

**EMANUEL COUNTY
SOLAR FARM ORDINANCE**

ARTICLE IV – SOLAR FARMS

SECTION 64-80: Purpose.

The purpose of this article is to provide standards for the licensure, installation, operation, and maintenance of solar farms to protect the public health, safety, and welfare of the citizens of Emanuel County

SECTION 64-81: Application to Solar Farms.

This article shall apply to all solar farms or photovoltaic solar energy production facilities located in the unincorporated areas of the county, which shall hereafter collectively be referred to as "solar farms."

SECTION 64-82: Standards for solar farms.

All solar farms in the unincorporated areas of the county shall comply with the following standards:

- (A) Reserved.
- (B) Solar farms shall be fenced in using a chain link fence with a height of at least six feet with anti-climb devices with three barbed wire line arms or otherwise acceptable to the county code enforcement department. Brightly colored signs no smaller than one foot by two feet shall be posted on the fence every 100 feet warning of danger and high voltage.
- (C) Abutting residential properties shall be visually screened year round from any solar farms to the reasonable satisfaction of the county code enforcement department through any one or a combination of planting or existing vegetation or fencing, all of which shall be at least six feet in height.
- (D) Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the ground mounted solar photovoltaic installation and consistent with best practices for the preservation of natural areas or good husbandry of the land or forest.
- (E) The height of any vegetation within ten feet of any solar panels or equipment shall not exceed 18 inches and shall be no less than two inches in height over the soil surface. Any disturbed land shall be stabilized by a permanent seeding of perennial vegetation such as grass or other dense surface cover that will protect the soil surface from erosion, prevent sediment and runoff at the site from reaching downstream areas, and enhance the aesthetics of the site. It is recommended that

a slow-growing, vegetative cover be utilized so that general maintenance of the growth can be kept to a minimum.

- (F) The names of the manufacturers, installers, facility owners, and facility operators, and their addresses and phone numbers, shall be posted on the required fencing at each entrance of a solar farm.
- (G) All electrical interconnection and distribution lines within a solar farm's boundaries, except for power lines that leave the project or are within the substation, shall be underground, unless the county code enforcement department grants a written exception due to severe environmental constraints.
- (H) Lighting of a solar farm and its accessory structures shall be limited to the minimum reasonably necessary for its safe operation and shall be reasonably shielded from abutting properties. Where feasible, lighting of a solar farm shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
- (I) All solar farms shall comply with any other applicable requirements of the county code of ordinances and zoning requirements, including, but not limited to, setback and height requirements. No solar farm shall be located any closer than 100 feet of any residential dwelling, public road, right-of-way, or property of an adjoining landowner.
- (J) All solar farms shall have a knox box entry system at the primary entrance. The knox box entry system shall comply with the specifications of the International Fire Code.
- (K) All solar farms shall have a written emergency response plan that shall be approved by the county's code enforcement department, sheriff's office, fire department, and emergency management agency. Each solar farm shall update its emergency response plan no later than January 1 of each year with a copy provided to all departments and agencies named in this subsection. The emergency response plan shall include the following:
 - (1) The phone number, email address, and street address for all manufacturers, installers, owners, and operators; and
 - (2) The phone number, email address, and mailing address for a representative of the solar farm responsible for responding to public inquiries; and
 - (3) The material safety data sheets that apply to any materials on the solar farm; and
 - (4) The clearly marked means and instructions for shutting down the solar photovoltaic installation.
- (L) Any solar farm that has not been in use for a period of 180 consecutive days for its original purpose as approved by the county code enforcement department shall be

deemed abandoned and shall not be authorized to recommence operations until a new application and inspection have been completed.

- (M) The owners and operators of a solar farm and the owners of any real property on which it is located shall be jointly responsible for the removal of the solar energy system, its equipment and panels, and any appurtenant structures and for restoration of the site to as natural a condition as reasonably possible, all of which must be completed to the reasonable satisfaction of the Emanuel County Code Enforcement Department no later than 90 days after abandonment, closure, or if the solar farm is not operating in "substantial compliance" with the standards set forth in the approved application. No later than 120 days after abandonment, closure, or failure to be in substantial compliance, the owners or operators of any such solar farm shall provide written documentation acceptable to the Emanuel County Code Enforcement Department demonstrating that the solar panels and related equipment were properly disposed of in accordance with federal, state, and local laws. In addition to all other available legal remedies, including calling the bond required per section 64-83(D), if the entire solar energy system has not been removed within 90 days after abandonment, closure, or failure to be in substantial compliance, Emanuel County may remove the solar energy system, its equipment, panels, and any appurtenant structures, and may place a lien for the costs of removal upon the real property on which the solar farm was located. Prior to removing the solar energy system, Emanuel County shall provide ten days' written notice to the owners and operators of the solar farm listed in the emergency response plan required pursuant to subsection (K) of this section and the owners of the real property on which the solar farm is located. Said notice shall be provided by personal delivery or certified mail to the last address reasonably known and shall be posted on the property. Any delay by the county in taking action pursuant to this subsection shall not in any manner waive the county's right to take such action.
- (N) The county code enforcement department may, in its reasonable discretion, waive any of the above-listed conditions which are not reasonable in light of the nature of the project and may add additional conditions or safeguards as needed for public health, safety, and welfare or to mitigate the impact of the solar farm on surrounding properties and uses. Violations of any such additional conditions or safeguards shall be a violation of this article.
- (O) All of the conditions and requirements in this section shall be of a continuing nature.

SECTION 64-83: Application for permit, fee, and revocation of permit.

- (A) Before commencing operations, all solar farms shall submit an application for a solar farm permit on the form prescribed by the Emanuel County Code Enforcement Department and shall provide proof of compliance with all standards for solar farms outlined in this article. No solar farm shall commence operations

until it has been inspected by the Emanuel County Code Enforcement Department and obtained the permit required by this section.

- (B) An application for a solar farm permit shall be accompanied by a comprehensive site plan for the solar farm, which shall include, but not be limited to:
- (1) Drawings prepared by a professional engineer licensed to practice in Georgia that clearly illustrate the design of the solar farm;
 - (2) A project summary;
 - (3) General procedures for operation and maintenance of the installation;
 - (4) Measures for maintaining safe access to the installation;
 - (5) Electrical schematics;
 - (6) Soil erosion and sediment control;
 - (7) Landscape plans;
 - (8) Temporary or permanent roads or driveways;
 - (9) Grading;
 - (10) Vegetation clearing and planting and mitigation or screening with vegetation, structures, or fences;
 - (11) Exterior lighting and any screening.

The applicant shall provide additional copies of the comprehensive site plan to the Emanuel County Sheriff's Office, Fire Department, and Emergency Management Agency. The comprehensive site plan must be approved in writing by the Emanuel County Code Enforcement Department before a solar farm may receive a permit or commence operations.

- (C) An application for a solar farm permit shall be accompanied by a decommissioning and restoration plan that describes the anticipated life of the solar project, the parties responsible for the decommissioning and restoration, the estimated decommissioning and restoration costs, the amount by which such costs were reduced due to the recyclable value of any materials, and the method for ensuring that funds will be available for decommissioning and restoration of the real property. The decommissioning and restoration plan must be prepared by a professional engineer duly licensed by the State of Georgia.
- (D) An application for a solar farm permit shall be accompanied by a bond ensuring that funds will be available for decommissioning the solar farm and reasonably restoring the site to its natural condition. The bond shall be in the form of cash or

surety from a bonding company qualified to transact business in the State of Georgia and acceptable to the Emanuel County Code Enforcement Department. The bond shall be payable to Emanuel County in an amount determined by the county's code enforcement department to be reasonably sufficient to cover removal of the solar farm in its entirety and reasonable restoration of the site to its natural condition. The bond shall be maintained as long as the solar farm exists, regardless of whether it is actively operating. If the bond is not maintained as provided herein, Emanuel County may call the bond and use the proceeds to remove the solar farm in its entirety and to reasonably restore the site to its natural condition. The bond may be released or returned when the county's code enforcement department determines in its reasonable discretion that the decommissioning of the solar farm has been completed in accordance with all applicable ordinances and federal and state laws.

- (E) At the time of application, each applicant shall pay a non-refundable permit fee in the amount established by the Emanuel County Code Enforcement Department.
- (F) A permit may be revoked by the Emanuel County Code Enforcement Department for any solar farm that is not in full compliance with this article. Prior to revoking the permit, the Emanuel County Code Enforcement Department shall provide three calendar days' written notice of any deficiencies to the solar farm owner or operator via U.S. Mail, overnight delivery, or hand delivery. If the deficiencies are not corrected within those three days, the Emanuel County Code Enforcement Department may revoke the solar farm's permit and require the solar farm to submit a new application before recommencing operations. During the time that a solar farm permit is revoked, the solar farm shall post a sign at each entrance to the solar farm no smaller than one foot by two feet stating: "This solar farm's operations have ceased due to noncompliance with the Emanuel County Code of Ordinances. For more information, contact the Emanuel County Code Enforcement Department."

SECTION 64-84: Inspection.

The county code enforcement department shall have the right to inspect any solar farm in the unincorporated areas of the county without notice if there is a risk of immediate harm or injury to a person or property. If there is no risk of immediate harm or injury to person or property, the county code enforcement department shall have the right to inspect any solar farm upon making reasonable efforts to notify the owners or operators 24 hours in advance of the inspection.

SECTION 64-85: Penalties.

- (A) Each violation of this article may be punished as provided in Section 1-14
- (B) Any owner or operator of a solar farm shall be responsible for ensuring compliance with this article and shall be punishable for non-compliance.

SO RESOLVED THIS 15th DAY OF Aug, 2022.


Chairman, Emanuel County Board of Commissioners

I do hereby attest the above resolution was read and adopted in Regular Session on the
15th day of Aug, 2022.


Emanuel County Administrator