BOROUGH OF HAMBURG

ORDINANCE 16-2026

AN ORDINANCE AMENDING CHAPTER 215 – ZONING ORDINANCE - OF THE GENERAL CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO PROHIBIT DATA CENTERS WITHIN ALL ZONES IN THE BOROUGH OF HAMBURG.

WHEREAS, Data Centers generate sufficient environmental, infrastructure, cooling equipment, emergency generators, fuel storage, and other energy usage impacts, including but not limited to, increased electrical demand, noise emissions, consumption of significant quantities of water and the potential for incompatibility with surrounding land uses; and

WHEREAS, the Mayor and Council find and determines that prohibiting data centers as a principal, accessory, conditional or permitted use within all zoning districts is necessary to ensure the orderly development of the Borough and to protect existing residential, commercial and other uses, and environmental resources.

NOW THEREFORE BE IT ORDAINED BY THE Mayor and Council of the Borough of Hamburg as follows:

1. Section 215-8 – Definitions- is amended to include the following definition:

DATA CENTER

A facility, building, structure , or other premises engaged in the storage, management and processing of data, including but not limited to artificial intelligence applications, digital data, cloud computing, cryptocurrency mining or blockchain computing ; the housing of computer and network systems, including associated components such as servers, network equipment and applications, telecommunications, and data storage communications and data storage systems, systems for monitoring and managing infrastructure performances; internet related equipment and services; data communications connections, environmental contracts; fire protection systems; generators, substations, utility infrastructure and secured systems and contracts. A facility shall not avoid classification as a data center because it is located in a building, structure or other premise also used for other purposes.

The term shall not include customary accessory information technology or service equipment incidental to a permitted principal use, including but not limited to schools, hospitals, government buildings, financial institutions or ordinary business operations.

The term shall not include telecommunications facilities, public utility infrastructure, cellular facilities, fiber-optic networks, central offices, switching station or similar communication infrastructure primarily engaged in providing telephone, cable, wireless, broadband or internet access service.

2. Article XXVI - Prohibited Uses - is amended to provide for new Section 215-152 entitled Data Centers

Data Centers as defined in Section 215-8 of the Borough Code are prohibited in all zoning districts within the Borough of Hamburg

3. In the event any provision of this Ordinance is determined to be invalid by a court of competent jurisdiction the rest and remainder shall remain in full force and effect.

4. This Ordinance shall take effect upon final passage and publication as provided by law.

CERTIFICATION

Notice is hereby given that the above Ordinance was introduced and passed on first reading at the meeting of the Mayor and Council of the Borough of Hamburg held on October 5, 2026 at 7:00 p.m., and will be considered for final passage at a regular meeting of said Mayor and Council to be held on November 2, 2026 at 7:00 p.m. or as soon thereafter as same can be considered, in the Municipal Building located at 16 Wallkill Avenue, Hamburg, New Jersey at which time and place all persons interested therein or affected thereby will be given the opportunity to be heard concerning the same. A copy of said Ordinance is on file in the Office of the Borough Clerk, Municipal Building located at 16 Wallkill Avenue, Hamburg, New Jersey and is available for public inspection and acquisition during regular business hours

Beth Martin
Acting Municipal Clerk

TAKE NOTICE that the above titled ordinance was introduced and passed on first reading at a regular meeting of the Mayor and Council of the Borough of Hamburg in the County of Sussex, held on October 5, 2026 and after posting and publication according to law, was again read and further considered for final adoption after a public hearing at the regular meeting of the Mayor and Council held on November 2, 2026 at which meeting said ordinance was adopted.

Beth Martin
Acting Municipal Clerk