the existing edge of any roof, wall or structure. No nonground-mounted ASES may extend beyond the maximum height requirements of the underlying zoning district in which the ASES will be located.

(ii.) Ground-Mounted ASES. All ground-mounted ASES together with its corresponding Solar Related Equipment shall comply with the following standards and criteria:

(a.) No ground-mounted ASES and corresponding Solar Related Equipment may be located in any front yard or between the principal building and any public right-of-way.

(b.) No ground-mounted ASES may exceed a maximum height of fifteen feet (15') above the existing grade.

(c.) All ground-mounted ASES and corresponding Solar Related Equipment shall comply with the setback provisions for principal structures of the underlying zoning district in which the facility will be located.

(d.) If the proposed ground-mounted ASES and corresponding Solar Related Equipment will be installed on a lot adjoining a residential use or uses, the proposed ASES installation shall be adequately screened to minimize glare to and visibility from such adjoining lots and their residential use(s).

(iii.) Decommissioning (ASES). All ASES and corresponding Solar Related Equipment shall be removed within twelve (12) months after discontinuance/abandonment or at the end of the ASES's useful life. An ASES use shall be presumed abandoned if no electricity is generated for a period of twelve (12) continuous months. In regard to this section, Upper Bern Township may from time to time require the owner or operator of any ASES facility to provide the ASES facility's energy generation data for the immediately preceding twelve (12) months.

(2) All Other ASES. Any ASES not qualifying under Section 925(C)(1) of this Zoning Ordinance shall be required to comply with following requirements. For the purposes of this Section, all such Solar Energy Systems shall be referred to collectively as "Other ASES".

(i.) Nonground-Mounted ASES. All Other ASES facilities which are proposed to be affixed to existing accessory or principal buildings or structures shall not extend beyond the existing edge of any roof, wall or structure. No nonground-mounted Other ASES may extend beyond the maximum height requirements of the underlying zoning district in which the Solar Energy System will be located.

(ii) Ground-Mounted ASES. All ground-mounted Other ASES together with its corresponding Solar Related Equipment shall comply with the following standards and criteria:

(a.) Any ground-mounted Other ASES, and corresponding Solar Related Equipment, shall be set back a minimum of one hundred feet (100') from all perimeter lot lines, provided the Solar Energy System does not abut any residential use or public right-of-way. For any Other ASES sharing a lot line with an adjoining residential use or public right-of-way, the required setback shall be increased to one hundred fifty feet (150') from that shared lot line.

(b.) No ground-mounted Other ASES and corresponding Solar Related Equipment may be located in any front yard or between the principal building and any public right-of-way.

(c.) No ground-mounted Other ASES may exceed a maximum height of fifteen feet (15') above the existing grade.

(d.) All ground-mounted Other ASES and corresponding Solar Related Equipment shall comply with the setback provisions for principal structures of the underlying zoning district in which the facility will be located or such larger setbacks established in this Section.

(e.) If the proposed ground-mounted ASES and corresponding Solar Related Equipment will be installed on a lot adjoining a residential use or uses, the proposed ASES installation shall be adequately screened to minimize glare to and visibility from such adjoining lots and their residential use(s).

(iii.) Screening and Landscaping Requirements. Nonresidential ground-mounted ASES uses shall meet all landscaping and buffer yard requirements under Section 915 of this Ordinance.

(iv.) Environmental Impact. Any application for an Other ASES shall be accompanied by the submission of an Environmental Impact Study. This study shall be prepared and certified by a qualified environmental engineer, and shall include an assessment of potential impacts of the operation and maintenance of the PSES facility on water quality, air quality and soil quality of the site and surrounding area.

(v.) Decommissioning. The Other ASES owner is required to notify the Township immediately upon cessation or abandonment of the operation. The Other ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months. The Solar Energy System owner shall then have twelve (12) months in which to dismantle and remove all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, temporary access roads, foundations and other associated facilities from the property. The owner shall also restore the land to its original condition, including forestry plantings of the same type/variety and density as the original. If the owner fails to dismantle and/or remove the Other ASES and restore the land within the established time frames, Upper Bern Township reserves the right to complete the decommissioning and land restoration at the owner's expense.

(D.) Principal Solar Energy System (PSES) Requirements.

(1) Setbacks, Location and Dimensional Requirements. Any proposed PSES together with all corresponding Solar Related Equipment, shall comply with the following requirements:

(i.) Minimum Lot Size. No PSES and corresponding Solar Related Equipment shall be permitted on a lot of less than ten (10) acres.

(ii.) Setbacks. Any PSES, and corresponding Solar Related Equipment, shall be set back a minimum of one hundred feet (100') from all perimeter lot lines, provided the PSES does not abut any residential use or public right-of-way. For any PSES sharing a lot line with an adjoining residential use or public right-of-way, the required setback shall be increased to one hundred fifty feet (150') from that shared lot line.

(iii.) Maximum Height, Buildings. The height of any existing building or new building proposed as part of a PSES development shall comply with the dimensional requirements of the underlying zoning district in which the PSES will be constructed.

(2) Other Requirements.

(i.) Lighting. PSES facilities may not contain artificial lighting, including illuminated or animated signage as set forth in Section 1105 (C) of this Zoning Ordinance, except as required by law.

(ii.) Screening and Buffer Yards.

(a.) PSES facilities shall meet all landscaping and buffer yard requirements under Section 915 of this Ordinance.

(b.) Any vehicle or tractor-trailer truck parking, outdoor storage, and/or loading/unloading areas visible from and within two hundred fifty feet (250') of the perimeter lot lines of the PSES and corresponding Solar Related Equipment shall be separated from such lot lines by an earthen berm on the lot in accordance with this Section and Section 915 of this Ordinance. A Landscaping Plan, prepared by a registered design professional, shall be submitted and provide for the following additional items:

(1.) The berm shall average a minimum of five feet (5') in height above the existing and adjoining grade, or more, as required by the Township.

(2.) The berm shall be constructed or arranged in such as manner as to have variations in height to comport with the aesthetic, natural and/or residential character of surrounding uses.

(3.) The top of any berm shall not have a width of less than five feet (5').

(4.) The side slope of any berm shall not exceed a maximum slope of three (3) horizontal feet to each one (1) vertical foot.

(5.) The berm shall be covered by a well-maintained four-season natural ground cover, such as grass, and such other vegetation or screening material as may be required under this Zoning Ordinance.

(6.) Required plantings and screening shall be constructed or arranged on the outside of and atop the berm. All plantings must be designated and approved in accordance with the Township's recommendations of native species.

(iii.) Emergency Planning and Management. The Applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall provide the following:

(a.) Any ERP shall have been reviewed, approved and accepted by the applicable Emergency Management Agency, the Township Fire Department and the Pennsylvania State Police;

(b.) Detailed procedures for fire suppression, containment, ventilation and evacuation; including the location(s) of any automated fire suppression systems, the location of any on-site storage of flammable or potentially hazardous chemicals or materials, and the location of all specialized fire-fighting equipment;

(c.) Evaluation of the access roads and hydrant locations on and around the site to ensure suitable access for emergency equipment within the site. Spacing between the Solar Array rows must be at least twenty feet (20') wide to allow for emergency equipment.

(d.) Assurances that all first responders receive adequate annual training for the specific features of the installed system.

(e.) Compliance with all fire safety inspection requirements of the Township Code of Ordinances; and, in addition, must include provisions for annual fire safety inspections to be performed by a qualified professional on behalf, and at the expense, of the owner or occupant(s) of the PSES facility.

(f.) Any PSES facility proposing battery storage or devices capable of storing energy, whether as a principal source of power or backup power, for use on-site, shall demonstrate compliance with the Township Fire Code and the National Fire Protection Association (NFPA) Standard(s).

(g.) Adequate security measures or exterior fencing around the perimeter of the facility.

(iv.) Parking. All PSES shall provide one and one-half (1.5) paved off-street parking space for every employee based upon the maximum number of employees or maintenance workers that may on-site at any given time, or one space for every 10,000 square feet of lot area, whichever is lesser. PSES facilities shall provide no less than one (1) off-street loading space.

(v.) Environmental Impact. Any application for a PSES facility shall be accompanied by the submission of an Environmental Impact Study. This study shall be prepared and certified by a qualified environmental engineer, and shall include an assessment of potential impacts of the operation and maintenance of the PSES facility on water quality, air quality and soil quality of the site and surrounding area.

(vi.) Decommissioning. The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months. The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. The owner shall also restore the land to its original condition, including forestry plantings of the same type/variety and density as the original. If the owner fails to dismantle and/or remove the PSES and restore the land within the established time frames, Upper Bern Township reserves the right to complete the decommissioning and land restoration at the landowner's expense.

The Applicant or operator of any PSES facility shall also provide continuous financial security in the amount of 110% of the estimated cost of decommissioning, subject to the approval of the Township. Every fifth (5^{th}) year from the anniversary of the date of such financial security, the Applicant or operator of the PSES facility shall provide updated documentation relating to the costs of decommissioning. If the security amount increases, the Applicant or operator shall remit the increased financial security to the Township within thirty (30) days of the approval of the updated decommissioning security estimate. If the security amount decreases by a value greater than or equal to ten percent (10%) of the agreed upon initial security amount, the Township shall release any amounts held in excess of the updated cost estimate.

(E.) Preemption. If applicable law establishes other financial responsibility and/or decommissioning provisions which preempt some or all of Section 925(C) or Section 925(D) of this Zoning Ordinance, including Act 44 of 2026, the Applicant shall provide proof of compliance with such other requirements in lieu of compliance with the preempted provisions of Section 925(C) or Section 925(D). All other provisions of this Zoning Ordinance shall continue to apply.

Section 4. Severability.

In the event any provision, section, sentence, clause or part of this ordinance shall be deemed invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect or impair ant of the remaining provisions, sections, sentences, clauses or parts of this ordinance; it being the intent of Upper Bern Township, by and through its Board of Supervisors, that the remainder of this ordinance shall be in full force and effect.

Section 5. Repealer.

All ordinances or resolutions or parts thereof are hereby repealed and rescinded only insofar as they conflict or are otherwise inconsistent with this Ordinance.

ORDAINED AND ENACTED by the Board of Supervisors of Upper Bern Township, Berks County, Pennsylvania, in lawful session duly assembled, this _____ day of _____ 2026, by a vote of ___ to ___.

Attest:

UPPER BERN TOWNSHIP
BOARD OF SUPERVISORS

_____
Secretary

By: _____
Gloria Grim, Chairperson

By: _____
Arthur Lambert, Vice Chairperson

By: _____
Lisabeth A. Lynn, Supervisor

TOWNSHIP OF UPPER BERN
COUNTY OF BERKS
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO.: _____ of 2026

AN ORDINANCE OF THE TOWNSHIP OF UPPER BERN, BERKS COUNTY, PENNSYLVANIA, AMENDING THE UPPER BERN TOWNSHIP ZONING ORDINANCE OF 2008, BY ADDING ARTICLE 8, SECTION 832 ("DATA CENTER USES"); AND BY AMENDING ARTICLE 2, SECTION 202 ("DEFINITIONS").

WHEREAS, the Township of Upper Bern has duly adopted and does maintain a zoning ordinance titled the "Upper Bern Township Zoning Ordinance of 2008", as amended (the "Zoning Ordinance"); and

WHEREAS, the Pennsylvania Municipalities Planning Code (the "MPC"), at 53 P.S. §10609, authorizes the Board of Supervisors to add to, repeal or otherwise amend said Zoning Ordinance; and

WHEREAS, the Board of Supervisors has considered all comments of the Berks County Planning Commission, the Upper Bern Township Planning Commission, the Shartlesville Community Fire Company No. 1, in addition to the general public after public hearing duly held pursuant to and in accordance with the provisions of the MPC and all applicable laws; and

WHEREAS, the Board of Supervisors has determined it is in the best interest of the health, safety and general welfare of the Township and its residents to amend the Zoning Ordinance by adopting specific standards and criteria regulating and otherwise governing the establishment and operation of Data Center uses, as well as other contemporary industrial or quasi-industrial uses, within the Township of Upper Bern.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, that the Board of Supervisors of the Township of Upper Bern does hereby approve and adopt the following amendments to the as follows:

Section 1. The following definitions shall be added under Section 202 (Specific Terms) of the Zoning Ordinance:

> **DATA CENTER:** A building or group of buildings used to house and operate computer systems, telecommunications equipment and/or other related facilities for the purpose of receiving, storing, aggregating, managing, processing, transforming, retrieving, researching, or transmitting data. Examples of Data Center uses include the following: machine learning system facilities such as large language model or generative artificial intelligence training; deep learning system facilities; cryptocurrency mining; blockchain transaction processing and/or server farms. Data Center uses shall also include the following subcategories:

DATA CENTER, COLOCATION: A Building, Structure or grouping thereof which satisfies the definition of Data Center provided in this part; and rents, leases or otherwise offers portions of computing power, data storage, or other Data Center functions to two or more individuals or entities.

DATA CENTER, ENTERPRISE: A Building, Structure or grouping thereof which satisfies the definition of Data Center provided in this part; and is wholly owned and operated by the individual or entity which owns, rents or otherwise occupies the Data Center.

Data Center uses do not include computer, telecommunication and/or related equipment that is customarily incidental and subordinate to the principal use of a lot or assemblage of lots; such as a server room associated with an office building or computer lab associated with an educational or research building.

DATA CENTER, ACCESSORY USE: Ancillary uses, equipment, buildings or structures, however arranged, which satisfy the definition of Data Center, but are customarily incidental and subordinate to the principal use of a lot or assemblage of lots together with any structure thereto. Examples of Accessory Use Data Centers include the following: servers; data storage facilities or equipment; open-system and/or closed-system non-contact cooling systems; utility lines; climate and/or energy control systems; electrical substations; security buildings and structures; and environmental hazard mitigation features. Accessory Use Data Centers may not include energy generation systems which are neither intended to nor in actuality provide power to the principal use of any lot or assemblage of lots. *See also* "Data Center".

DATA CENTER, EQUIPMENT: Equipment and other materials related to the operation of any Data Center Use or Data Center Accessory Use, including, but not limited to: utility facilities, utility lines, power generation stations, electrical substations, pump stations, water towers, mechanical equipment, cooling systems, sound control systems, automated fire suppression systems, environmental controls, backup power supplies, data communications connections, security operations, and all other facilities, equipment, parts, systems, piping, structures, appurtenances and materials necessary for all or part of any one or more functions, uses or purposes of a Data Center as defined in this part.

DATA CENTER, HIGH IMPACT: A Building, Structure or grouping thereof which satisfies the definition of Data Center provided in this part, and also meets one or more of the following criteria: (1.) consists of two or more tracts, lots or parcels of land, along with any buildings, infrastructure or personal property located on said parcels provided that said assemblage of parcels comprise an aggregate lot area greater than or equal to the dimensional requirements of Section 832.3 (C); (2.) is owned, operated, occupied or leased by, to or from two or more business entities or groups of business entities thereof; and/or (3.) has an electrical power capacity load of 25 megawatts or higher (excluding ancillary loads designated for use in common areas).

SENSITIVE RECEPTORS: Any Building, Structure or lot legally used or occupied or zoned for any of the following uses: residential uses, Schools, Educational Institutions, Day-care Centers, retirement homes, Personal Care Facilities, Nursing Homes, Community Centers, Churches, Places of Worship, Religious Uses, and Campgrounds and Parks with active recreation improvements.

Section 2. The following uses shall be added as Section 832 (Data Center Uses) under Article 8 of the Zoning Ordinance:

Section 832. **Data Center Uses.**

Section 832.1. Interpretation.

The following requirements shall apply to all Buildings, Structures, Lots or uses thereon which satisfy the definition of Data Center under Section 202. In the event any of the following regulations are found to conflict with other requirements of the Upper Bern Township Zoning Ordinance of 2008, as amended, the more restrictive regulation(s) shall apply, unless otherwise stated.

Section 832.2. Districts.

(A.) Data Centers and other Data Center Uses as defined under Section 202 shall be permitted as follows:

TABLE 832.2 - A: Data Center Uses, By District

Use/District	AP	BMP	MDR	SV	RC	HC	GI	AI
Data Center	N	N	N	N	N	N	C	C
Data Center, Accessory	N	N	N	N	N	C	C	C
Data Center, High Impact	N	N	N	N	N	N	C	C

"P" = Permitted by right; "C" = Conditional Use; "S/E" = Special Exception; "N" = Not Permitted

(B.) Data Center uses shall not be permitted in any other base Zoning District except as provided for in Table 832.2-A. Further, Data Center uses shall also be prohibited in all Conservation Overlay Districts under Article 5, and all Special Overlay Districts under Article 6 of the Zoning Ordinance, unless the individual lot or entire assemblage of lots containing said Data Center use fall within an underlying Zoning District or Districts which would permit Data Center Uses.

Section 832.3. Dimensional Requirements.

The following dimensional requirements shall apply to each Data Center Use, as follows:

(A.) Data Center.

(1.) Minimum.

(a.)	Net Lot Area:	10	acre(s).
(b.)	Lot Width:	300	feet.

(2.) Minimum yard requirements (*setbacks*).

(a.)	Front:	100	feet.
(b.)	Rear:	100	feet.
(c.)	Side (one):	100	feet.
(d.)	Side (both):	200	feet.

(3.) Maximum building coverage: 40 %.

(4.) Maximum height of building including all roof mounted equipment: 50 feet.

(5.) Maximum lot coverage: 60 %.

(B.) Data Center, Accessory. The following requirements for Accessory Data Center Use(s) shall not apply to such uses that are located wholly within an existing Building, Structure or combination thereof. Dimensional requirements for accessory Data Center uses shall only apply to new Buildings, Structures or modular installations subordinate to and customarily incidental to a/the permitted principal use.

(1.)	Minimum net lot area and lot width.	based on underlying Zoning District
(2.)	Minimum yard requirements (*setbacks*).	based on underlying Zoning District
(3.)	Maximum building coverage:	based on underlying Zoning District
(4.)	Maximum building height:	the highest Building Height of any existing building on-site
(5.)	Maximum lot coverage:	based on underlying Zoning District

(C.) Data Center, High Impact.

(1.) Minimum.

(a.)	Net Lot Area:	20	acre(s).
(b.)	Lot Width:	400	feet.
(c.)	Frontage:	250	feet.

(2.) Minimum yard requirements (*setbacks*).

(a.)	Front:	400	feet.
(b.)	Rear:	200	feet.
(c.)	Side (one):	200	feet.
(d.)	Side (both):	400	feet.

(3.) Maximum building coverage: 40%.

(4.) Maximum height of building including all roof mounted equipment: 50 feet.

(5.) Maximum lot coverage: 60%.

Section 832.4. Conditional Use Provisions.

(A.) All Data Centers (including Accessory, High Impact, Colocation and/or Enterprise Data Centers) shall comply with the following regulations unless otherwise stated:

(1.) Setbacks.

(i.) In addition to the building setback requirements established under this part, all Data Center Uses shall be set back 400 feet from the boundary line of any residential zoning district or from the lot line of any property which contains a Sensitive Receptor.

(ii.) All ground-mounted Data Center Equipment affixed to the existing or finished grade used for cooling, ventilation, heat or power shall be set back a minimum of 400 feet from any residential zoning district or the lot line of any property which contains a Sensitive Receptor; and shall be screened using the provisions of Section 915 of this Ordinance to visibly conceal such equipment.

(iii.) None of the setback provisions herein shall apply to Accessory Use Data Centers located wholly within an existing building nor roof-mounted Data Center Equipment located on top of a Building or Structure which is compliant or made to comply with this part.

(iv.) Any proposed screening or security fencing/walls shall be counted as part of the principal structure for the purposes of satisfying the setback provisions of this Ordinance.

(2.) Buffer Yards/Berms.

(i.) Data Center Uses shall meet all landscaping and buffer yard requirements under Section 915 of this Ordinance. No Data Center Equipment shall be constructed, placed or otherwise permitted in the required setback or buffer yard except for meters, pumps, lines or other ancillary equipment related to a necessary utility fixture.

(ii.) Any vehicle or tractor-trailer truck parking, outdoor storage, and/or loading/unloading areas visible from and within 250 feet of the perimeter lot lines of the Data Center Use shall be separated from such lot lines by an earthen berm on the lot in accordance with this Section. A Landscaping Plan, prepared by a registered design professional, shall be submitted as part of the Conditional Use Application, which must provide for the following:

(a.) The berm shall average a minimum of five feet (5') in height above the existing and adjoining grade, or more, as required by the Township.

(b.) The berm shall be constructed or arranged in such a manner as to have variations in height so as to comport with the aesthetic, natural and/or residential character of surrounding uses.

(c.) The top of any berm shall not have a width of less than five feet (5').

(d.) The side slope of any berm shall not exceed a maximum slope of three (3) lateral horizontal feet to each one (1) lineal vertical foot.

(e.) The berm shall be covered by a well-maintained four-season natural ground cover, such as grass, and such other vegetation or screening material as may be required under this Zoning Ordinance.

(f.) Required plantings and screening shall be constructed or arranged on the outside of and atop the berm. All plantings must be designated and approved in accordance with the Township's recommendations of native species.

(3.) Noise and Vibration.

(i.) In addition to any plan submission, the Applicant shall also provide a noise/sound study produced by a professional acoustic expert which demonstrates that the sound generated by the Data Center's normal operations do not exceed a maximum daytime level of 60 dB(A) and a maximum nighttime and weekend level

of 55 dB(A) measured from the property line. Additionally, any noise generated by the Data Center Use shall not exceed 45 dB(A) from the lot line bordering a residential zoning district or property containing a Sensitive Receptor. For the purposes of this Section, 'daytime' shall refer to the time of 7:00 a.m. through 9:00 p.m., Monday through Friday of any week. 'Nighttime' shall refer to the time of 9:00 p.m. through 7:00 a.m. of the following day. "Weekend" shall include the entire 48-hour period of Saturday and Sunday. The maximum sound levels above shall not apply to ephemeral or temporary impulsive sounds generated by emergency alarms, construction activities, snow removal, road repair or other intermittent sounds when matters of public health or safety are involved.

(ii.) Every sound study required by this Section must comply with the following procedure(s):

(a.) A preliminary sound study for the Data Center and any Data Center Equipment shall be conducted as part of the Conditional Use process. The preliminary sound study shall include the identification of areas of potential concern, plans to mitigate noise in excess of the required dB(A), and any other systems or materials that will be used to limit nuisance noise creation.

(b.) An interim sound study shall be a condition of any conditional use approval and be conducted during the Building Permit approval process based on the proposed end user and/or intensity of the proposed use depicted in the submitted plans. If the interim sound study reveals that any noise generated by the use exceeds the provisions herein, the then-current arrangement shall be deemed a violation of this Section and additional mitigation plans shall be addressed prior to the issuance of any provisional or Temporary Certificate of Occupancy.

(c.) An as-built sound study shall be a condition of any conditional use approval and be conducted six (6) months after the issuance of the Temporary Certificate of Occupancy and prior to the release of any escrow or security required under the Upper Bern Township Subdivision and Land Development Ordinance. If, at this time, the Data Center Use continues to generate noise in excess of the requirements herein, the failure to comply shall be understood as a substantial violation, and the Township may accordingly deny the issuance of a final Certificate of Occupancy.

(iii.) The Applicant shall further provide a vibration study prepared by a qualified professional engineer which demonstrates that no vibration generated by the Data Center Use or associated Equipment will be perceptible to the human senses at or beyond the property line of the lot containing the Data Center Use.

(4.) Water and Sewer.

(i.) If the Data Center Use shall be served by a public water supply, the Applicant shall submit documentation from the public authority certifying that the public authority will be able to supply the water supply needed for ordinary operations.

(ii.) If the Data Center Use will rely on non-public water sources, the Applicant shall provide a comprehensive water feasibility study. The purpose of this study is to determine if an adequate supply of water exists for the proposed use and to estimate the environmental impact and intensity of the Data Center Use on existing wells, ground water and surface water in the vicinity of the Use. No Conditional Use application shall be approved unless and until the water feasibility study demonstrates that the anticipated water supply yield is sufficient for the needs of the Data Center Use; and that the proposed withdrawals and/or discharges will not adversely affect or endanger the quantity or quality of water supplies in the vicinity of the Data Center. The water feasibility study shall also include the following information:

(a.) The projected water demands of the Data Center Use;

(b.) The identity and location of the water source to be used;

(c.) A description of how water will be used; including the amount of water which will be used for cooling, humidity control, fire suppression, domestic usage, and all other purposes anticipated at the time of submission or otherwise;

(d.) The long-term safe yield of the identified water source as well as secondary sources should the yield of the proposed source be found to be insufficient;

(e.) A description of the amount of water that will be recycled or discharged and by what means, and any other information related to recycling systems that may be used;

(f.) A geological map of the area around the site with a radius of no less than one (1) mile;

(g.) The location of all existing and/or proposed wells within 1,000 feet of the property boundaries, including notations of the capacity for any and all high-yield wells;

(h.) The location(s) of all surface waters; including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, estuaries, etc. within 1,000 feet of the property boundaries;

(i.) A determination of the effects of the proposed water supply system(s) on the quality and quantity of water in nearby sources (including, for example, wells and surface waters);

(j.) A statement of the qualifications and signature(s) of the person(s) preparing the required study.

(iii.) All conditional use applications shall be accompanied by a simple water usage assessment which shall provide, at the minimum, the anticipated yield of water usage per diem and/or over a thirty (30) day period.

(iv.) The Applicant shall also provide proof of review and approval of the Delaware River Basin Commission for projects proposing the following:

(a.) Water withdrawals of 100,000 gallons per day (gpd) or more over a thirty (30) day average from any source or combination of sources within the Delaware River Basin; or

(b.) Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source.

(v.) The Applicant shall also demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided for or have been otherwise approved by the sewage enforcement authority and/or the Pennsylvania Department of Environmental Protection. If any Data Center use cannot obtain such approval due to the anticipated wastewater load capacity, the presence of hazardous or toxic materials in wastewater beyond the EPA maximum containment level, or for any other reason, the Applicant shall submit a Non-sewer/On-lot Wastewater Management Plan which shall include, at a minimum, the location and capacity of any on-lot storage tanks, sand mounds, or other means of limiting and/or controlling the use, handling and disposal of contaminated or excess wastewater.

(5.) Cooling System Requirements.

(i) Closed-Loop Required. All new data centers and qualifying expansions must employ closed-loop cooling for server racks and IT equipment. Use of open, evaporative cooling towers for facility heat rejection is prohibited unless an Applicant demonstrates by clear and convincing evidence that "closed loop technology" is infeasible for the specific project and the Applicant obtains all applicable state permits and a conditional exemption under this Section.

(ii) Conditional Exemption. A conditional exemption to the requirement of closed-loop cooling may be granted by the Township upon a written request which includes:

(a) Detailed engineering documentation prepared by a licensed professional engineer demonstrating that closed-loop technology is infeasible for the specific project.

(b) Proposed alternative technologies such as geothermal, air-cooled, direct-to-chip liquid cooling, or waste-heat recovery systems which meet the water-use, noise, and environmental standards set forth herein.

(iii) The Township may impose reasonable conditions on any conditional exemption.

(6) Power Supply.

(i.) If the Applicant proposes to connect the Data Center Use to the existing electrical grid, the Applicant shall provide documentation from the applicable electric service provider certifying that the necessary capacity is available, and that the provider will serve the Use. Additionally, the Applicant must provide an Electrical Impact Assessment identifying any detrimental effects on the electrical rates and availability for other uses resulting from and directly attributable to the Data Center Use.

(ii.) If the above-mentioned Electrical Impact Assessment identifies or anticipates a detrimental impact or deficiency in the existing electrical supply, the Applicant shall provide, at his/her own expense, the system improvements necessary to mitigate system limitations/constraints to accommodate the Data Center Use. Such improvements must conform to all specifications, procedures and timelines as required for the public utility. If connection to the existing electrical grid is not feasible, and improvements are not sufficient to remedy such issues, on-site utility methods may be considered provided they comply with all applicable laws and regulations of the Commonwealth of Pennsylvania and the Township of Upper Bern.

(iii.) An Energy Management Plan shall be submitted with any application for a High Impact Data Center detailing, at a minimum, annual electricity demand, availability of supply sources, energy storage capacity and efforts to maximize the use of renewable or clean energy. A plan required under this part shall be prepared and certified by a qualified professional engineer and shall be subject to review and comment by the Township.

(iv.) Data Center Uses shall make good-faith efforts to maximize the use of renewable and/or clean energy sources through on-site improvements and/or verifiable Power Purchase Agreements (PPA). Compliance with this Section can be demonstrated through offering evidence that the roof of any building or structure will be designed with a load capacity that would support the installation of a nonresidential Accessory Solar Energy System (ASES) or through the provision of a contact list of all renewable energy sources or generators within 1,000 feet of the

site. Notwithstanding, any proposed energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or similar alternative energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved according to all regulations applicable to such use.

(v) Applicant shall ensure that any connections to necessary utility fixtures be installed underground. If, however, Applicant demonstrates through detailed documentation that underground installation of a utility is technically impracticable due to geological conditions, conflicts with critical infrastructure, or refusal by the utility of underground service, then those utility fixtures may be installed in such a manner as to limit visibility from any perimeter lot line.

(7.) Emergency Planning and Management.

(i.) The Applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall provide the following:

(a.) Any ERP shall have been reviewed, approved and accepted by the applicable Emergency Management Agency, the Township Fire Department and the Pennsylvania State Police s part of the Conditional Use process;

(b.) Must include detailed procedures for fire suppression, containment, ventilation and evacuation; including the location(s) of any automated fire suppression systems, the location of any on-site storage of flammable or potentially hazardous chemicals or materials, and the location of all specialized fire-fighting equipment for this data center;

(c.) Must include an evaluation of the access roads and hydrant locations on and around the site to ensure suitable access for emergency equipment within the site;

(d.) Assurances that all first responders receive adequate annual training for the specific features of the installed system;

(e.) Must comply with all fire safety inspection requirements of the Township Code of Ordinances; and, in addition, must include provisions for annual fire safety inspections to be performed by a qualified professional on behalf, and at the expense, of the owner or occupant(s) of the Data Center.

(ii.) Any Data Center Use proposing battery storage or devices capable of storing energy, whether as a principal source of power or backup power for use on-site, shall demonstrate compliance with the Township Fire Code and the National Fire Protection Association (NFPA) Standard(s).

(8) Signal Interference.

The Applicant shall ensure that Data Center operations do not disrupt, inhibit, impair or otherwise harm radio, telephone, television, or similar signals, and shall mitigate any harm caused by the Data Center.

(9.) Economic Cost/Impact Assessment.

(i.) The Applicant shall submit, as part of the Conditional Use process for any principal use Data Center, an economic impact assessment which shall contain the following:

(a.) A good-faith estimate of the cost that may be incurred by Upper Bern Township related to infrastructure, emergency preparedness, administrative costs and police and fire protection; and

(b.) A good-faith estimate of the revenues generated by the Data Center Use; including revenues generated from real estate sales, real estate and income taxes, school taxes, job creation and any other measurable beneficial effect on commerce and revenue in the Township.

(10.) Heat and Light.

(i.) All Data Center Uses shall comply with the Lighting and Glare limitations under Sections 802 and 920 of the Zoning Ordinance.

(ii.) For all High Impact Data Center Uses, Applicant shall submit a Thermal Impact Mitigation Plan, which shall include at a minimum; strategies for waste heat reuse or dissipation and/or a feasibility report for vegetative or green-roof designs to mitigate or otherwise offset negative environmental effects associated with heat-islands. The plan must be prepared and certified by a qualified professional engineer, and shall be subject to review and comment by the Township.

(11.) Parking.

(i.) All off-street parking facilities shall comply with Article 10 of the Zoning Ordinance; provided however, that no additional parking facilities shall be required for Accessory Use Data Centers which are constructed on lots which contain acceptable parking facilities.

(ii.) All Data Center Principal Uses shall provide one and one-half (1.5) space for every employee based upon the maximum number of employees on-site during a peak shift, or one space for every 10,000 square feet of building area, whichever is lesser.

(iii.) Principal Use Data Centers shall provide no less than one (1) off-street loading space, and High Impact Data Centers shall provide no less than two (2) off-street loading spaces.

(12.) Aesthetics, Design and Construction.

(i.) Any Data Center (including Accessory Use Data Centers) visible from any street or right-of-way and/or located on land adjacent to a zoning district which permits a residential use or property containing a Sensitive Receptor, shall have a façade arranged or designed in such a way as to not alter or negatively impact the essential character of the neighborhood or surrounding uses, and shall include: changes in building height; step-backs or recesses; fenestration; changes in building material, pattern or color; and use of accent materials

(ii.) Notwithstanding any dimensional requirement(s) herein, individual Data Center buildings or structures shall not exceed a maximum building footprint of 500,000 square feet in size.

(13.) Environmental Impact Study.

(i.) Any application for a Data Center use shall be accompanied by the submission of an Environmental Impact Study. This study shall be prepared and certified by a qualified environmental engineer, and shall include the following:

(a.) An assessment of potential impacts of the operation and maintenance of the Data Center on water quality, air quality and soil quality of the site and surrounding area;

(b.) The identification of all stationary and mobile sources of fine particulate matter (PM2.5), volatile organic compounds and nitrogen oxides in and around the site;

(c.) Procedures for the collection and disposal of electronic waste, hazardous materials and Data Center Equipment; such as batteries, server infrastructure and/or contaminated wastewater; (*See* Subsection 14)

(d.) Identify any mitigation techniques or procedures which will be employed to eliminate negative environmental impacts.

(14.) Electronic Waste and Decommissioning Plan(s).

(i.) An Electronic Waste Plan shall be submitted as part of any application for a Data Center use. Such plan shall include, at the minimum, procedures for safe and secure removal, recycling and/or disposal of server infrastructure, hazardous materials, batteries and all other Data Center Equipment. Such Plan shall be further

subject to review and comment by the Township, which may include requests for supplemental information and amendment.

(ii.) A Data Center Decommissioning Plan shall also be submitted as part of any Data Center application, which shall include detailed information and procedures for the full or partial tear down, clean up and structural restoration of such Data Center use. Any Data Center Decommissioning Plan under this Section must include, at a minimum, a detailed description of the then current inventory of server racks and on-site hardware, estimated timelines, designation of decommissioning project managers and/or decision makers, data destruction protocols, plans for the return or termination of software and equipment leases, as well as the preparation and maintenance of up-to-date exterior and interior site plan(s) specifically designating the locations and uses of Data Center Equipment and such other facilities present on-site. It shall be the responsibility of the operator or owner of such Data Center Use to amend, supplement and otherwise maintain a Data Center Decommissioning Plan for the entire life cycle of the Data Center Use.

(iii.) In addition to the Decommissioning Plan, the Applicant or Operator of any Data Center use shall provide continuous financial security in the amount of 110% of the estimated cost of decommissioning, subject to the approval of the Township. Every fifth (5th) year from the anniversary of the date of such financial security, the Applicant or Operator of the Data Center use shall provide updated documentation relating to the costs of decommissioning. If the security amount increases, the Applicant or Operator shall remit the increased financial security to the Township within thirty (30) days of the approval of the updated decommissioning security estimate. If the security amount decreases by a value greater than or equal to ten (10%) percent of the agreed upon initial security amount, the Township shall release any amounts held in excess of the updated cost estimate.

Section 832.5. Signs.

All Data Center Uses (including High Impact Data Centers and Accessory Use Data Centers) wishing to construct, erect or otherwise install exterior signage must comply with the provisions of Article 11 of the Zoning Ordinance.

Section 3. Severability.

In the event any provision, section, sentence, clause or part of this ordinance shall be deemed invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this ordinance; it being the intent of Upper Bern Township, by and through its Board of Supervisors, that the remainder of this ordinance shall be in full force and effect.

Section 4. Repealer.

All ordinances or resolutions or parts thereof insofar as they conflict or are otherwise inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of Upper Bern Township, Berks County, Pennsylvania, in lawful session duly assembled, this _____ day of _____ 2026, by a vote of ___ to ___.

Attest:

UPPER BERN TOWNSHIP
BOARD OF SUPERVISORS

_____
Secretary

By: _____
Gloria Grim, Chairperson

By: _____
Arthur Lambert, Vice Chairperson

By: _____
Lisabeth A. Lynn, Supervisor