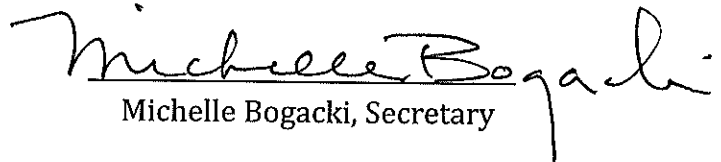


CERTIFICATION OF ORDINANCES

I, Michelle Bogacki, duly appointed Secretary of the Township of Ridgway, Elk County, Ridgway, Pennsylvania, do hereby certify and attest that the attached is a true and correct copy of the Township of Ridgway Ordinance No. 122 adopted July 18, 2023 amending Ordinance No. 116 in regard to the Ridgway Township Defining Cryptocurrency in Ridgway Township, Elk County, Commonwealth of Pennsylvania.

Date: 7-18-2023


Michelle Bogacki, Secretary

(Seal)

ORDINANCE No. 122

**AN ORDINANCE OF RIDGWAY TOWNSHIP WHICH AMENDS TOWNSHIP
ORDINANCE NO. 116 (RELATING TO COMPREHENSIVE REZONING) TO DEFINE
REGULATIONS AND PERFORMANCE STANDARDS FOR
CRYPTOCURRENCY AND/OR BITCOIN MINING OPERATIONS**

WHEREAS the Township of Ridgway (“the Township” or “Ridgway”) is a duly created Township of the Second Class, functioning under powers enumerated in the Second Class Township Code as amended (53 P.S. §65101 et. seq.), and maintaining its regular place of business at 1537A Montmorenci Road in Ridgway, Elk County, Pennsylvania;

WHEREAS the Township previously adopted a Comprehensive Zoning Ordinance (No. 116) on January 31, 2019, with the same effective 5 days following such adoption;

WHEREAS the Township now desires to amend No. 116 as outlined more fully below to provide for the processing and disposition of zoning permit applications which seek cryptocurrency and/or bitcoin mining operations;

WHEREAS the Township intends to comply and has complied prior to adoption of this ordinance with all relevant public notice and public hearing requirements contained in §§609 and 610 of the Pennsylvania Municipal Planning Code (“MPC”), codified at 53 PS §§110609 and 10610, as well as §§7.00 and 7.03 of No. 116 (relating to procedural requirements for desired zoning amendments to be made by the Governing Body and advertising requirements, respectively);

NOW, THEREFORE, be it ordained, and the same is ordained following public hearing conducted the 18th day of July, 2023, at 6:30p.m. and held pursuant to public notice, that No. 116 is amended to include the following:

SECTION I

Purpose of Ordinance:

This Ordinance has as its purpose the same as set forth in Article I, Section 1.02 of No. 116.

SECTION II

Enabling Legislation:

Enactment by the Township is by the authority of and pursuant to the provisions of Article VI through X-A of Act No. 247 of 1968, P.L. 805, as reenacted and amended by the Pennsylvania General Assembly, known as the Pennsylvania Municipalities Planning Code.

SECTION III

Definitions:

Bitcoin: The most common example of cryptocurrency.

Cargo container: A standardized, reusable storage and transport unit designed without an axle or wheel which was originally, specifically or formally designed for used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and which was designed for or capable of being mounted or moved on a railroad car or similar transportation device for subsequent movement by truck trailer.

Cryptocurrency: A digital currency in which encryption techniques are used to regulate the generation of units of currency and verify the transfer of funds, operating independently of a central bank. Bitcoin is the most common example of cryptocurrency.

Cryptocurrency mining: The operation of specialized computer equipment for the primary purpose of mining one or more blockchain based cryptocurrencies such as bitcoin. This activity typically involves the solving of algorithms as part of the development and maintenance of a blockchain which is a type of distributed ledger maintained on a peer-to-peer network. Typical physical characteristics of cryptocurrency mining include, but are not limited to, specialized computer hardware or data centers with a non-diverse electrical use for mining operations as well as equipment to cool the hardware and operating space.

Cryptocurrency mining operation: A location, unit, device, cargo container, building or other facility temporary or permanent, located indoors or outdoors where cryptocurrency mining takes place.

Data center: The building which houses and operates networked computer systems and associated components that include, but may not be limited to, power supply, data communications connections, environmental controls, and security devices.

Noise: Unwanted sound characterized by repetitiveness, time of day, suddenness (impulse) or pitch (octave level) that either interferes with normal activities (such as sleeping, working at home, or conversation) or disrupts or diminishes ones quality of life.

Person: Includes a corporation, partnership and association, as well as a natural person.

Sound/Vibration: That which is audible or discernable to human hearing or senses.

SECTION IV

ZONING MATRIX:

The zoning matrix appearing at pages 100-103 of No. 116 is amended at page 101 (and to appear in alphabetical order on that page) to allow consideration of zoning applications for cryptocurrency mining operations in zoning districts RA, CH and I by special exception procedure ("S") requiring zoning approval by the Township's zoning hearing board and consistent with this ordinance and requirements of the zoning hearing board.

SECTION V

Regulations:

1. All cryptocurrency mining operations shall occur in a building(s) which is (are) permanent. A chain or wire link fence having a height of at least 7 feet must surround the portion of land used for cryptocurrency mining operations. The fence must firmly have attached thereon a conspicuous, durable sign ("the sign") which identifies the responsible person or entity controlling the cryptocurrency mining operation, the physical location and address of such person or entity, and a telephone number to permit contact with such person or entity.
2. Cryptocurrency mining operations shall not occur in any accessory building or temporary structure. Cargo containers shall not be stored on the land employed for cryptocurrency mining operations.
3. The person or other entity desiring to conduct cryptocurrency mining operations on a parcel of land shall be responsible prior to engaging in such activity to secure all necessary building permits or land use approvals for such operation. Examples of required land use authorizations include, but are not limited to: (a) approval before the Ridgway Township Zoning Hearing Board and a permit issued by the Township's zoning officer, and (b) a lease or other agreement (but not a memorandum thereof) verifying that the person or entity proposing to conduct cryptocurrency mining operations has written approval from any person or entity having an interest in the parcel at issue.
4. Prior to commencing cryptocurrency mining operations on a parcel of land, the person or entity desiring to do so must present a site plan showing the planned location of each facility, property lines, setback lines, access roads and turnout locations, buildings and structures; and a written plan ("the plan") which discusses the proposed cryptocurrency mining operation on the parcel at issue and which recites facts and conclusions which establish that all cryptocurrency mining and data center operations, including all ancillary equipment/operations for purposes such as cooling, will be designed, constructed, operated and maintained so as to comply with the Regulations of this Section and comply with the Performance Standards set forth in Section 5.12 of Ordinance No. 116 of Ridgway Township. Duplicate originals of the Plan signed by the registered professional engineer shall be submitted to the Township.

5. Within 30 days of commencement of operations, and thereafter at such times that the Zoning Officer deems necessary, the owner/operator of the cryptocurrency mining operation or his duly licensed professional engineer shall provide to the Township an affidavit that includes the following information addressing sound or noise produced from the cryptocurrency mining operation:
 - A. The name, business address, telephone number and qualifications of the person who measured the decibel levels together with the date, time, duration, and weather conditions when such measurements were secured;
 - B. The equipment used to measure the sound or noise volume together with documentation reflecting when such equipment was last calibrated for accuracy;
 - C. The location of the sound or noise measurements depicted on a scaled site plan;
 - D. Decibel levels measured not to exceed 45 decibels at a distance of 200 feet from the nearest outside wall of a permanently occupied dwelling; or as per the Zoning Hearing Board decision; at each test location; and
 - E. A statement attesting to the accuracy of the information provided in the affidavit. The complete name, address, and telephone number of the individual completing the affidavit required by this subdivision shall be supplied immediately following the affiant's signature on such document.
6. The failure of the owner/operator to comply with paragraph 5 and all of its subdivisions, above, shall constitute due cause for the Township to resort to enforcement measures detailed in Section V, below.
7. The Township reserves the right to require independent verification of sound or noise measurements and/or to request additional measurements at different points or locations on the owner/operator's property as well as at locations beyond the owner/operator's fence or property line.
8. The owner/operator of the cryptocurrency mining operation, by commencement and continuation of such operation, shall agree for so long as such activity occurs to comply with all federal, state, and Township rules, regulations and ordinances.

SECTION VI

Municipal Civil Enforcement Proceedings/Enforcement Notices/Jurisdictional and Standing Matters/Penalties:

If it appears that a violation of this Ordinance has occurred, then the Zoning Officer may initiate enforcement proceedings consistent with Sections 6.02 and 6.02A of Ordinance No. 116.

SECTION VII

Severability: Should any part or provision of this Ordinance be determined to be invalid by a court of record having appropriate jurisdiction, then such invalidity shall be limited solely to such part or provision, and the remainder of such Ordinance shall survive as valid legislation enacted by the Township.

SECTION VIII

Interchangeability of Language and Section Headings: Words used in the singular may be read to include the plural or the plural may be read as the singular. Similarly, the masculine form may be read to include the feminine; and the feminine may be read to include the masculine. The section titles appearing in this document are included for convenience only.

SECTION IX

Effective date: This Ordinance shall be effective 5 days after adoption.

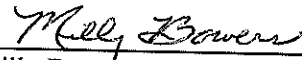
Adopted this 18th day of July 2023, by the Township of Ridgway at open meeting then convened, and following due advertisement of intent to adopt the same as required by the Second Class Township Code at §66601(a), 53 P.S.



Chris Klase, Chairperson

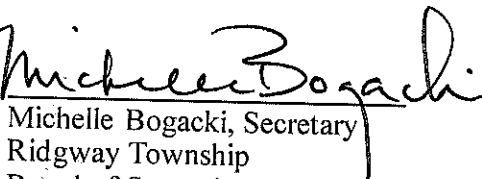


Carl Shilk, Vice-Chairperson



Milly Bowers, Supervisor

Attest:



Michelle Bogacki, Secretary
Ridgway Township
Board of Supervisors