TOWNSHIP OF MONTGOMERY
SOMERSET COUNTY, NEW JERSEY

ORDINANCE # 26-1779

AN ORDINANCE AMENDING SECTION 1, CHAPTER 16, LAND DEVELOPMENT, SUBSECTION 1.5, "PROHIBITING USES," PROHIBITING DATA CENTERS AND DETENTION CENTERS WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SUBSECTION 2.1 "DEFINITIONS" OF THE CODE OF THE TOWNSHIP OF MONTGOMERY, IN SOMERSET COUNTY, NEW JERSEY

WHEREAS, Montgomery Township is committed to protecting the health, safety, and general welfare of its residents; and

WHEREAS, the Township has reviewed the current zoning and land-use conditions within the municipality, including the potential impacts associated with the development and operation of data centers and detention facilities; and

WHEREAS, data centers may generate significant environmental, infrastructure, and energy-usage impacts, including but not limited to increased electrical demand, noise emissions from cooling equipment, consumption of significant quantities of water for cooling, and the potential for incompatibility with surrounding land uses; and

WHEREAS, detention facilities, including but not limited to immigration detention centers, private detention facilities, correctional facilities, or any facility used to detain individuals under federal, state, or private authority, may pose adverse impacts on surrounding communities, including public safety concerns, increased demand for emergency services, and potential environmental or economic burdens; and

WHEREAS, the Township Committee finds that prohibiting data centers and detention facilities as a permitted, accessory, or conditional use within all zoning districts is necessary to ensure the orderly development of the Township and to protect existing residential, commercial, and environmental resources; and

WHEREAS, the Township Committee desires to amend Chapter 16 of the Montgomery Township Code, titled "Land Development Ordinance," to reflect this policy determination; and

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Montgomery, in the County of Somerset, State of New Jersey, as follows: [additions in **bold underline**]

SECTION 1. Chapter 16, Land Development, Subsection 1.5 of the Code of the Township of Montgomery (1985) "Prohibited Uses", is amended to include the following:

"d. Data centers are specifically prohibited throughout Montgomery Township."

"e. Detention centers are specifically prohibited throughout Montgomery Township."

SECTION 2. Chapter 16, Land Development, Subsection 16-2.1 of the Code of the Township of Montgomery (1984) "Definitions" is amended by the addition of a new definition to read as follows:

“DATA CENTER” means a facility: (1) whose primary services are the storage, management, and processing of digital data; and (2) that is used to house 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 and services, data communications connections, environmental controls, fire protection systems, and security systems and services.

DETENTION CENTER as commonly known, is a building and/ or specialized facility established and maintained by a private or government entities for the purpose of confining and holding individuals who have been detained or are being transferred to or from a court, jail, prison and/or individuals seeking asylum, refugees and undocumented immigrants waiting for decisions regarding their immigration status or potential deportation.

SECTION 3. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Montgomery, inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5. This Ordinance shall take effect upon its passage and publication and filing with the Somerset County Planning Board, and as otherwise provided for by law.

DATE ADOPTED: June 18, 2026

ATTEST:

TOWNSHIP OF MONTGOMERY
COUNTY OF SOMERSET

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Lisa Fania, RMC
Township Clerk

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Neena Singh
Mayor