

EMERGENCY ORDINANCE (3)

No. 2025 - _____

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BOONE, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE OF THE QUORUM COURT OF BOONE COUNTY, ARKANSAS, IMPOSING A TEMPORARY MORATORIUM ON THE CONSTRUCTION OF COMMERCIAL WIND AND SOLAR ENERGY FACILITIES FOR THE PURPOSE OF COMMERCIAL MARKETING OF ELECTRICITY, AND DECLARING AN EMERGENCY.

WHEREAS, the Quorum Court of Boone County, Arkansas, recognizes its duty to act in the best interest of the County and its residents; and

WHEREAS, additional time is necessary to research and evaluate the potential impacts of commercial wind and solar energy facilities to ensure appropriate regulations are established; and

WHEREAS, large-scale wind and solar energy projects require significant land use, which may have lasting and potentially adverse effects on local communities; and

WHEREAS, the Quorum Court seeks to protect public health, safety, welfare, and property by enacting a temporary moratorium to allow for further study and consideration of regulations governing such facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF THE COUNTY OF BOONE, STATE OF ARKANSAS:

SECTION 1: TEMPORARY MORATORIUM

A moratorium is hereby imposed on the construction of commercial wind and solar energy facilities, and expansion of any such facilities already under construction, within Boone County, Arkansas, effective immediately upon adoption.

SECTION 2: DEFINITIONS

- 1) Definition of “Commence to construct”, “construct”, “construction”, or “expansion” means any clearing of land, excavation, relocation of utilities, or other action that would adversely affect the natural environment of the proposed site or expansion of a wind or solar energy facility, but does not include erection of meteorological towers, environmental assessments, surveys, necessary borings to ascertain foundation conditions, preliminary engineering, or other activities associated with assessment of development of wind or solar resources on a given parcel of property.

- 2) For the purposes of this ordinance, “commercial wind or solar energy facility” refers to any electrical energy generation facility consisting of one or more wind turbines or solar panels designed to generate electric power for sale, marketing, or distribution beyond the immediate demands of the property on which it is located. This includes industrial-scale wind and solar farms and various components of such farms, including, but not limited to, turbines, towers, solar panels, buildings, transmission facilities, transformers, and control systems.

SECTION 3: EXCLUSIONS

- 1) Residential solar panels and small-scale wind energy systems intended for on-site use.
- 2) Solar or wind energy systems installed on municipal buildings, schools, business parks, or commercial/industrial buildings for the exclusive use of the occupants.

SECTION 4: EXISTING PROJECTS

This moratorium does not apply to any wind or solar energy facility within Boone County, the construction of which began on or before April 8, 2025, provided it complies with all applicable federal, state, and local laws.

SECTION 5: PURPOSE AND DURATION

This moratorium is enacted to provide time for the Quorum Court to consider adopting appropriate regulations for commercial wind and solar energy facilities. This moratorium will remain in effect until:

1. The Quorum Court adopts an ordinance governing such facilities, or
2. The Quorum Court passes an ordinance lifting the moratorium.

SECTION 6: SEVERABILITY

- 1) If any provision of this ordinance is found to be invalid by the decision of any court of competent jurisdiction, such invalidity shall not affect the remaining sections, phrases, and provisions of this ordinance which remain valid and enforceable.
- 2) The provisions of this regulation shall not be deemed to nullify any provisions of state or federal law.
- 3) If this ordinance is determined to conflict with existing county law, the provisions in this ordinance shall take precedence with the exception that this ordinance shall not reduce safety, health, or environmental requirements contained in other ordinances.

SECTION 7: EMERGENCY CLAUSE

The Quorum Court finds that immediate enactment of this ordinance is necessary for the preservation of the public’s peace, health, safety, welfare, and property. Therefore, an emergency is hereby declared to exist, and this ordinance shall take effect immediately upon adoption.

PASSED AND APPROVED THIS 8TH DAY OF APRIL, 2025.

In accordance with the requirements of Ark. Code Ann. 14-14-116, this publication is paid for from the budget of the Boone County Quorum Court. The total cost of this publication is _____.

DATE PASSED: _____

SUBMITTED BY: Justice Shane Jones

DATE APPROVED: _____

APPROVED: _____

Robert Hathaway
Boone County Judge

ATTEST: _____

Crystal Graddy
Boone County Clerk