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For immediate release:

Bayonne City Council Introduces Ordinance to Prohibit Data Centers in Bayonne

At its meeting on July 22nd, the Bayonne City Council introduced an ordinance that would prohibit data centers “in every zoning district within the City of Bayonne.” The proposed ordinance declares that “the City Council has determined that in the interest of health, safety, and welfare of the residents of the City of Bayonne, it is appropriate at this time to amend the City Code to include data centers as a non-permitted use within the geographic boundaries of the City of Bayonne.”

Mayor Sharon Nadrowski said, “In my inaugural address, I promised that an ordinance would be introduced to prohibit new data centers in Bayonne. The City Council and I have lived up to that promise. We are listening to the people. I would like to thank the Council for voting to introduce the ordinance on July 22nd.”

City Council President Melissa Godesky-Rodriguez said, “The voices of Bayonne residents helped shape this decision. Throughout our campaign, we consistently heard that our community wants responsible growth that protects our neighborhoods, preserves our quality of life, and puts residents first. We heard those concerns loud and clear.”

“This ordinance reflects our commitment to putting Bayonne first,” the Council President continued. “As our city continues to grow, we have a responsibility to ensure that redevelopment aligns with the needs of our residents, protects our community, and supports a strong, sustainable future. Every decision we make should be guided by one

simple question: Is it in the best interest of the people of Bayonne? We believe this ordinance is.”

The language of the introduced ordinance cites several reasons behind the proposed ban on their development in Bayonne. The wording includes concerns about data centers’ causing “substantial electrical demand, extensive cooling systems, redundant utility infrastructure, emergency power generation, battery energy storage systems, telecommunications infrastructure and mechanical equipment that distinguish them from ordinary office, commercial, manufacturing, warehouse, research, or institutional uses.” Said ordinance also states that data centers “offer comparatively limited permanent employment relative to their land consumption and infrastructure demands.” The document makes the case that data centers pose “development challenges related to electricity consumption, noise, air quality, water use, and community character.”

The proposed ordinance includes seven paragraphs that deal with the definition of “data center.” The core of the definition provided is that “data center shall mean any building, structure, facility, campus, or portion thereof, the principal use of which is the housing, operation, storage, management, processing, transmission, routing, hosting, distribution, maintenance, security, or exchange of digital or electronic data through computer servers, server racks, networking equipment, telecommunications equipment, electronic data storage systems, cloud computing infrastructure, artificial intelligence infrastructure, or other high-density digital information technology infrastructure, regardless of the terminology, trade name, ownership structure, or business model used to describe the facility.” The seventh paragraph concludes by saying “this definition shall be liberally

construed to include facilities whose principal purpose is the operation of large-scale digital infrastructure, regardless of the name or description used by the owner, operator, tenant, or applicant.”

The language of the introduced ordinance makes clear that it will apply “prospectively and shall not affect any development approval, permit, or authorization that has become final and vested under applicable law prior to the effective date of this Ordinance.” The proposed ordinance explains that “nothing contained herein shall be construed to create, recognize, or expand any vested right, development right, or nonconforming use where none otherwise exists under Municipal Land Use Law or other applicable law.” The draft ordinance says that “except as otherwise required by applicable law,” that “no application for development, zoning permit, construction permit, certificate of occupancy, variance, conditional use approval, or other land use approval submitted after the effective date of this ordinance shall authorize the establishment, construction, expansion, or operation of a Data Center.”

The introduced ordinance will be reviewed by the Planning Board at the Board’s next meeting on Tuesday, August 11th. The City Council will hold a public hearing on the proposed ordinance, before considering its final adoption, at its next meeting on Wednesday, August 12th, at 6:00 p.m., in the Dorothy Harrington Council Chambers, at 630 Avenue C.