

**TOWNSHIP OF STILLWATER  
COUNTY OF SUSSEX, NJ  
STATE OF NEW JERSEY**

**ORDINANCE 2026-10**

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 240 OF THE CODE OF THE TOWNSHIP OF STILLWATER, ENTITLED “LAND DEVELOPMENT”, MOST NOTABLY, SECTION 240-4, “DEFINITIONS” AND SECTION 240-104, “GENERAL REGULATIONS” TO INCLUDE AND DESIGNATE DATA CENTERS AS A NON-PERMITTED USE IN ALL ZONES WITHIN THE TOWNSHIP OF STILLWATER**

**WHEREAS**, the Township of Stillwater Master Plan emphasizes protection of the Township’s rural character, agricultural lands, scenic landscapes, environmental resources and historic and cultural heritage; and,

**WHEREAS**, data centers, by their very nature, present an intense and unique form of land use and development, posing significant challenges related to electricity consumption, noise, air quality, water use, community character and long-term planning objectives; and,

**WHEREAS**, preliminary data cited by members of the New Jersey State Legislature has cautioned that large-scale data centers can use as much as three (3) to five (5) million gallons of water in a single day between liquid cooling and water consumed to generate the energy that powers them; and,

**WHEREAS**, this extreme volume of water usage impacts homes and businesses both within the Township, as well as the surrounding communities; and,

**WHEREAS**, preliminary studies noted by the State Legislature have also indicated that some data centers require three hundred (300) MW of electricity, which is roughly equivalent to the output of a small modular nuclear reactor; and,

**WHEREAS**, aside from increases in taxes and governmental services across the board, last year alone, the majority of the State has already seen consumer energy costs increase more than twenty percent (20%), with additional increases expected; and,

**WHEREAS**, these high-tech data centers that are proliferating throughout the State consume large amounts of electrical power at a time when energy costs are increasing for ratepayers; and,

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

**WHEREAS**, the Township Committee is conscious of all of these hazards, such as, but not

limited to, 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 which are designed for the preservation of the environment and the protection of ecological values are a well-recognized, legitimate and proper exercise of municipal authority; and,

**WHEREAS**, the cutting and removal of trees has been found to cause and create increased soil erosion and dust, instability and deterioration in the value of surrounding property and other adverse environmental and geographical conditions; and,

**WHEREAS**, dramatic increases and changes in population and development caused by the impact of certain data center operations on residents, businesses, the environment and private and public property have imposed significant burdens on municipal resources and have created an increased need to balance the rights and interests of the residents and general public with that of the legitimate rights of property owners to conduct business without unreasonable regulation; and,

**WHEREAS**, in light of these significant changes in confluence with modern advancement in technology, scientific and environmental research that have allowed for a more accurate and comprehensive understanding of the hazards and dangers posed to surrounding property, environmental and natural resources, the general public and the proliferation and expansion of governmental regulation of the environment, safety and business in general, that have occurred since the enactment of the municipalities zoning and development regulations, the Mayor and Township Committee have determined it necessary and appropriate to amend and update its ordinances to adequately address data center uses in a manner that best reflects present needs and realities; and,

**WHEREAS**, the Mayor and Township Committee of the Township of Stillwater have determined that it is at this time necessary and appropriate and in the best interest of the health, safety and welfare of its residents and members of the public who visit, travel and/or conduct business in the Township, to amend the Township Code to include all manner of data centers land use and development as a non-permitted use within the geographic boundaries of the Township and to otherwise improve and strengthen the nature, scope, manner and effectiveness of such regulations;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Township Committee of the Township of Stillwater, in the County of Sussex, State of New Jersey as follows:

**Section 1.** Chapter 240, “Land Development”, Article II, “Interpretation; Definitions”, § 240-4, “Definitions” of the Township Code of the Township of Stillwater is hereby amended, revised and supplemented to add a new section/subsection as follows:

**DATA CENTER** shall mean any facility, building or portion thereof primarily used for the storage, management, processing, transmission, mining, retrieval and/or distribution of digital data or information through the use of computers, servers, network equipment, cloud computing

systems, artificial intelligence processing systems, cryptocurrency mining equipment, telecommunications equipment or similar high-density computing infrastructure.

The term shall include all accessory structures, equipment and other uses customarily associated therewith, including, but not limited to, electrical substations, transformers, backup generators, battery storage systems, cooling and ventilation equipment, fuel storage, utility infrastructure, security facilities and data communications equipment.

**Section 2.** Chapter 240, “Land Development”, Article XI, “Zoning”, § 240-104, “General Regulations” of the Township Code of the Township of Stillwater is hereby amended, revised and supplemented to add a new subsection § 240-104M, entitled “Prohibited Uses” as follows:

- (1) Data centers, as defined in § 240-4 of the Township Code, shall be prohibited in all zoning districts within the Township of Stillwater, as defined in the Township Code.
- (2) No building, structure, use, occupancy, redevelopment plan, site plan and/or land use approval shall be established, constructed, expanded, converted, occupied, operated and/or maintained for use as a data center.
- (3) The prohibition contained herein shall include principal uses, accessory uses, conditional uses, server farms, cloud computing centers, artificial intelligence processing facilities, cryptocurrency mining operations, warehouse-style data processing facilities and any other substantially similar use or facility.
- (4) No interpretation of any permitted commercial, industrial, warehouse, utility, telecommunications, research, or technology use shall be construed to permit a data center, unless expressly authorized by the Township Code.
- (5) Any use determined by the Township Zoning Officer and/or any other Township entity and/or official to meet the definition of a data center shall be prohibited unless and until specifically permitted by amendment to the Township Code.

**Section 3.** The Township Clerk is hereby directed to give notice at least ten (10) calendar days prior to a hearing on the adoption of this Ordinance to the Sussex County Planning Board and/or to all other persons and/or entities entitled thereto, pursuant to N.J.S.A. 40:55D-15, including to the Municipal Clerks of adjoining municipalities.

**Section 4.** After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Stillwater for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within thirty-five (35) calendar days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

**Section 5.** Repealer. All ordinances or parts of ordinances contrary to or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict or inconsistency only.

**Section 6.** Severability. Each section, subsection, paragraph, sentence, 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 circumstances, shall be adjudged or otherwise determined to be invalid, unconstitutional, preempted, void, or ineffective for any clause or reason by a Court of competent jurisdiction, such determination shall not affect the remaining provisions of this Ordinance, and the application of such remaining provisions shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this Ordinance are severable.

**Section 7.** Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

**Section 8.** Prior actions. All actions of the Township of Stillwater taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

**Section 9.** Codification. This Ordinance may be renumbered for codification purposes.

**I HEREBY CERTIFY** this to be a true and correct Ordinance of the Mayor and Township Committee of the Township of Stillwater, introduced on June 16, 2026 and will be further considered for adoption after Public Hearing held on July 21, 2026 at 7:00 P.M. in the Stillwater Township Municipal Building, 964 Stillwater Road, Newton, New Jersey 07860.

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Vera Rumsey, Mayor

ATTEST:

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Valerie Ingles, RMC, CMR  
Township Clerk

DATED: Introduced: June 16, 2026  
Adopted: July 21, 2026