

What is an Ordinance?

An ordinance is a formal rule, decree, or local law enacted by a municipal government (a city council or county board of commissioners) that governs localized issues within that specific jurisdiction, such as zoning restrictions, noise levels, and public health or safety regulations.

There *can* be some overlap in ordinances amongst jurisdictions like in *some* instances with Dougherty County and City of Albany, GA. But that is **not** always the case. Typically, you have different ordinances for City and County.

Why are Ordinances important?

Ordinances are essential because they empower local governments to directly protect public health, maintain safety, and tailor regulations to the unique needs of the community. These localized laws adapt state and federal statutes to address community-specific issues like zoning, noise control, and operations.

Local ordinances are vital for several key reasons:

Community-Specific Solutions:

- State and federal laws often cannot account for the unique geographical, environmental, or economic needs of individual towns. Local councils/board of commissioners enact ordinances to solve community-level problems, such as specific noise restrictions, localized building codes, and setbacks from schools, churches, commercial businesses, and residential homes.
- Public Health and Safety: Ordinances ensure that neighborhoods remain secure and sanitary. This includes enforcing housing safety standards, outlining setback requirements from industrial developments, and implementing fire codes that protect residents directly where they live.
- Zoning and Land Use: By governing how land can be utilized, local ordinances prevent incompatible developments from overlapping. **They designate zones for residential, commercial, and industrial use, which preserves property values and shapes the character of a community.**
- Quality of Life: Ordinances maintain a standard of civic order and neighborly conduct. In relation to data center and power plant development, proper ordinances protect nearby residents from intense noise, restricting allowable construction hours, route restrictions for heavy trucks, heavy equipment standards, heavy water usage, and bright lighting.
- Enforceable Local Standards: Once passed by a city council or county commission, an ordinance carries the force of law within that jurisdiction. Violating these regulations can result in civil fines, permit suspension or revocation, or stop-work orders ensuring that

community standards are legally upheld. They are often enforced by a Code Enforcement officer, but some ordinances are written to be enforced by a City or County Manager.

The consequences for violations should be clearly outlined within the ordinance.

Ordinances related to Data Centers:

Key Zoning and Regulatory Controls

- **Setbacks and Buffers:** Local rules mandate large physical separations from property lines and residential areas. Some jurisdictions take these setbacks more seriously than others.
- **Permitted Districts:** Many jurisdictions remove data centers from being permitted "by right" in industrial zones, instead requiring special land use permits (SUP), also known as a Conditional Use permits (CUP), AND restricting them to specific Industrial classifications.
 - Lee County, GA is creating a new zone specifically related to data centers that will require data centers, regardless of size, to locate within a 'Technology and Data Infrastructure District', thus giving greater control and regulatory oversight and enforcement.
- **Environmental and Power Rules:** Ordinances increasingly target generator standards (such as allowing certain business hours for testing), mandating or disallowing public sewer connections, limiting acceptable noise decibel levels, or requiring solar-ready roof structures. This would also include addressing light pollution and the cooling systems allowed, or disallowed.
- **Non-transferability** in a municipal ordinance means that a government-issued license, permit, or franchise belongs only to the specific person or business that applied for it and cannot be sold, gifted, or handed over to someone else.

There are many more ordinances to consider, and we believe we need more time to research and create appropriate and protective ordinances for data center and power plant development.

Some things I'd like to see being actively discussed and considered:

- **Advisory referendum:** This is one we would very like to see put into place. While the advisory referendum would not be legally binding, it gives the people a **documented** voice in the decision-making process. It does not limit their talking time; it puts their voices in black and white. It returns the power to the residents, where it belongs.
- **New distinct zones** related to data center developments and power plants.

By classifying Data Centers as 'Heavy Industrial' OR 'Technology and Data Infrastructure District', communities and local officials will have more control and oversight without bogging down Light and Mid-size Industrial development. Data Centers do not belong in the Light Industrial classification. We can, and should, create specific ordinances that relate to data center and power plant operations, development, and infrastructure.

The amount of energy and water resources they require, their physical footprint, and the noise they create give ample reason to consider them Heavy Industrial.