

**TOWNSHIP OF MULLICA
COUNTY OF ATLANTIC
STATE OF NEW JERSEY**

ORDINANCE NO. 09-2026

**ORDINANCE OF THE TOWNSHIP OF MULLICA, COUNTY OF ATLANTIC, STATE
OF NEW JERSEY, ESTABLISHING A TEMPORARY SIX (6) MONTH
MORATORIUM ON THE APPROVAL, DEVELOPMENT, CONSTRUCTION,
EXPANSION, AND OPERATION OF DATA CENTERS WITHIN THE TOWNSHIP OF
MULLICA PENDING FURTHER STUDY, REVIEW, AND RECOMMENDATIONS BY
THE MULLICA TOWNSHIP PLANNING BOARD AND ENVIRONMENTAL
COMMISSION, AND AMENDING AND SUPPLEMENTING SECTION 144-9 OF THE
TOWNSHIP'S CODE.**

WHEREAS, the Township of Mullica's Master Plan emphasizes protection of the Township's character, agricultural lands, scenic landscapes, environmental resources, wildlife habitats, and historic and cultural heritage; and

WHEREAS, Data Centers by nature present an intense unique form of land use and development posing significant challenges relating to electricity consumption, noise, air quality, water use, community character, and long-term planning objectives; and

WHEREAS, the preliminary data cited by members of the New Jersey State Legislature has cautioned that large scale data centers can use as much three to five million gallons of water in a single day between liquid cooling and water consumed to generate the energy that powers them; and

WHEREAS, extreme volume of water usage impacts homes and businesses both within the host municipality and surrounding communities; and

WHEREAS, preliminary studies noted by the State Legislature also indicate that some data centers require three hundred megawatts of electricity which is roughly equivalent to the output of a small modular nuclear reactor; and

WHEREAS, in only the last year the majority of the state has already seen consumer energy costs increase more than 20% with additional increases expected within the next few months; and

WHEREAS, it is well established that overdevelopment, urbanization, and overuse of environmental resources impact subterranean aquifers and quality of drinking and other water resources and poses a substantial strain on community water resources; and

WHEREAS, the governing body is conscious of the hazards such as depletion of critical groundwater resources and the impact on the environmental and natural resources posed by the scope, depth, and pervasiveness of large-scale commercial data center operations; and

WHEREAS, municipal regulations designed for the preservation of the environment and the protection of ecological values are well recognized, legitimate and proper exercise of municipal authority; and

WHEREAS, the Township Committee is additionally concerned regarding potential impacts associated with:

1. Excessive energy consumption;

2. Water consumption and aquifer depletion;
3. Noise impacts from generators, cooling systems, and mechanical equipment;
4. Air emissions from backup generators and associated equipment;
5. Heat generation and thermal impacts;
6. Stormwater management and impervious coverage concerns;
7. Traffic and roadway impacts associated with construction and operation;
8. Impacts upon emergency services and public safety infrastructure;
9. Cybersecurity and critical infrastructure concerns;
10. Potential impacts upon cellular, wireless, and telecommunications systems;
11. Community character and land use compatibility;
12. Environmental and ecological impacts;
13. Sustainability and climate resiliency concerns; and
14. Consistency with the Township's Master Plan and long-term planning objectives; and

WHEREAS, the Township Committee of the Township of Mullica finds that the Township's existing Land Management Ordinance does not presently contain comprehensive regulations specifically governing data centers, including standards concerning location, size, intensity, utility consumption, buffering, environmental protections, infrastructure demands, or operational impacts; and

WHEREAS, the Township Committee has determined that a reasonable temporary moratorium is necessary to permit the Township to undertake a comprehensive study and review of the potential impacts associated with data center development and to formulate appropriate land use regulations and zoning controls; and

WHEREAS, the Township Committee desires to refer the issue of data center regulation and land use impacts to the Mullica Township Planning Board pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64, and to the Mullica Township Environmental Commission for environmental review and recommendations; and

WHEREAS, the Township Committee has determined that the Planning Board and Environmental Commission should evaluate and provide recommendations concerning:

- a. Electrical infrastructure impacts;
- b. Utility demand and grid capacity;
- c. Water consumption and aquifer impacts;
- d. Environmental sustainability concerns;
- e. Noise and air quality impacts;
- f. Stormwater and drainage impacts;
- g. Traffic and circulation impacts;
- h. Appropriate zoning districts, if any;
- i. Setback, buffering, landscaping, and screening requirements;
- j. Height and bulk standards;
- k. Emergency management and fire suppression concerns;
- l. Effects upon surrounding residential and commercial properties;
- m. Consistency with the Township Master Plan;
- n. Carbon emissions and climate resiliency concerns;
- o. Effects upon wetlands, Pinelands resources, and environmentally sensitive areas;
- p. Any additional planning, engineering, environmental, or public safety concerns deemed appropriate; and

WHEREAS, the Township Committee finds that a six (6) month moratorium is reasonable and necessary to permit adequate time for review, investigation, public input, professional consultation, and preparation of appropriate ordinances and land use regulations.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mullica, County of Atlantic, State of New Jersey as follows:

SECTION 1. Purpose. The purpose of this Ordinance is to establish a temporary six month moratorium on the acceptance, processing, review, approval, development, construction, expansion, and operation of data centers within the Township of Mullica pending further study and review by the Township Planning Board, Environmental Commission, and Township professionals.

Section 2. Section 144-9 entitled, “Definitions” of the Township of Mullica Code is hereby amended to state as follows:

- A. **DATA CENTER.** Data Center shall mean and include any facility used primarily for the storage, management, and processing of digital or electronic data, which houses computer and network systems including associated components such as servers, network equipment, and appliances, telecommunications and data storage systems, systems for monitoring and managing infrastructure performance, internet related equipment services, data communications, connections, environmental controls, fire protection systems, and security system services. Typical accessory components of Data Centers may include transformers, electrical substations, environmental controls, fire suppression, generators, redundant power supplies and security facilities.
- B. **COMPUTER CENTER.** A facility that houses individual computers and their associated components at which users convene in-person to engage in on-site use of on-site workstations in an office or laboratory setting for research and other endeavors of a business, professional, scientific, or academic in nature. The term “Computer Center” does not include “Data Centers” as defined in this chapter.

SECTION 3. A. For a period of six (6) months from the effective date of this Ordinance, no application shall be accepted, processed, reviewed, approved, or acted upon by the Township of Mullica, the Planning Board, Zoning Board of Adjustment, Construction Department, or any Township agency or official for:

- 1. The establishment, construction, development, or operation of any new data center;
- 2. The expansion or enlargement of any existing data center use; or
- 3. Any site plan, subdivision, zoning permit, construction permit, variance, conditional use approval, or other municipal approval associated with a data center use.

B. During the pendency of this moratorium, data centers shall be deemed prohibited uses in all zoning districts within the Township of Mullica.

SECTION 3. REFERRAL TO PLANNING BOARD AND ENVIRONMENTAL COMMISSION.

The Township Council hereby refers the issue of data center regulation, impacts, and land use considerations to:

A. The Township of Mullica Planning Board for review, investigation, public hearing, and recommendations concerning appropriate land use regulations, zoning standards, and Master Plan considerations. The Planning Board shall provide a report and recommendations to Township Committee Members within four (4) months from the final passage of the Ordinance; and

B. The Township of Mullica Environmental Commission for investigation and recommendations concerning environmental, sustainability, aquifer, wetlands, ecological, utility, and climate-related impacts. The Environmental Commission shall provide a report and recommendations to the Township Committee Members within four (4) months from the final passage of the Ordinance.

SECTION 4. The Township Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of the Ordinance to the Atlantic County Planning Board and to all other persons or entities thereto pursuant to N.J.S.A. 40:55D-15 including the Clerk of adjoining municipalities.

SECTION 5. After introduction, the Township Clerk is hereby directed to submit a copy of the Ordinance to the Township of Mullica Planning Board for its review and in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64.

SECTION 6. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 7. Severability.

Each section, subsection, paragraph, sentence, or clause and phrase of this Ordinance is declared to be an independent section subsection, sentence, clause, and phrase. If any portion of this Ordinance, or its application to any person or circumstance shall be adjudged or otherwise determined to be invalid, unconstitutional, preemptive, void, or ineffective for any clause or reason, such determination shall not affect the remaining provisions of this Ordinance and the application of such remaining provisions shall not be effected thereby and shall remain in full force and effect, and to this end, the provisions of this Ordinance are severable.

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed at a meeting of the Township Committee of the Township of Mullica, held on August 25, 2026. Ordinance #09-2026 will be further considered for final passage after public hearing at a meeting of said Township Committee to be held in the Mullica Township School, 500 Elwood Road, Elwood, New Jersey, on September 22, 2026 beginning at 7:00 P.M., at which time and place all persons interested will be given an opportunity to be heard concerning such ordinance. A copy of this Ordinance is available online and a copy shall be made immediately available at the Township Clerk's Office in the Township Municipal Building located at 4528 S. White Horse Pike, Elwood, New Jersey at no cost to those members of the general public requesting same.

Monica Newton,
Acting Municipal Clerk