

ORDINANCE 2025.10.07.2

AN ORDINANCE TO AMEND THE CODE OF PIERCE COUNTY, GEORGIA, AS AMENDED, FOR THE PURPOSE OF SETTING STANDARDS FOR SOLAR ENERGY SYSTEMS, BATTERY ENERGY STORAGE SYSTEMS, AND FOR OTHER PURPOSES.

WHEREAS, the Pierce County Board of Commissioners exercises the powers, duties, and responsibilities vested in such governing authority through local Acts and Georgia law; and

WHEREAS, Article IX, Section 2, Paragraph 1 of the Georgia Constitution provides counties the authority to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which is not inconsistent with this Constitution or any local law applicable thereto;

WHEREAS, the Pierce County Board of Commissioners desires to amend Pierce County's ordinances to set regulations, standards, and permissible uses related to solar farms and BESS facilities; and

WHEREAS, the Pierce County Board of Commissioners has determined that it is in the best interests of the citizens of Pierce County to amend Pierce County's ordinances to set regulations, standards, and permissible uses related to solar farms and BESS facilities.

NOW, THEREFORE BE IT ORDAINED by the Pierce County Board of Commissioners as follows:

SECTION 1: All ordinances or local regulations governing solar energy systems or solar farms or BESS facilities in Pierce County, Georgia are hereby repealed.

SECTION 2: Chapter 24 –73 UTILITIES is amended by adding Article IV – SOLAR ENERGY DEVELOPMENTS.

SECTION 3: Sec. 24-73 is adopted within Article IV of Chapter 24 of the Code of Pierce County, Georgia as follows:

Sec. 24-73. Solar Farms/ BESS Facilities

(a) Purpose

To provide definitions relating to Solar Energy and BESS Systems and standards to guide the development of Solar Energy and BESS Systems in order to protect the public health, safety and welfare and avoid significant impacts on resources and adjacent uses.

It is the intent of Pierce County to:

- (1) Provide for the use of existing buildings for the placement of Solar Energy Systems;

- (2) Provide for the location of solar energy production and BESS facilities, to the extent possible, in areas where any potential adverse impacts on the community will be minimized;
- (3) Provide for the utilization of established public infrastructure for the development of Solar Energy or BESS Systems and solar energy production facilities.

(b) Definitions

- (1) “Administrative Approval” shall mean final approval by the County’s Zoning Administrator and Planning Director or any other County designee for such purpose is authorized to grant after administrative review.
- (2) “Administrative Review” shall mean evaluation of an application by the County’s Zoning Administrator and Planning Director or any other County designee for such purpose. This process is not subject to a public hearing or approval by the Board of Commissioners.
- (3) “Application” shall mean a development plan that satisfies the requirements of this ordinance and a decommission plan. It shall not include financial assurances. For Applications for Category 4 Solar Farms, in addition to any other fees or costs associated with the Application, the applicant shall be required to pay \$5,000.00 to defray any cost associated with an engineering review of the applicant’s plans and any other associated professional cost.
- (4) “Battery Energy Storage System(BESS)” shall mean a type of energy storage system that uses batteries to store and distribute energy in the form of electricity.
- (5) “Building-Integrated Solar Energy System” shall mean a Solar Energy System that is built into, rather than installed onto, a structure.
- (6) “Building-Mounted Solar Energy System” shall mean a Solar Energy System that is added onto an existing structure, with Solar Panels typically located on the roof. Roof-mounted Solar Energy Systems fall within this category.
- (7) “Category 2 Ground-Mounted Solar Energy System” shall mean a Solar Energy System that is installed on the ground and is not attached or affixed to any structure, where the footprint of the system is less than ¼ acres.
- (8) “Category 3 Ground-Mounted Solar Energy System” shall mean a Solar Energy System that is installed on the ground and is not attached or affixed to any structure, where the footprint of the system is greater than or equal to ¼ acres but less than or equal to 7 acres. No Category 3 Ground-Mounted Solar Energy System shall be constructed within 10,000 linear feet of another Category 3 Ground-Mounted Solar Energy System or a Category 4 Solar Farm

- (9) “Contractor” shall mean the contractor or any sub-contractor to perform any construction services for a Solar Energy System.
- (10) “International Building Code” (IBC) shall mean the model building code developed by the International Code Council, as amended. It has been adopted for use as a base code standard by most jurisdictions in the United States.
- (11) “International Residential Code” (IRC) shall mean part of the International Building Code (IBC), as amended. The IRC sets buildings standards for residential structures.
- (12) “Landowner” shall mean the owner of the property that contains a Solar Energy System.
- (13) “Mechanical Equipment” shall mean all items that are directly related to construction and operation of a Solar Energy System or facility including, but not limited to, onsite transmission lines, pumps, batteries, inverters, mounting brackets, framing, foundations or other structures, etc.
- (14) “National Electric Code” (NEC) shall mean a regionally adoptable standard for the safe installation of electrical wiring and equipment. It is developed by the National Fire Protection Association and is typically adopted by states and municipalities, sometimes with amendments, in an effort to standardize their enforcement of safe electrical practices.
- (15) “Owner” shall mean the developer of the Solar Energy System and/or the landowner of the associated property. If the landowner of the property and the developer of the Solar Energy Facility is the same individual, said individual is referred to as Owner. If the landowner of the property is different from the developer of the Solar Energy Facility, Owner shall refer to the developer.
- (16) “Power Grid” shall mean a interconnected network for delivering electricity from producers to consumers. In a power grid, generating stations produce electric power, which is then sent through a substation in order to adjust the voltage. The power is then sent from the substation to high-voltage transmission lines. From there, distribution lines provide power to individual consumers. In some cases, customers can receive a payment or credit for surplus electricity that is generated by their Solar Energy System and fed into the grid.
- (17) “Setback” shall mean the area between the boundary of a land parcel and the part of the land parcel in which any aspect of the solar project may be constructed, as specified in the applicable local government regulations.
- (18) “Solar Energy” shall mean radiant energy (i.e., light) received from the sun that can be collected by Solar Panels and converted into electricity in a Solar Energy System or solar energy production facility.

- (19) “Solar Energy Production Facility,” also known as “Category 4 Solar Farm,” shall mean a ground-mounted Solar Energy System, where the footprint of the system is greater than 7 acres. These are generally utility-scale facilities for the collection and distribution of solar energy. These facilities will generally be engineered to produce in excess of one (1) megawatt. These facilities are typically connected to the local utility power grid in order to supply electricity to the grid and power multiple properties. No Category 4 Solar Farm shall be constructed within 10,000 linear feet of a Category 3 Ground-Mounted Solar Energy System or another Category 4 Solar Farm.
- (20) “Solar Energy System” shall mean a system for converting solar energy into electricity, typically for on-site consumption. The total area of all Ground-Mounted Solar Energy Systems (Category 2, Category 3, and Category 4 Solar Farms) in the unincorporated area of Pierce County shall not exceed 2% of the entire geographical area of the unincorporated area of Pierce County. No Ground-Mounted Solar Energy System that causes the total area of Ground-Mounted Solar Energy Systems to exceed 2% of the total geographical area of unincorporated Pierce County shall be approved or permitted by the County.
- (21) “Solar Panel” shall mean a device for the direct conversion of sunlight into electric power.

(c) Applicability

- (1) This ordinance shall apply to all Solar Energy and BESS Systems installed, constructed, or modified or expanded in such a way that the footprint or height of the system is increased, after the effective date of this ordinance.
- (2) Every component of a Solar Energy and BESS System and all Mechanical Equipment shall be screened (in accordance with the requirements in subsection (h)(2)) from any public road, school, church, or residential use. When no component of a Solar Energy or BESS System or no Mechanical Equipment can be seen from a public road, school, church, or residential use at the time of construction, the fencing and buffer requirements do not apply to that area. However, where developmental conditions outside of the property containing a Solar Energy System are changed anytime during the life of the Solar Energy or BESS System so that the Solar Energy or BESS System becomes visible from a public road, school, church, or residential use, the fencing and buffer requirements apply.

For example, if property adjacent to a Category 4 Solar Farm is undeveloped so that the Category 4 Solar Farm is not visible from a public road, school, church, or residential use, then the fencing and buffer requirements of this ordinance do not apply. However, if the adjacent undeveloped property is developed into a residential neighborhood during the life of the Category 4 Solar Farm so that it is visible from the residential properties, fencing and a buffer shall be installed.

- (3) Solar Energy and BESS Systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance.
- (4) All Solar Energy and BESS Systems shall be designed, erected, and installed in accordance with all applicable local, state, utility, and national codes, regulations, and standards.

(d) General Requirements

- (1) Solar Energy and BESS Systems may not be connected to any electric utility grid without the approval of the applicable electric utility. Off-grid Solar Energy Systems shall be exempt from this requirement.
- (2) If solar storage batteries are included as part of the Solar Energy System, they must be installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with all local, state, and federal laws and regulations.
- (3) Prior to operation, electrical connections must be inspected by an appropriate electrical inspection person or agency, as determined by the local government.
- (4) Unless otherwise specified through a contract or agreement, Owner will be the responsible party for owning and maintaining the Solar Energy or BESS System. Decommissioning will be the responsibility of Owner unless otherwise specified.
- (5) Prior to construction of any Solar Energy or BESS System except for Building-Integrated or Building-Mounted, Owner shall be required to submit a decommissioning plan and purchase a decommissioning bond to cover the cost of decommissioning said system, as required by paragraphs (j) and (k) below.
- (6) The design of a Solar Energy or BESS System shall conform to applicable local, state, and national solar codes and standards, and to all local government regulations. All design and installation work shall comply with all applicable provisions in the National Electric Code (NEC), the International Residential Code (IRC), International Commercial Building Code, State Fire Code, and any additional requirements set forth by the local utility (for grid-connected solar energy production facilities) or by state or local government.
- (7) Prior to construction of Solar Energy or BESS System, Owner shall provide proof of Financial Assurances required in subsection (k) and secure a building permit from the County's zoning and code enforcement officer or any other County designee for such purpose, subject to the Administrative Review and Administrative Approval of the Application.
- (8) All onsite power lines and interconnections shall be placed underground, to the greatest extent possible.

- (9) An Owner of a Solar Energy or BESS System connected to the utility grid shall provide evidence from the applicable electrical utility acknowledging the solar energy production or BESS facility will be interconnected to the utility grid in order to sell electricity to the utility.
- (10) Solar Energy and BESS Systems shall be compliant with the laws and regulations of Georgia's Environmental Protection Division, including any floodway or unmitigated wetlands requirements. Additionally, all solar energy production and BESS facilities shall comply with the all-flood requirements of the Code of Pierce County, Georgia.
- (11) The height of ground-mounted collectors and mounts shall not exceed fifteen (15) feet in height. Other components of Solar Energy Systems are not exempt from height requirements.
- (12) All Solar Energy and BESS Systems shall comply with the laws, rules, and/or regulations of the Federal Aviation Administration. Any review from the Federal Aviation Administration shall indicate that the proposed facility shall not interfere with the normal operation of aircrafts in the area.
- (13) The area of every component of a Solar Energy System in the aggregate shall not exceed the ground floor area of the principal building for residential uses or commercial uses. Areas zoned for agriculture or manufacturing are exempt from this requirement, but must meet the other requirements of this ordinance. Solar canopies covering permanent parking are exempt from this section but must meet any applicable Setback requirements.
- (14) The noise emanating from a Category 2 Ground-Mounted Solar Energy System or a Category 3 Ground-Mounted Solar Energy System shall not exceed thirty (30) decibels (dBA) as measured from any property line. The noise emanating from a Category 4 Solar Farm shall not exceed forty (40) decibels (dBA) measured from any property line.
- (15) The exterior lighting of a Solar Energy or BESS System shall be limited to the minimum necessary, supplied with downward facing lighting, not directed toward a public road, church, school, or residential use. The light from any illuminated source shall be designed so that the light intensity or brightness at a distance of twenty (20) feet from the property line shall not exceed one (1) foot candle.

(e) Building-Integrated Solar Energy Systems and Building-Mounted Solar Energy Systems.

- (1) Building-Integrated Solar Energy Systems and Building-Mounted Solar Energy Systems shall comply with the National Electric Code and Owners of these systems shall obtain a building permit prior to commencing construction or installation of the system.

- (2) Building-Integrated Solar Energy Systems and Building-Mounted Solar Energy Systems are not subject to the other requirements of the other types of Solar Energy Systems under this ordinance, including the decommissioning plan requirement and the engineering plan requirement.

(f) Category 2 Ground-Mounted Solar Energy Systems.

- (1) Category 2 Ground-Mounted Solar Energy Systems shall have an 8-foot tall privacy fence completely obscuring the vision of every component of the Solar Energy System.
- (2) Category 2 Ground-Mounted Solar Energy Systems shall comply with the National Electric Code and the Owners of these systems shall obtain a building permit prior to construction or installation of the system.
- (3) Owners of Category 2 Ground-Mounted Solar Energy Systems are subject to the decommissioning plan requirements referenced in paragraphs (i) and (j) below.
- (4) Category 2 Ground-Mounted Solar Energy Systems are not subject to the other requirements of Category 3 Ground-Mounted Solar Energy Systems or Category 4 Solar Farms under this ordinance.

(g) Category 3 Ground-Mounted Solar Energy Systems.

- (1) Category 3 Ground-Mounted Solar Energy Systems shall have a minimum Setback of 20 (feet) from all external boundaries of the parcel.
- (2) Category 3 Ground-Mounted Solar Energy Systems shall have an 8-foot tall privacy fence completely obscuring the vision of every component of the Solar Energy System.
- (3) Category 3 Ground-Mounted Solar Energy Systems shall comply with the National Electric Code and the Owners of these systems shall obtain a building permit prior to construction or installation of the system.
- (4) Owners of Category 3 Ground-Mounted Solar Energy Systems are subject to the decommissioning plan and financial assurance requirements referenced in paragraphs (i), (j) and (k) below.
- (5) Category 3 Ground-Mounted Solar Energy Systems are not subject to the other requirements of Category 4 Solar Farms under this ordinance.
- (6) The setback requirements in this subsection (h)(1), except the setback requirements from public roadways, may be waived by the adjacent property owner (the owner of the property next to the proposed Category 4 Solar Farm) in writing and provided to the County.

(h) Solar Energy Production Facilities, also known as Category 4 Solar Farms.

(1) Setback Requirements

- (A) Properties containing a Category 4 Solar Farm shall have a minimum Setback of seventy-five (75) feet from all property lines and/or public roadways.
- (B) A Category 4 Solar Farm shall have a minimum Setback of one-hundred and fifty (150) feet from any primary residential, church, or school structure present at the time of the application. This setback criteria would not apply to secondary structures such as barns, garages, gymnasiums, or outbuildings.
- (C) The minimum Setback requirements above shall apply to any equipment related to the Category 4 Solar Farm, including, but not limited to, Solar Panels, upright structures, pumps, batteries, inverters, mounting brackets, framing, foundations, and other structures. However, the minimum Setbacks do not apply to any transmission lines necessary to transport the generated electricity off the property, the fencing required in paragraph (h)(3) below, and the buffering required in paragraph (h)(2) below.

(2) Buffer Requirements

- (A) Properties containing a Category 4 Solar Farm shall be buffered as follows:
 - (i) Existing on-site mature vegetation at least ten (10) feet high and sufficiently opaque to obscure and mask the Category 4 Solar Farm; or
 - (ii) Additional mature evergreens and vegetation installed at a height of at least six (6) feet sufficiently opaque to obscure and mask the Category 4 Solar Farm; and
 - (iii) Other ornamental shrubs or plants which enhance the aesthetic nature of the buffer.
- (B) Regardless of the minimum requirements outlined herein, the height and opaqueness of the buffer shall be designed to obscure and mask the Category 4 Solar Farm, taking into consideration the height variations of Solar Panels relative to the ground.
- (C) The vegetative buffer shall be installed prior to the commencement of the construction of the Category 4 Solar Farm, except that it may be installed following the initial grading of the property, any stormwater runoff installation, and/or fence installation.

- (D) The vegetative buffer must be located between the property line and the fencing required in paragraph (h)(3) below.
 - (E) Any vegetative buffer must be maintained, including keeping vegetation healthy, neat and orderly in appearance, and free of litter and debris.
 - (F) As part of the Application, Owner shall submit a landscape architectural design which includes vegetation suitable for the climate and soil conditions and which otherwise accomplishes to objectives of this paragraph (h)(4) below.
- (3) Fencing. Properties containing a Category 4 Solar Farm may be enclosed by a solid, chain-link or wildlife permeable fence to provide for the protection of property and the safety of individuals purposefully or accidentally encroaching upon the property, located fifty (50) feet from the property line and otherwise in compliance with this ordinance.
 - (4) Soil Stability, Erosion, and Stormwater Runoff. Before issuing a Building Permits final approval by the County, Owner must submit an engineering plan for overall project development and construction which ensures that the project shall not produce, create, or exacerbate soil/sediment erosion or instability on the subject property or any adjacent property; both during the construction phase of the property and throughout the life of the Category 4 Solar Farm. The engineering plan shall utilize best management practices as identified by the Georgia Department of Environmental Protection and shall comply with the most recent State of Georgia Soil and Erosion regulations.

(i) Battery Energy Storage Systems (BESS)

(1) Setback requirements

- (A) Each BESS storage container shall be set back at least 1,000 feet from any residential structure. The distance shall be measured from the closest corner of the residential structure to the closest corner of the commercial cryptocurrency mining or data mining structure in a straight line, or colloquially known as, “as the crow flies”.

(2) Buffer requirements

- (A) A fence of at least six feet high shall be required around the site. The fence shall be constructed of a solid material or barrier. If constructed of another material, fence shall block vision.
- (B) Facility must meet the noise requirements of the Cryptocurrency Ordinance, sections 4.2-4.6.

(D) Soil Stability, Erosion, and Stormwater Runoff. Before issuing a Building Permits final approval by the County, Owner must submit an engineering plan for overall project development and construction which ensures that the project shall not produce, create, or exacerbate soil/sediment erosion or instability on the subject property or any adjacent property; both during the construction phase of the property and throughout the life of the Category 4 Solar Farm. The engineering plan shall utilize best management practices as identified by the Georgia Department of Environmental Protection and shall comply with the most recent State of Georgia Soil and Erosion regulations.

(j) Decommissioning Requirements.

- (1) Before construction of a Solar Energy or BESS System, Owner shall provide a decommission plan as outlined in paragraph (j)(3) below.
- (2) Unless otherwise amended and approved by the County, the plan required in paragraph (i)(1) above shall be adhered to.
- (3) Upon intentional cessation of solar operation (for over twelve months), Owner is required to notify the County promptly, but in no case later than three (3) business days after the cessation.
- (4) Any Solar Energy or BESS System that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned and the party identified in paragraph (j)(3)(A) below shall be required to decommission the site.
- (5) At the County's discretion, paragraph (f)(3) may be temporarily waived in writing, should substantial evidence be provided to the County of the intent to maintain and reinstate the operation of the solar energy facility.

(k) County Approval, Building Permit, Decommissioning Plan.

- (1) As required by paragraph (b)(2) above, Owner shall obtain Administrative Approval before initiating the construction of a Solar Energy System.
- (2) Owner shall submit the Application to the County's zoning and code enforcement officer or any other County designee for such purpose.
- (3) Prior to the issuance of the building permit, a decommissioning plan shall be submitted by Owner and Owner must obtain Administrative Approval of the decommissioning plan, which shall thereafter be recorded with the County Clerk. The following items are required to be addressed within the decommissioning plan:

(A) Identification of the party currently responsible for decommissioning of the facility;

- (B) A plan to remove Solar Panels, buildings, cabling, electrical components, roads, and any other associated facilities;
 - (C) Record of the type of Solar Panels and material specifications being utilized at the site; and
 - (D) Estimated costs of decommissioning the facility from a third party engineer (salvage and resale proceeds shall be included in the cost estimate).
- (4) Every five (5) years and upon every change in ownership of Owner, the decommissioning plan and estimated costs shall be updated and Owner shall obtain Administrative Approval.
 - (5) Landowner and Owner shall sign and acknowledge the decommissioning plan.

(I) Financial Assurance

- (1) Prior to construction of a Solar Energy or BESS System, Owner shall provide financial assurances to ensure that funds are available for decommissioning. Owner must meet this responsibility by purchasing a bond for 125% of the expected cost of decommissioning, inclusive of salvage value, as required by paragraph (j)(3)(D).
- (2) At the time of the submittal of the Application, Owner shall provide a timeline of proposed dates for each financial assurance that complies with this ordinance. If at any time prior to the completion of the solar project, if any financial assurance requirements herein are not met, then the County has the authority to revoke the Building Permit and serve a cease and desist letter related to the solar project on Owner regardless of the stage or status of the project.
- (3) Prior to construction, Owner shall provide financial assurances to ensure that funds are available to cover the costs of possible remediation and repair of soil erosion, soil instability, stormwater runoff system failures, vegetative buffers, and soil stability measures, fencing damage, or failure of any other mechanical, electrical, operational, or maintenance problems which may arise during the life of the Solar Energy or BESS System. Owner must meet this responsibility by purchasing a performance bond in an amount sufficient to cover these costs, as agreed to by the County's Zoning Administrator and Planning Director or any other County designee for such purpose.
- (4) Prior to construction, Owner shall obtain liability insurance coverage at an amount of at least \$1,000,000.00 to cover or protect third persons from any injury to person or property as a result of the development, construction, maintenance, operation, or decommission of the Solar Energy or BESS System.

- (5) The financial assurance shall ensure decommissioning even if Owner becomes insolvent or ceases to reside, be incorporated, do business, or maintain assets in Georgia.

(m) Damages to County Roads, Bridges, or Infrastructure. If Owner or Contractor damages any County road, bridge, or infrastructure in connection with the construction, maintenance, or decommissioning of any part or aspect of the solar project, said party shall be responsible for the repair or replacement of said County property as determined by the nature and extent of said damage. In the event said damage occurs, the County shall evaluate said damage and determine those remedial measures that will make the County whole. The County shall notify the responsible party of its responsibility to remediate any such issue. The notice demanding remediation shall designate the nature and extent of said damage and the expected manner and method of the responsible party to adequately remediate the same. The responsible party shall have thirty (30) days to complete the necessary repairs or replacements, unless otherwise agreed upon in writing by the party and the County. If said repair or replacement is not completed within the prescribed time, the County may repair or remediate said damage(s) and the responsible party shall be liable for all costs associated therewith.

(n) Penalties. Any person violating this section, or any provision upon conviction, shall be punished as follows: by a fine of not less than \$25.00 but not more than \$500.00 per day for each day the violation exists or imprisonment in the Pierce County Jail for up to 60 days or both.

(o) Variances. In cases of undue hardship under this section, any landowner (or Owner with the landowner's express written authorization) may petition the planning commission for a variance. All variance requests will require a public hearing in the same manner as a zoning amendment.

SECTION 4: The sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance is declared illegal or void by the valid judgment or decree of any court of competent jurisdiction, such declaration shall not affect any of the remaining phrases, clauses, paragraphs, and sections of this ordinance.

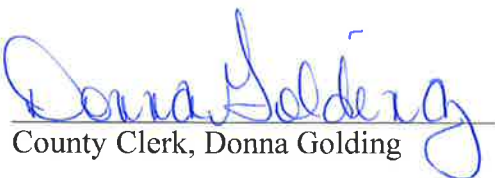
SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: This ordinance shall be effective immediately upon its adoption by the Pierce County Board of Commissioners.

SO ORDAINED this 7th day of October, 2025.

PIERCE COUNTY, GEORGIA

By: 
Chairman, Neal Bennett

Attest: 
County Clerk, Donna Golding



