

STATE OF GEORGIA COUNTY OF POLK

RESOLUTION NO. 2026-180



AN ORDINANCE OF THE GOVERNING AUTHORITY OF POLK COUNTY, IN THE STATE OF GEORGIA; AMENDING THE CODE OF POLK COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY PART TWO, SUBPART A, ADDING A CHAPTER 33 – DATA CENTERS, TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE FOR THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, THE POLK COUNTY BOARD OF COMMISSIONERS BELIEVES IN BEING PROACTIVE AND PROVIDING FOR SPECIFIC ORDINANCE LANGUAGE PERTAINING TO DATA CENTERS IN ORDER TO EFFECTIVELY GOVERN THESE TYPE OF DEVELOPMENTS, AND

WHEREAS, MANY COUNTIES HAVE BEEN PLACING MORATORIUMS ON DATA CENTERS DUE TO NOT HAVING ORDINANCES IN PLACE TO REGULATE THE DEVELOPMENT OF DATA CENTERS, AND

WHEREAS, THE POLK COUNTY BOARD OF COMMISSIONERS IS CREATING A CHAPTER TO GOVERN DATA CENTERS, SO

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF POLK COUNTY AND IT IS HEREBY ORDAINED:

**SECTION 1.** THE CODE OF POLK COUNTY, GEORGIA, AS AMENDED, IS HEREBY FURTHER AMENDED BY AMENDING PART II, SUBPART A, CHAPTER 33 – DATA CENTERS, TO READ AS FOLLOWS:

**PART II CODE OF ORDINANCES**  
**SUBPART A: GENERAL ORDINANCES**

**CHAPTER 33 – DATA CENTERS**

**Sec. 33-1. Purpose**

The purpose of this chapter is to set standards relating to data centers that protect public health and safety, while also mitigating adverse impacts to natural resources, infrastructure, and adjacent land uses. The standards set forth in this chapter shall address water supply issues, electrical grid capacity, and environmental quality.

**Sec. 33-2. Definitions**

*Data Center:* A use involving one or more buildings in which the majority of the use is occupied by computers and/or telecommunications and related equipment, including supporting equipment, where information is processed, mined, transferred and/or stored.

*Data Center Decommissioning:* The process of safely closing and dismantling a data center, including the removal of all equipment, hazardous materials, and restoration of the site.

**Sec. 33-3. Applicability**

- A. This chapter shall apply to all data centers constructed after the effective date of this chapter.
- B. All data centers shall be designed and constructed in compliance with applicable local, state, and federal codes and regulations, including Georgia's proposed DRI rules for technological facilities requiring disclosure of projected energy and water demands.

**Sec. 33-4. Design Standards for Data Centers**

- A. All structures on the property shall be designed and constructed to harmonize with the site and surrounding properties. Pre-fabricated and pre-engineered structures are permitted subject to the following:
  - (1) All structures shall have permanent concrete foundations.
  - (2) Exterior facades shall use earth-tone colors and shall be free of defects, decay, or corrosion.
  - (3) Use of shipping containers, railroad cars, semi-truck trailers, or similar storage units are prohibited.
- B. Exterior facades facing the roadway shall consist of 70% or more of stone or masonry products.
- C. All mechanical equipment shall be fully screened with fencing. Rooftop equipment shall be screened with parapets.
- D. Full utility availability statements including water, sewer, natural gas, and electricity shall be provided by all relevant utility companies at the time of permit issuance.
- E. A closed-loop cooling system is required.

**Sec. 33-5 Noise Standards for Data Centers**

- A. Data centers shall not cause or permit noise exceeding 60dBA during the hours of 7AM – 10PM or 50dBA during the hours of 10PM – 7AM at the nearest residential building, school, religious institution, hospital, or public park.
- B. Prior to certificate of occupancy, written verification must be submitted to the Building Inspector from a licensed noise control engineer certifying compliance, using Type 1 sound level meters with 15-minute averaging. Costs from this study are the responsibility of the applicant.
- C. Additional barriers or mitigation devices may be required the County.
- D. Generator testing shall only take place Monday – Friday, during hours between 9AM and 5PM.

**Sec. 33-6 Water, Electrical, and Energy Standards for Data Centers**

- A. Prior to issuance of permit, written verification from Polk County Water Authority must be provided to the Building Inspector confirming the facility will not impair local water supply during droughts or peak demand times.

- B. Prior to issuance of permit, written verification from the electrical utility provider must be provided to the Building Inspector confirming sufficient grid capacity for peak-hour demands, including redundancy for outages.
- C. All electrical equipment shall be housed in electrically grounded structures with fire-rated enclosures, with a minimum of 30-minute resistance, and automatic fire baffles.

#### **Sec. 33-7 Environmental Standards for Data Centers**

- A. For facilities over 100,000 square feet, prior to issuance of building permit, a written report from a licensed environmental engineer must be submitted to the County evaluating water withdrawal, energy demands, and storm-water runoff.
- B. No emissions (air, dust, smoke, glare, heat, or humidity) is permitted beyond property lines.

#### **Sec. 33-8 Fire Safety & Security Standards for Data Centers**

- A. Data centers are required to install active clean-agent fire suppression systems with high sensitivity smoke detectors.
- B. Data centers are required to provide an exterior emergency electrical termination switch, clearly designed for public safety access.
- C. Data centers are required to install an 8-foot security fence around the perimeter of the primary data center structure.
- D. Data centers are required to install a Knox Box on the property and display 24-hour emergency contact signage at the entrance of the primary structure.

#### **Sec. 33-9 Application and Approval**

- A. No data center may be developed without a public hearing and approval by the Board of Commissioners, verifying compliance with this chapter and State DRI requirements. An official site plan review for the project must take place prior to any issuance of building permits.
- B. Any state or federal laws must also be adhered to when placing a data center in the County.

#### **Sec. 33-10 Data Center Decommissioning**

- A. The owner or developer of a data center must submit a decommissioning plan to the Planning and Zoning Department prior to any issuance of a building permit for the data center site.
- B. The decommissioning plan shall include, at a minimum:
  - 1. *Timeline*: Detailed timeline of decommissioning process, including key milestones and estimated completion dates for each phase of the decommissioning process.
  - 2. *Hazard Materials Management*: Detailed methods for handling and disposing of hazardous materials in compliance with federal, state, and local regulations. This shall include a list of all hazardous materials present on-site and the procedures for their safe removal and disposal.
  - 3. *Site Remediation Plan*: A comprehensive plan for site remediation, including soil and groundwater testing, identification of any contamination, and proposed cleanup measures.

4. *Health and Safety Measures:* Procedures to ensure the health and safety of workers and the surrounding community during the decommissioning process.

C. The County reserves the right to have a third-party independent assessment of the decommissioning plan to verify compliance with regulations and industry standards.

**Sec. 33-11 Effectiveness, Interpretation, and Violations**

A. This ordinance is effective immediately upon adoption.

B. Violation of any section of this ordinance shall constitute an infraction and the Code Enforcement Officer has the ability to issue warnings and citations.

C. Penalties for violating any section of the Data Centers Ordinance may result in a fine up to \$1,000 per day for each violation.

**SECTION 2.** ALL LAWS, ORDINANCES AND RESOLUTIONS, OR PARTS THEREOF, WHICH CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE, ARE HEREBY REPEALED.

**SECTION 3.** IF ANY PART OF THIS ORDINANCE SHALL BE DECLARED UNCONSTITUTIONAL BY THE VALID JUDGEMENT OF ANY COURT OF COMPETENT JURISDICTION, SUCH UNCONSTITUTIONALITY SHALL NOT AFFECT THE REMAINDER OF THIS ENACTMENT, AND SUCH REMAINDER SHALL REMAIN IN FULL FORCE AND EFFECT.

**SECTION 4.** THIS ORDINANCE SHALL BECOME EFFECTIVE UPON ITS APPROVAL BY THE BOARD OF COMMISSIONERS.

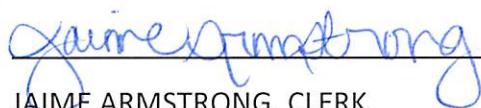
**SO ORDAINED,** THIS THE 3<sup>rd</sup> DAY OF MARCH 2026.

**POLK COUNTY BOARD OF COMMISSIONERS**



CHARLES THAXTON, CHAIRMAN

ATTEST:



JAIME ARMSTRONG, CLERK

