

**BOROUGH OF WEST READING
BERKS COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2026-14

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH
OF WEST READING, BERKS COUNTY, PENNSYLVANIA,
PURSUANT TO SECTION 609.2 OF THE PENNSYLVANIA
MUNICIPALITIES PLANNING CODE, DECLARING THE
BOROUGH OF WEST READING ZONING ORDINANCE
SUBSTANTIVELY INVALID SOLELY WITH RESPECT TO
ITS FAILURE TO ADDRESS DATA CENTERS AS A USE
WITHIN THE BOROUGH; PROPOSING THE
PREPERATION OF A MUNICIPAL CURATIVE
AMENDMENT; AND DIRECTING RELATED ACTIONS**

WHEREAS, The Borough of West Reading, Berks County, Pennsylvania (the “Borough”) is a borough duly incorporated and existing under the laws of the Commonwealth of Pennsylvania, with authority to enact and amend zoning ordinances pursuant to Article VI of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended (“MPC”), 53 P.S. §§ 10601 *et seq.*, and pursuant to the Borough Code, Act of February 1, 1966, P.L. 1156, No. 581, as amended, 8 P.S. §§ 101 *et seq.*;

WHEREAS, The Borough has adopted a Zoning Ordinance in the Borough of West Reading Code of Borough Ordinances, as Chapter 445, entitled, “Zoning”, as amended from time to time (the “Zoning Ordinance”), which governs the use and development of land within the Borough;

WHEREAS, The Board has determined, upon advice of the Borough Solicitor and Borough’s professional staff, that the Borough of West Reading Zoning Ordinance fails to address

data centers as a use category, whether as a permitted use, conditional use, use by special exception, or prohibited use, in any zoning district within the Borough;

WHEREAS, The Board has determined that the prompt initiation of Section 609.2 of the MPC's procedure and expeditious drafting of the curative amendment are in the best interests of the Borough in order to minimize any period of legal uncertainty arising from this declaration.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of West Reading, Berks County, Pennsylvania, as follows:

Section 1. Declaration of Partial Invalidity. Pursuant to Section 609.2 of the MPC, 53 P.S. § 10609.2, the Borough Council of the Borough of West Reading hereby formally declares that the Borough of West Reading Zoning Ordinance, as currently adopted and amended, is **substantively invalid solely with respect to its failure to address data centers as a use category** in any zoning district within the Borough. The Board finds that this omission constitutes a substantive invalidity within the meaning of the MPC because the Zoning Ordinance makes no provision for data center facilities anywhere within the Borough.

Section 2. Proposal of Resolution. The West Reading Borough Council does hereby direct and authorize the West Reading Borough Zoning Officer, Borough Manager, Borough Solicitor, Borough Engineer, and such other consultants as the Borough may provide, to begin preparing a resolution for consideration of the Borough Council within thirty (30) days following the date of this Resolution. Such resolution shall include specific findings setting forth the declared invalidity of the Zoning Ordinance as required by Section 609.2 of the MPC, 53 P.S. § 10609.2.

Section 3. Proposal of Curative Amendment. Pursuant to MPC § 609.2(1), the Borough Council hereby proposes to prepare and enact a curative amendment to the Borough of West

Reading Zoning Ordinance (the “Curative Amendment”) within One Hundred Eighty (180) days of the date hereof to cure the invalidity declared in Section 1 of this Resolution.

Section 4. Validity of Zoning Ordinance in All Other Respects. Except as expressly stated in Section 1 of this Resolution, the Borough Council hereby reaffirms and declares that the Borough of West Reading Zoning Ordinance is **valid, binding, and in full force and effect** in all other provisions and respects.

Section 5. Severability. If any provision of this Resolution or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this Resolution that can be given effect without the invalid provision or application.

Section 6. Effective Date. This Resolution shall take effect immediately upon its adoption by the Borough Council.

[Signatures on the following page.]

DULY ORDINATED AND ADOPTED by the Borough Council of the Borough of West Reading, Berks County, Pennsylvania, at a duly advertised public meeting held on the 23rd day of June, 2026, by the following vote:

AYES: 5; NAYS: 0; ABSENT/ABSTAINING: 2

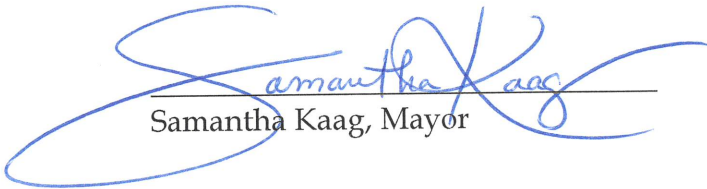
**BOROUGH COUNCIL OF
BOROUGH OF WEST READING**



Ryan Lineaweaver, Council President

Attest: Cynthia Madeira
Cynthia Madeira, Secretary

Approved as a Resolution of the Borough
Council of the Borough of West Reading



Samantha Kaag, Mayor

Date: 6/23/2026

MUNICIPAL CERTIFICATION

I, Cynthia Madeira, the Secretary of the Borough of West Reading, certify that this is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of West Reading, Berks County, Pennsylvania on 23rd day of June, 2026.

Cynthia Madeira
Cynthia Madeira, Borough Secretary