

SOLAR ENERGY GENERATION ORDINANCE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF TOOMBS COUNTY, GEORGIA; MORE SPECIFICALLY CITED AS THE “TOOMBS COUNTY SOLAR ENERGY GENERATION ORDINANCE”. TO REVISE THE STANDARDS AND REGULATIONS FOR LICENSURE, INSTALLATION, OPERATION, AND MAINTENANCE OF SOLAR ENERGY GENERATION FACILITIES.

WHEREAS, it is in the best interest of Toombs County to regulate the siting, construction, installation, licensure, operation, maintenance, and decommissioning of solar energy systems in Toombs County in a manner that encourages local economic development, protects the health, safety, and welfare of the citizens of Toombs County, and mitigates any adverse impacts to wildlife, agricultural lands, forests, and other natural landscapes; and

WHEREAS, the intent of Toombs County is to increase energy security and diversify the energy portfolio, to promote the use of Georgia-based energy resources, to decrease the cost of energy, to bolster local economic development and employment prospects, to increase consumers’ choices in energy consumption, to encourage the use of a renewable energy resource, and to reduce air and water pollution; and

WHEREAS, the intent of Toombs County to accomplish the above without compromising or contradicting the health, safety, or environmental requirements contained in other federal, state, and local laws, nor creating heightened standards for the siting, construction, installation, and decommissioning of solar energy systems that would discriminate against solar energy systems relative to other similar commercial, industrial, or utility projects within Toombs County beyond what is necessary to protect health, safety, and the environment;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Toombs County, hereby adopts provisions that all solar energy systems relocated to or within the jurisdiction shall comply with, as follows:

Section 1. Purpose.

The purpose of this Ordinance is to provide definitions relating to solar energy systems and to provide standards for the licensure, installation, operation, and maintenance of solar energy generation facilities and facilities that guide the development of solar energy systems and facilities while protecting the public health, safety, and welfare of the citizens of Toombs County.

Section 2. Definitions.

The following words, terms and phrases, when used in this Ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. ***Accessory Structure*** means a detached, permanent or semi-permanent subordinate structure, located on the same lot as the principal structure or use.
- B. ***Commercial Use*** of a solar energy system means the generation and production of solar energy for the purpose of selling to another individual or entity that is purchasing power or a solar energy system with a footprint of more than one (1) acre.

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- C. **Footprint** of a Ground Mounted SES is calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the functioning of the SES, such as transformers and inverters. The Footprint does not include any visual buffer or perimeter fencing. Transmission lines (or portions thereof) required to connect the SES to a utility or consumer outside the SES perimeter shall not be included in calculating the Footprint.
- D. **International Building Code (IBC)** is a model building code developed by the International Code Council. It has been adopted for use as a base code standard by most jurisdictions in the United States.
- E. **International Residential Code (IRC)** is a part of the International Building Code (IBC) that sets buildings standards for residential structures.
- F. **Mechanical Equipment** refers to all items not listed in these definitions 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.
- G. **National Electric Code (NEC)** is 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.
- H. **Personal Use** of a solar energy system means the generation and production of solar energy that is not for commercial purposes. That is, no less than fifty percent (50%) of the output from the system is applied toward the powering of the parcel of land on which the system is located. The footprint of ground-mounted systems for personal use is limited to one (1) acre or less. Any integrated or building-mounted systems shall not collectively exceed the ground floor area of the principal building.
- I. **Power Grid** is an 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.
- J. **Setback** is the area between the boundary of a land parcel and the part of the land parcel in which primary and accessory structures may be constructed, as specified in the applicable local regulations.
- K. **Solar Energy** is 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.
- L. **Solar Energy Generation** means the process of using solar energy system devices to convert sunlight directly into electricity.
- M. **Solar Energy System (SES)** means a device that provides for the collection of solar energy for electricity generation, consumption, or transmission, or for thermal applications. Solar Energy Systems may be constructed in the three following formats:

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- (i) **Ground Mounted** means an SES that is structurally mounted to the ground and does not qualify as an Integrated SES. For purposes of this Ordinance, any solar canopy that does not qualify as an Integrated SES shall be considered a Ground Mounted SES, regardless of where it is mounted.
 - (ii) **Integrated** means an SES where solar materials are incorporated into building materials, such that the it is reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.
 - (iii) **Building-Mounted** means a SES that is added onto an existing structure, with solar panels typically located on the roof. Roof-mounted solar energy systems fall within this category.
- N. **Solar Panel** means a device for the direct conversion of sunlight into electric power.

Section 3. Applicability.

This ordinance shall apply to all solar energy systems installed or constructed after the effective date of this Ordinance. Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance, unless modified in such a way that the footprint of the system is changed after the effective date of this Ordinance.

All solar energy systems shall be designed, erected, and installed in accordance with all applicable local, state, utility, and national codes, regulations, and standards.

Section 4. Standards for Building-Mounted Solar Energy Systems.

Building-mounted solar energy system shall be subject to the following regulations:

- 4.1 **Airport Regulations.** No building-mounted solar energy system may be installed within three (3) nautical miles of an airport or helipad without consulting with the airport or helipad's appropriate authority regarding the solar energy system before construction. Solar energy systems shall not be placed in the vicinity of any airport or helipad in a manner that would interfere with airport flight patterns.
- 4.2 **Battery Installation and Disposal.** Should solar storage batteries be included in the solar energy system, they must be installed in accordance with the National Electric Code and State Fire Code requirements. When no longer in operation, batteries must be disposed of in compliance with all local, state, and federal laws and regulations.
- 4.3 **Building Permits and Structural Safety.** All applicable building permits must be obtained prior to the construction of an integrated solar energy system. No building-mounted solar energy system may be installed if it cannot be safely supported by the existing roof structure.
- 4.4 **Design Compliance.** The design of the solar energy system must conform to applicable local, state, and national solar codes and standards, and to all local regulations. All design and installation work must comply with the National Electric Code (NEC), the International Residential Code (IRC), the International Commercial Building Code, the State Fire Code, and any additional requirements set by the local utility for grid-connected systems or by the Toombs County Code Enforcement Department.

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- 4.5 *Electrical Inspection.* Prior to operation, all electrical connections must be inspected by an authorized electrical inspector or agency and approved by the Toombs County Code Enforcement Department.
- 4.6 *Fence Mounting.* Any solar panel or component of a solar energy system shall not be mounted or affixed to a freestanding wall or fence.
- 4.7 *Glare Restrictions.* Solar energy systems shall not be positioned in such a manner that its glare becomes a nuisance for adjacent properties or roadways.
- 4.8 *Ownership and Maintenance.* Unless otherwise specified in a contract or agreement, the property owner of record will be presumed responsible for owning and maintaining the building-mounted solar energy system, and they will also be responsible for decommissioning the system unless specified otherwise.
- 4.9 *Roofing Limits.* No solar panel shall extend beyond the edge of the roof, nor shall a panel project vertically more than three (3) feet above the surface of a roof at any point.
- 4.10 *Utility Grid Connection.* Building-mounted solar energy systems may not be connected to any electric utility grid without approval from the applicable electric utility.
- 4.11 *Waivers.* Toombs 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 solar energy systems and may add additional conditions or safeguards as needed for public health, safety, and welfare or to mitigate the impact of the facility on surrounding properties and uses. Violations of any such additional conditions or safeguards shall be a violation of this Ordinance.

Section 5. Standards for Integrated Solar Energy Systems.

Integrated solar energy system shall be subject to the following regulations:

- 5.1 *Airport Regulations.* No integrated solar energy system may be installed within three (3) nautical miles of an airport or helipad without consulting with the airport or helipad's appropriate authority regarding the solar energy system before construction. Solar energy systems shall not be placed in the vicinity of any airport or helipad in a manner that would interfere with airport flight patterns.
- 5.2 *Battery Installation and Disposal.* Should solar storage batteries be included in the solar energy system, they must be installed in accordance with the National Electric Code and State Fire Code requirements. When no longer in operation, batteries must be disposed of in compliance with all local, state, and federal laws and regulations.
- 5.3 *Building Permits and Structural Safety.* All applicable building permits must be obtained prior to the construction of a solar energy system. No integrated system may be installed if it cannot be safely supported by a proposed or existing structure.
- 5.4 *Design Compliance.* An integrated solar energy system shall be designed, to the extent reasonably practicable, to use materials, colors, textures, screening, and landscaping that will blend the system into the natural setting and existing environment. All design and installation work must comply with the National Electric Code (NEC), the International Residential Code (IRC), the International

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Commercial Building Code, the State Fire Code, applicable local, state, and federal codes, and any additional requirements set by the local utility for grid-connected systems.

- 5.5 *Electrical Inspection.* Prior to operation, all electrical connections must be inspected by an authorized electrical inspector or agency and approved by the Toombs County Code Enforcement Department.
- 5.6 *Glare Restrictions.* Integrated solar energy systems shall not be positioned in such a manner that its glare becomes a nuisance for adjacent properties or roadways.
- 5.7 *Ownership and Maintenance.* Unless otherwise specified in a contract or agreement, the property owner of record will be presumed responsible for owning and maintaining the solar energy system, and they will also be responsible for decommissioning the system unless specified otherwise.
- 5.8 *Utility Grid Connection.* Solar energy systems may not be connected to any electric utility grid without approval from the applicable electric utility.
- 5.9 *Waivers.* Toombs 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 solar energy systems and may add additional conditions or safeguards as needed for public health, safety, and welfare or to mitigate the impact of the facility on surrounding properties and uses. Violations of any such additional conditions or safeguards shall be a violation of this Ordinance.

Section 6. Standards for Personal Ground Mounted Solar Energy Systems.

Nothing in this Ordinance shall prohibit the personal use of solar energy production. Personal/Small Scale Ground Mounted Solar Energy Systems shall be subject to the following regulations:

- 6.1 *Airport Regulations.* No ground-mounted solar energy system may be installed within three (3) nautical miles of an airport or helipad without consulting with the airport or helipad's appropriate authority regarding the solar energy system before construction. Solar energy systems shall not be placed in the vicinity of any airport or helipad in a manner that would interfere with airport flight patterns.
- 6.2 *Battery Installation and Disposal.* Should solar storage batteries be included in the solar energy system, they must be installed in accordance with the National Electric Code and State Fire Code requirements. When no longer in operation, batteries must be disposed of in compliance with all local, state, and federal laws and regulations.
- 6.3 *Design Compliance.* All design and installation work must comply with the National Electric Code (NEC), the International Residential Code (IRC), the International Commercial Building Code, the State Fire Code, applicable local, state, and federal codes, and any additional requirements set by the local utility for grid-connected systems.
- 6.4 *Electrical Inspection.* Prior to operation, all electrical connections must be inspected by an authorized electrical inspector or agency and approved by the Toombs County Code Enforcement Department.
- 6.5 *Glare Restrictions.* Ground-mounted solar energy systems shall not be positioned in such a manner that its glare becomes a nuisance for adjacent properties or roadways.

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- 6.6 *Height Restriction.* Ground-mounted solar energy systems shall not exceed sixteen (16) feet above the ground in height, as measured from the point on the ground directly below the panel when tilted at the highest aspect.
- 6.7 *Maintenance.* Unless otherwise specified in a contract or agreement, the property owner of record will be presumed responsible for owning and maintaining the solar energy system, and they will also be responsible for decommissioning the system unless specified otherwise. Maintenance shall include, but not be limited to structural repairs and the integrity of safety measures. Access to the system shall be maintained to a level acceptable to the county's code enforcement department, sheriff's office, fire department, and emergency management agency.
- 6.8 *Maximum Lot Size.* The maximum footprint for a Personal/Small Scale Ground Mounted Solar Energy Systems is one (1) acre.
- 6.9 *Ownership and Maintenance.* Unless otherwise specified in a contract or agreement, the property owner of record will be presumed responsible for owning and maintaining the solar energy system, and they will also be responsible for decommissioning the system unless specified otherwise.
- 6.10 *Setback.* Ground-mounted solar energy systems shall not be located in the required setbacks. Personal/Small Scale Ground Mounted Solar Energy Systems shall have a setback of at least one-hundred (100) feet from the property line.
- 6.11 *Utility Grid Connection.* Solar energy systems may not be connected to any electric utility grid without approval from the applicable electric utility.
- 6.12 *Visual Buffer.* Mechanical equipment and components of solar systems shall have, to the extent reasonably practicable, a visual buffer of natural vegetation and/or plantings that provides a reasonable visual and lighting screen to reduce the glare and unsightly view of the solar energy system from adjacent residential dwelling units and roadways. The visual buffer shall consist of shrubbery, trees, and/or other non-invasive plant species which provide a visual screen with a mature height of at least two (2) feet above the average height of the solar energy system. The visual buffer shall be maintained for the life of the usage of the ground-mounted system, with maintenance of the screening being the responsibility of the owner or operator of the system.
- 6.13 *Waivers.* Toombs 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 solar energy systems and may add additional conditions or safeguards as needed for public health, safety, and welfare or to mitigate the impact of the facility on surrounding properties and uses. Violations of any such additional conditions or safeguards shall be a violation of this Ordinance.

Section 7. Standards for Commercial Ground Mounted Solar Energy Systems.

Commercial Ground Mounted Solar Energy Systems shall be subject to the following regulations:

- 7.1 *Abandonment of Facilities.* Any system that remains unused for its original purpose of generating electricity for a period of one-hundred eighty (180) consecutive days shall be deemed abandoned. An abandoned system or facility shall not be authorized to recommence operations until a new application has been submitted, an inspection is completed, and the owner repairs the facility to comply with federal, state, and local safety standards. Should the facility remain without repair, the owner must remove it within the time period specified in the decommissioning plan. Failure to do so may result in a fine pursuant to Section 10 of this Ordinance.

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- 7.2 *Airports.* Any system proposed within a three (3) mile radius of an airport or helipad shall present evidence that they have consulted with the appropriate authority regarding the solar energy system before construction and went through a review process with the Federal Aviation Administration (FAA). This review from the FAA shall indicate that the proposed facility shall not interfere with the normal operation of aircraft in the area.
- 7.3 *Decommissioning Plan.* The application to establish a Commercial Ground Mounted Solar Energy Systems must include a specific decommissioning plan. Unless otherwise approved by the Toombs County Code Enforcement Department, decommissioning of a system shall begin no later than ninety (90) days after it is deemed abandoned has ceased to generate electricity or thermal energy. The owners and operators of a system 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 Toombs County Code Enforcement Department no later than ninety (90) days after abandonment, closure, or if the facility is not operating in “substantial compliance” with the standards set forth in the approved application. No later than one-hundred twenty (120) days after abandonment, closure, or failure to be in substantial compliance, the owners or operators of any such facility shall provide written documentation acceptable to the Toombs 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, if the entire solar energy system has not been removed within ninety (90) days after abandonment, closure, or failure to be in substantial compliance, Toombs County may issue a fine pursuant to Section 10 of this Ordinance, remove all equipment, panels, and any appurtenant structures, and place a lien for the costs of removal upon the real property on which the system was located. Prior to removing the solar energy system, Toombs County shall provide ten (10) days’ written notice to the owners and operators of the facility listed in the emergency response plan and the owners of the real property on which the facility 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.
- 7.4 *Electrical Connections.* All electrical interconnection and distribution lines within a system’s boundaries, except for power lines that leave the project or are within the substation, shall be underground, unless the Toombs County Code Enforcement Department grants a written exception due to severe environmental constraints.
- 7.5 *Emergency Response Plan.* Commercial Ground Mounted Solar Energy Systems 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 facility shall update its emergency response plan no later than January 1st of each year with a copy provided to all departments and agencies named in this subsection. The emergency response plan shall include the following:
- (i) The phone number, email address, and street address for all manufacturers, installers, owners, and operators; and
 - (ii) The phone number, email address, and mailing address for a representative of the facility responsible for responding to public inquiries; and
 - (iii) The material safety data sheets that apply to any materials to the facility; and

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- (iv) The clearly marked means and instructions for shutting down the solar photovoltaic installation.
- 7.6 *Fencing.* The perimeter of a Commercial Ground Mounted Solar Energy Systems, including its visual buffer, shall be enclosed by a black or green coated-chain link fence with a height of at least eight (8) feet, a gate, and locking mechanism to deny access to any individuals not authorized to be on the property and for public safety. All systems shall have a knock box entry system at the primary entrance, which shall comply with the specifications of the International Fire Code.
- 7.7 *Height Restriction.* Ground-mounted solar energy systems shall not exceed sixteen (16) feet above the ground in height, as measured from the point on the ground directly below the panel when tilted at the highest aspect.
- 7.8 *Impervious Surface.* Ground mounted structures and components of Commercial Ground Mounted Solar Energy Systems, including transformers and foundations, shall be considered impervious. However, solar panels shall be considered pervious if they maintain sheet flow and allow for water to infiltrate under and around them through a pervious surface and into the subsoil.
- 7.9 *Lighting.* Lighting of a Commercial Ground Mounted Solar Energy Systems 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 facility shall be directed downward, shall incorporate full cutoff fixtures, and shall utilize motion sensors to reduce light pollution.
- 7.10 *Maintenance.* Commercial Ground Mounted Solar Energy Systems shall be maintained in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the county's code enforcement department, sheriff's office, fire department, and emergency management agency. The owner or operator shall be responsible for the cost of maintaining the solar energy system and any access roads, unless accepted as a public way.
- 7.11 *Noise.* Commercial Ground Mounted Solar Energy Systems must adhere to the noise standards to avoid contribution to excessive noise pollution. The following noise limits shall apply:
- (i) During daytime hours (8:00 AM to 7:59 PM), the continuous sound level generated by the commercial ground mounted solar energy systems shall not exceed fifty (50) decibels, measured at a distance of twenty-five (25) feet from the property line of the mining operation.
 - (ii) During nighttime hours (8:00 PM to 7:59 AM), the continuous sound level generated by the commercial ground mounted solar energy systems shall not exceed thirty-five (35) decibels, measured at a distance of twenty-five (25) feet from the property line of the mining operation.
- 7.12 *Reserved.*
- 7.13 *Retention Pond Placement Restrictions.* Retention ponds must be located at least two-hundred fifty (250) feet away from any solar panel installations and at least four-hundred (400) feet from any property line to minimize the risk of water damage to the panels and associated equipment. Prior to the installation of a retention pond, an engineering evaluation must be conducted to assess the potential impact on the commercial ground mounted solar energy systems. The evaluation should include an analysis of water flow, soil stability, and potential erosion. Proper drainage and water

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management systems must be in place to prevent water from the retention pond from encroaching on the area where solar panels are installed. This includes ensuring that overflow and runoff are directed away from the panels. The placement and construction of retention ponds must comply with all local, state, and federal environmental regulations to protect both the system and the surrounding ecosystem. The owner or operator of the system is responsible for the regular maintenance and monitoring of both the retention pond and the solar panels to ensure ongoing compliance with these restrictions and to address any issues that arise promptly.

7.14 *Setbacks and Vegetation Maintenance.* Commercial Ground Mounted Solar Energy Systems shall have a setback at least three-hundred (300) feet from the property line, which shall consist of natural vegetation. The clearing of natural vegetation on the premises of a system 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. The height of any vegetation within ten (10) feet of any solar panels or equipment shall not exceed eighteen (18) inches and shall be no less than two (2) inches in height over the soil surface. To the extent reasonably practicable, any area within ten (10) feet of the Footprint of a system 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.

7.15 *Signage.* Brightly colored signs, no smaller than one (1) foot by two (2) feet, shall be posted on the perimeter fence of commercial ground mounted solar energy system. These signs shall be placed at intervals of every one-hundred fifty (150) feet and must include the following information:

- (i) Risk Warning: Clear statement of the potential dangers and high voltage warnings associated with contact with a solar energy system;
- (ii) Owner/Operator Identification: Name(s) and phone number(s) of the owner, operator, and installer of the Commercial Ground Mounted Solar Energy System; and
- (iii) Emergency Contact Information: A 24-hour emergency contact phone number.

All signage shall comply with applicable State, Federal, and county requirements for displaying advertisements or signage. The signs shall be maintained in good condition for the lifetime of the system. The responsibility for maintaining the signage lies with the owner or operator of the facilities.

Signs containing educational information about solar energy systems may also be posted, provided they do not interfere with the primary warning and informational signage requirements.

7.16 *Visual Buffer.* Mechanical equipment and components of solar systems shall have, to the extent reasonably practicable, a visual buffer of natural vegetation and/or plantings that provides a reasonable visual and lighting screen to reduce the glare and unsightly view of the solar energy system from residential dwelling units and public roadways. The visual buffer shall consist of shrubbery, trees, and/or other non-invasive plant species which provide a visual screen with a mature height of at least six (6) feet above the average height of the solar energy system. This buffer shall be at least fifty (50) feet in width if located adjacent to a bordering federal or state highway and twenty-five (25) feet wide if adjacent to a bordering county roadway. The visual buffer shall be maintained for the life of the usage of the ground-mounted system, with maintenance of the screening being the responsibility of the owner or operator of the system.

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- 7.17 *Waivers.* Toombs 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 facility on surrounding properties and uses. Violations of any such additional conditions or safeguards shall be a violation of this Ordinance.

Section 8. Application for Permit, Fee, and Revocation of Permit.

- 8.1 *Application Requirement Applicability.* Before commencing the operation of any commercial solar energy systems, the owner(s) or operator(s) of any such solar energy system shall submit an application for a Commercial Solar Energy Generation permit on the form prescribed by the Toombs County Code Enforcement Department and shall provide proof of compliance with all the respective standards outlined in this Ordinance. The “Toombs County Solar Energy Generation Permit Application” must include the following components:

- (i) **Basic Information:** The applicant shall provide a document that includes:
 - (a) The address of the property where the SES will be located.
 - (b) The applicant’s name, address, telephone number, and email address.
 - (c) The property owner’s name, address, telephone number, and email address.
 - (d) The SES operator’s name, address, telephone number, and email address.
 - (e) The installation company’s name, address, telephone number, email address, and license number.
 - (f) Evidence of the applicant’s control of the property, such as a deed, lease, or option agreement with the landowner.
- (ii) **Comprehensive Site Plan:** The applicant shall submit the following based on the most current and accurate information available:
 - (a) A site plan depicting the locations of all existing and proposed structures, including solar arrays, inverters, transformers, grading, electrical substations, lighting, soil erosion and sediment control, landscape plans, buildings, property lines, rights-of-way, roads, required setbacks, and visual buffers.
 - (b) A topographic map showing vegetative cover, watersheds, or wetlands on the property.
 - (c) A visual buffer plan that demonstrates compliance with the following:
 - (1) Minimizing impacts on adjacent residential dwellings as required by this ordinance.
 - (2) Preserving natural tree growth and landforms along the SES perimeter as required by this ordinance.
 - (3) Adhering to additional visual buffer requirements set forth in this Ordinance.
 - (d) A list identifying (a) federal or state endangered, threatened, or candidate species that may be present on the property or within one thousand (1,000) feet and (b) critical habitat on the property or within one thousand (1,000) feet.
 - (e) A map identifying prime farmland and farmland of statewide importance on the property
 - (f) A decommissioning plan prepared by a professional engineer licensed by the State of Georgia that includes:
 - (1) Name, address, phone number, and email address for the responsible person(s) or entity;
 - (2) Conditions that trigger the implementation of the decommissioning plan.
 - (3) A removal plan detailing the structures, components, and non-utility owned equipment to be removed.

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- (4) A plan for recycling or reusing materials to the extent practicable.
 - (5) A restoration plan to return the property to a condition suitable for the designated land use.
 - (6) A timeline for completing the decommissioning that meets the requirements set forth in Section 7.3 of this Ordinance.
- (iii) Certifications: The applicant shall submit an affidavit affirming:
- (a) The construction and operation of the SES will comply with all applicable federal and state laws.
 - (b) The construction and operation of the SES will comply with all local laws, including this Ordinance.

8.2 *Inspection.* No property owner or facility operator shall commence operations until it has been inspected by the Toombs County Code Enforcement Department and obtained the permit required by this section.

8.3 *Review of Application.* Upon receiving a Solar Energy Generation Permit Application, the Toombs County Code Enforcement Department shall conduct permitting proceedings within 30 days. An application may be denied if it is determined the SES does not comply with local requirements.

In reviewing an application, the Toombs County Code Enforcement Department shall consider various criteria, including but not limited to the following:

- (i) the effect of the proposed activity on traffic flow along adjoining streets;
- (ii) the amount and location of open space;
- (iii) the adequacy of screening to protect adjacent property from any negative impacts;
- (iv) the provision of ingress and egress to the property;
- (v) the compatibility of the proposed use with adjacent uses and any negative impacts;
- (vi) whether the proposed use is consistent with the Comprehensive Plan; and
- (vii) any other factors necessary to provide adequate protection for the health, safety, and welfare of Toombs County citizens.

8.4 *Approval.* The applicant shall provide additional copies of the Comprehensive Site Plan to the Toombs County Sheriff's Office, Fire Department, and Emergency Management Agency. The Comprehensive Site Plan must be approved in writing by the Toombs County Code Enforcement Department before an applicant may receive a permit or commence operations.

8.5 *Permit Fee.* At the time of application, each applicant shall pay a non-refundable permit fee of one-hundred dollars (\$100.00) to the Toombs County Code Enforcement Department.

8.6 *Decommissioning Bond.* Within thirty (30) days of the approval of a solar energy generation permit, the applicant must provide a bond to ensure that funds are available for decommissioning the facility and restoring the site to its natural condition. The bond shall be provided in the form of cash or a surety from a bonding company qualified to transact business in the State of Georgia and acceptable to the Toombs County Code Enforcement Department. The bond shall be payable to Toombs County and set at an amount determined by the Toombs County Code Enforcement Department to be sufficient to cover the complete removal of the facility and the reasonable restoration of the site to its natural condition. This bond must be maintained for the entire duration of the facility's existence, irrespective of its operational status. Should the bond not be maintained as required, Toombs County has the right to call the bond and use the proceeds to fully remove the facility and reasonably restore the site to its natural condition. The bond may be released or returned once the Toombs County Code Enforcement Department reasonably determines that the

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decommissioning of the facility has been completed in accordance with all applicable ordinances and federal and state laws.

- 8.7 *Revocation of Permit.* A permit may be revoked by the Toombs County Code Enforcement Department for any facility that is not in full compliance with this Ordinance. Prior to revoking the permit, the Toombs County Code Enforcement Department shall provide three (3) days' written notice of the deficiencies to the facility owner or operator via U.S. Mail, overnight delivery, or hand delivery. If the deficiencies are not corrected within three (3) days of notification, the Toombs County Code Enforcement Department may revoke the facility's permit and require the facility to submit a new application before recommencing operations. During the time that a solar energy generation permit is revoked, the facility shall post a sign at each entrance to the facility no smaller than one (1) foot by two (2) feet stating: "This facility's operations have ceased due to noncompliance with the Toombs County Code of Ordinances. For more information, contact the Toombs County Code Enforcement Department."

Section 9. Inspection.

The Toombs County Code Enforcement Department shall have the right to inspect any solar energy systems in Toombs County without notice if there is an established risk of immediate harm or injury to a person or property. If there is no established risk of immediate harm or injury to person or property, the Toombs County Code Enforcement Department shall have the right to inspect any facility upon making reasonable efforts to notify the owners or operators twenty-four (24) hours in advance of the inspection.

Section 10. Enforcement and Penalties.

Any owner of a solar energy system in Toombs County is responsible for ensuring compliance with this Ordinance. If a violation is identified, the owner will receive a notice from the Toombs County Code Enforcement Department. The notice will provide the owner with one (1) week from the receipt of the notice to correct the issue. Should the violation remain uncorrected after this period, the owner will be issued a citation for the first offense. The Toombs County Sheriff, the deputies thereof, constables, officers of the Toombs County Code Enforcement Department, and all other law enforcement officers shall be authorized to issue citations to violators of any provisions of this Ordinance. Such citation shall state the time and place at which the accused is to appear for trial; shall identify the offense with which the accused is charged; shall have an identifying number by which it shall be filed with the court; shall indicate the identity of the accused and the date of service; and shall be signed by the officer who completes and serves it. The owner will then be subject to appearance in Toombs County Magistrate Court, and, upon conviction, may be fined up to one thousand dollars (\$1,000.00), incarcerated for up to six (6) months, or both. Each day the violation continues after the first offense citation can constitute a separate offense. Any judgement of the Toombs County Magistrate Court may be appealed to the Toombs County Superior Court.

Section 11. Severability.

Should any sentence, section, subsection or provision of this Ordinance or application of a provision of this Ordinance be declared invalid or unconstitutional by any Court or other competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

Section 12. Repealer and Effective Date.

DRAFT

All ordinances or parts of ordinances in conflict with this ordinance are repealed. This ordinance shall be effective and in full force from and after the date of its adoption.

Passed in regular session of the Board of Commissioners of Toombs County, Georgia on the ____ day of _____, 2024

David Sikes, Chairman

Darriel Nobles, Vice-Chairman

So approved and certified by:

Helen Harris, Toombs County Clerk

COUNTY SEAL

Date: _____