

ORDINANCE NO. 4968

AN ORDINANCE AMENDING CHAPTER 122 OF THE CODE OF ORDINANCES OF BOSSIER PARISH, LOUISIANA, "UTILITIES", TO ADD ARTICLE VI, "UTILITY SCALE SOLAR PROJECT FACILITY ("SOLAR FARM") STANDARDS"

WHEREAS, the Bossier Parish Police Jury (the "Police Jury"), in order to protect the health, safety, and welfare of the public and to provide for the orderly, planned, efficient, and healthy development of any utility scale solar project facility ("Solar Farm" or "Facility") in Bossier Parish, hereby adopts this ordinance to be entitled The Bossier Parish Utility Scale Solar Project Facility ("Solar Farm") Standards Ordinance.

NOW, THEREFORE, LET IT BE ORDAINED, by the Bossier Parish Police Jury in regular and legal session on this 16th day of August, 2023, that Chapter 122 of the Bossier Parish Code of Ordinances, "Utilities", be and is hereby amended as follows:

Article IV is hereby amended to add Subsections 118-66 through 118-100 as follows:

ARTICLE V.

Sections 122-145 through 122-165 Reserved.

Chapter 122 be and is hereby amended to add Article VI as follows:

ARTICLE VI. UTILITY SCALE SOLAR PROJECT FACILITY ("SOLAR FARM") STANDARDS

Sec. 122-166. General summary of solar farm permit process.

(a) This ordinance has been promulgated by the Bossier Parish Police Jury in order to protect the health, safety, and welfare of the public and to provide for the orderly, planned, efficient, and healthy development of Bossier Parish (the "Parish"). This ordinance grants the Parish and its Police Jury sole authority over all matters concerning a Utility Scale Solar Project Facility ("Solar Farm") in the Parish.

(b) Delegation to Parish Engineer

(1) The Police Jury hereby delegates the authority to review a Solar Farm Permit to the Parish Engineer. If in the opinion of the Parish Engineer, the review of a Permit application requires assistance from outside expert, including, but not limited to, third party engineers, accountants, or other professionals, then the Parish Engineer, with the approval of the Parish Administrator, may employ such outside experts to assist with his review of the Permit application in conformance with applicable state and/or Parish procurement laws and regulations. The Applicant shall bear the cost of the Police Jury's retention of all expert consultants under this Ordinance.

(2) Permit Application and Evaluation. The Parish Engineer is responsible for the evaluation of all Solar Farm Permit applications to ensure the facility will be constructed and operated in compliance with the requirements hereof. Upon receipt of the Solar Farm Permit application, the Parish Engineer shall perform a review as to content and notify the applicant if the Solar Farm Permit application is complete. If the Parish Engineer determines that the Solar Farm Permit application is incomplete, the applicant shall be notified of any deficiencies in writing sent by certified mail. The applicant will have thirty (30) days from receipt of notice to address any deficiencies by amending the application. The Parish Engineer shall subsequently notify the Solar Farm Permit applicant if the amended application is

complete. Failure to amend the Permit application within the thirty (30)-day time period will result in denial of the Solar Farm Permit application.

- (3) Permit Approval or Denial, and Appeal to Police Jury. The Parish Engineer shall recommend to the Police Jury either approval or denial of the issuance of the Solar Farm Permit. If the Permit is denied by the Police Jury as provided in Section 122-172 herein, a judicial appeal may be taken by the applicant in accordance with Section 122-172 herein. Construction of the Solar Farm shall not commence prior to issuance of a Solar Farm Permit by the Parish Engineer. The issued Solar Farm Permit may not be transferred by the applicant, Facility owner, or operator without the approval of the Police Jury.

The Parish Engineer shall not recommend issuance of a Solar Farm Permit unless the Solar Farm Permit application demonstrates that the Facility will conform to the requirements herein.

- (c) *Required MPC Approval.* The Parish Engineer's recommended issuance of a Solar Farm Permit for a Facility whose proposed location is within the jurisdiction of the Bossier MPC, Haughton MPC, or Benton MPC, is subject to the subsequent additional approval of the Facility as an application for a Conditional (or Planning Approval) Use by the respective MPC, using the development and design standards contained in this ordinance. If, following the Parish Engineer's recommended issuance of a Solar Farm Permit, the respective MPC denies the Facility's application for a Conditional (or Planning Approval) Use, then the applicant may appeal to the Police Jury, with the appeal provision in Section 122-172 herein providing the controlling procedure for further review.

- (d) *Permission to Operate Approval or Denial, and Appeal to Police Jury.* Prior to the commencement of operation of the Facility, the owner and/or operator shall submit a written request for final inspection to the Parish Engineer, who shall conduct the inspection. The Parish Engineer will submit the results of his final inspection to the Parish Administrator.

- (1) If the Parish Administrator determines following review that the Facility has passed the final inspection and all applicable fees and costs remitted (including those of any outside experts the Parish Administrator believes are necessary to assist with his review of the final inspection), he will recommend approval of the Permission to Operate to the Police Jury, upon whose approval the Parish Engineer shall notify the Facility owner or operator that operation of the Facility may commence.

- (2) A denial of Permission to Operate by the Police Jury may be appealed by the Facility owner or operator to the 26th Judicial District Court, as provided in the appeal provisions of Section 122-172 herein.

Sec. 122-167. Purpose.

The purpose hereof is to set minimum standards and requirements for the permitting and operation of any Solar Farm in the Parish.

Sec. 122-168. Applicability.

The provisions hereof apply to any and all Solar Farms constructed and/or operated in the Parish. This ordinance allows both Photovoltaic (PV) systems and Photovoltaic-thermal (PV/T) USSPF systems, as defined herein, to be constructed and operated in the Parish.

Sec. 122-169. Validity and severability.

Should any provision of this ordinance be held unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Sec. 122-170. Definitions.

Photovoltaic (PV) System: A complete set of components for converting sunlight into electricity by the photovoltaic process, including the array and balance of system components.

Photovoltaic-thermal (PV/T) System: A photovoltaic system that, in addition to converting sunlight into electricity, collects the residual heat energy and delivers both heat and electricity in usable form. Also called a total energy system or solar thermal system.

Solar Farm Permit: A permit issued by the Parish Engineer authorizing the construction of a Solar Farm in Bossier Parish.

Utility Scale Solar Project Facility: Sometimes referred to herein as a “Solar Farm” or “Facility”, this is a solar electric power generating facility constructed on immovable property for the purpose of producing photovoltaic electricity, photovoltaic electricity and heated fluids and solar thermal electricity. The power generated is sold to power purchasers for distribution throughout the power grid.

Sec. 122-171. Utility scale solar project facility development and design standards.

- (a) *Minimum Lot Size:* A Facility shall not be constructed on aggregate parcels of immovable property that are less than twenty (20) contiguous acres in size.
- (b) *Height Restrictions:* All photovoltaic panels located in a Facility with rotating panels shall be restricted to a maximum height of the torque tube to sixteen (16) feet measured from the ground to the top of the torque tube.

Facilities that have non-rotating (fixed) photovoltaic panels shall be limited to a maximum photovoltaic panel height of eighteen (18) feet measured from the ground to the top of the photovoltaic panel.

- (c) *Setbacks*: All photovoltaic solar panels and support structures associated with a Facility (excluding perimeter security fencing) shall be set back a minimum of one hundred (100) feet from public roads and neighboring immovable property boundaries, unless the adjoining immovable property boundary is wooded with no residence on the immovable property, in which case the setback shall be no less than fifty (50) feet. Inverters, transformers, and mechanical equipment shall be set back a minimum of one hundred (100) feet from adjacent immovable property boundaries even if the adjacent boundary is wooded. If an adjoining section of immovable property has an existing occupied residence or formal place of worship (e.g., Church, Synagogue, Mosque, etc.) all photovoltaic solar panels and support structures, including inverters, transformers, and mechanical equipment, associated with a Facility shall be set back a minimum of five hundred (500) feet from the occupied residence or formal place of worship. These requirements are not applicable to adjoining landowners participating in the development of the Facility.
- (d) *Fire Protection*: Areas of the Facility susceptible to fire, including but not limited to transformers and other equipment that pose a risk of fire, shall be equipped with a fire monitoring system. The system shall automatically notify off-site emergency personnel listed in the Facility's Emergency Response Plan that the fire monitoring system has been activated. The Facility's Emergency Response Plan will be coordinated with the Chief of the servicing Fire Department or Fire District and the Parish Engineer in accordance with the National Electrical Safety Code ("NESC") guidelines. The Facility shall comply with all applicable codes and regulatory standards for fire protection and shall be designed and constructed utilizing engineering controls to limit the spread of fire from any area susceptible to fire.
- (e) *Safety/Access*: A minimum eight (8) foot security fence (height and material to be established through the Solar Farm Permit process) shall be placed around the entire perimeter of the Facility to deter individuals from entering the premises and all electrical control equipment shall be equipped with a lock to prevent access. Lock boxes and keys to each shall be stored at locked entrances for emergency personnel access.
- (f) *Signage*: One or more signs shall be affixed to the fence at the main entrance identifying the owner (and operator if there is a separate operator) of the Facility and emergency contact information. Warning signage, including the identification of the owner or operator and emergency contact information, shall be placed every three hundred (300) feet around the security perimeter fence of the Facility.
- (g) *Emergency Services*: For purposes of emergency services, the owner or operator of the Facility shall provide a copy of the electrical schematic and site plan to the Chief of the servicing Fire Department or Fire District and the Parish Engineer. The owner or operator shall develop an Emergency Response Plan and provide it to the Fire Department or Fire District Chief and the Parish Engineer. All means of shutting down the system shall be clearly marked on the plan. The system shall be equipped with a solar electric quick disconnect/rapid shutdown mechanism. The owner or operator shall identify a responsible person to the Parish Engineer and the Chief of the servicing Fire Department or Fire District for public inquiries throughout the life of the Facility.
- (h) *Noise*: The Facility shall not exceed, and must comply with, the provisions and limits of regulated noise generators under the Bossier Parish Code, Regulation of Noise within the Unincorporated Limits of the Parish of Bossier, Sections 46-31 through 46-39, as such regulations may be amended.
- (i) *Magnetic Fields*: Magnetic fields shall not be above 4mG at the Facility's immovable property boundary(ies) while the Facility is in operation; measurements will not be taken at locations where pre-existing power lines cross the property boundary.
- (j) *Maintenance*: The owner or operator of the Facility shall maintain the Facility in good condition. Maintenance shall include, without limitation, painting, structural repairs, vegetation control and integrity of security equipment. The owner or

operator shall also be responsible for the cost of maintaining the non-public access road(s) associated with the Facility.

- (k) *Landscaping*: A Facility shall install perimeter landscaping that creates an opaque vegetative/foilage "hedge" along each Facility property boundary that is adjacent to public roads, highways, and existing occupied residences within five hundred (500) feet of the Facility's property boundary. The vegetative perimeter shall consist of trees, foliage, bamboo, etc., such that the Facility equipment is concealed from view from the Facility boundaries. Landscaping shall be maintained and in good condition for the life of the Facility. To maintain vegetation in good condition, all unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the Facility's owner or operator within one (1) year, or the next appropriate planting period, whichever occurs first. Any preexisting natural barrier that creates such conditions shall be deemed sufficient. Roads internal to the Facility shall not be subject to vegetative requirements.
- (l) *Lighting*: All lighting must be shielded from nonparticipating landowners' adjoining immovable property and light poles are restricted to a maximum height of eighteen (18) feet.
- (m) *Transportation*: Access drives, driveways, and parking lots must be covered by sufficient limestone, gravel, or similar aggregate to prevent pitting.
- (n) *Local, State and Federal Permits and Standards*: A Facility shall be required to obtain all applicable permits from the U.S. Government, State of Louisiana, and Bossier Parish. A Facility shall comply with all applicable standards, requirements and/or guidelines set by the United States Government, including, but not limited to, the Environmental Protection Agency and U.S. Army Corp of Engineers. A Solar Farm shall comply with all applicable standards, requirements and/or guidelines set by the State of Louisiana, including the Louisiana Department of Environmental Quality and the Louisiana Department of Natural Resources. At the time of installation, solar panels must meet the then current ASCE (American Society of Civil Engineers) standards and/or guidelines, including, but not limited to, applicable wind loads based on the suggested area of installation.
- (o) *Electrical Interconnections*: Electrical interconnection or distribution lines shall comply with all applicable codes, standards, and requirements for commercial and industrial large-scale utilities. Above ground transmission lines within the site shall not exceed a height above the ground as determined by the Parish Engineer, including with the assistance of a consultant, with the applicant to bear the cost of the Police Jury's retaining of the expert; provided, however, that this height limitation shall not apply to tie-in lines at the point of interconnection to the electric grid, or rail, pipeline, road, or similar crossings for which underground crossing is prohibited or impractical.
- (p) *Solar Farm Permit Application*: The following information shall be provided to the Parish Engineer (and, subsequently, to any pertinent MPC) in a Solar Farm Permit application for each proposed Facility. The Solar Farm Permit application must sufficiently set forth all information required to demonstrate that the Facility will comply with the requirements of Section 6 herein.
 - (1) *Facility description and rationale*: Identify the type, size, rated power output, performance, safety, and noise characteristics of the proposed system. Identify build out time frame, project life, development phases, likely markets for the generated energy and possible future expansions. Identify the name of the Facility, name(s), and addresses of the Facility owner and/or operator, name(s) of the property owner(s) and the engineers, surveyors, and contractors to be engaged in the design and construction of the Facility. Prior to beginning construction, the Facility owner shall submit the make and model number of the equipment being installed along with the name and address of the manufacturer and the estimated cost of such equipment.
 - (2) *Permits*: The Facility owner or operator shall provide a copy of all applicable state and federal registrations and permits that have been acknowledged or issued at

the time of the Solar Farm Permit application submission and shall supplement this information as applicable state and federal registrations and permits are acknowledged or issued after the Solar Farm Permit application is submitted. The Solar Farm shall not begin delivering power in commercial quantities to the electrical grid until all required permits are provided to the Parish Engineer for his review.

During construction, limited operational testing is allowed prior to receipt of all required permits.

- (3) *Lease*: If the immovable property site of the Facility is leased, the Facility owner or operator shall submit a copy of the recorded Notice of Lease, which shall contain the following: (a) a declaration that the property is leased and the names and addresses of the lessor and lessee; (b) an immovable property description of the leased property and size of leased property; (c) the date of the lease, its term and the provisions of any extensions and renewals of the term provided for in the lease; (d) a reference to the existence of an option, right of first refusal, or other agreement of the lessor to transfer all or any part of the leased premises; (e) if a sublease, the notice shall contain reference to the recordation information of the primary lease or notice of lease that is subleased; and (f) the Notice of Lease must be signed by the lessor and lessee of the lease or sublease. The Facility owner or operator shall file the Notice of Lease in the Parish's conveyance records and shall provide a copy of the recorded Notice of Lease to the Parish Engineer.
- (4) *Economic Impact*: The Facility owner or operator shall submit a report detailing the estimated financial economic impact to the Parish over the entire life of the Facility. The report shall be prepared by a qualified third party. The draft report shall be provided to the Parish Engineer for review prior to finalization of the Solar Farm Permit and the Parish Engineer may request additional information that he deems necessary for its review.

The Parish Engineer may retain a consultant to review the report, with the applicant to bear the cost of the Police Jury's retaining of the expert.

- (5) *Boundaries*: Identify all immovable property boundaries and actual dimensions upon which the Solar Farm will be located, including total acreage, with bearings and distances. Identify the names and addresses of adjoining immovable property owners and their status as participating or nonparticipating in the development of the Facility.
- (6) *Site Plan*: Present a site plan showing streets, circulation, driveways, service buildings, easements, arrangements and locations of solar panels, and all systems and equipment on the immovable property, and designating all buildable areas of the total site. Include the location of all Facility signage, including warning signage.
- (7) *Analysis of Onsite Traffic*: Provide an estimate of the number of temporary construction jobs and the number of permanent jobs, including job titles, associated with the Facility.
- (8) *Visual Impacts*: Demonstrate the visual impact of the proposed Solar Farm using photos or renditions of the Facility with consideration given to vegetative plantings and setback requirements. Include the Facility's landscaping plan demonstrating how the requirements of Section 122-171(k) herein will be met.
- (9) *Wildlife*: Submit a report summarizing the potential effects of the Facility on wildlife and endangered species in the area. The report must be prepared by a qualified third party with expertise in biology, ecology, wildlife management and/or environmental studies.
- (10) *Environmental and Health Safety Standards*: All applicable environmental, health, and safety regulations and standards shall be complied with during construction and operation of the Facility in order to protect the public health and the environment. For any materials brought on site, a Safety Data Sheet ("SDS")

shall be provided to the Parish Engineer. The SDS must include the following information: the properties of the material, the physical, health and environmental hazards of the material; protective measures; and safety precautions for handling, storing, and transporting the material. No materials that are an environmental, health or safety hazard shall be used without prior written notice and approval of the Parish Engineer.

- (11) *Elevation*: Provide an immovable property elevation profile that includes the immovable property contours and a topography survey showing elevation contours and drainage.
- (12) *Drainage*: Provide a drainage plan that ensures that watershed, runoff and/or drainage from the Facility area flows to the appropriate ditches/channels, as identified by the Parish Engineer, so as to be disbursed appropriately. The drainage plan shall demonstrate that no immovable property within a mile radius of the Facility will experience measurably adverse impacts from watershed, runoff and/or drainage from the Facility site. The drainage plan shall be reviewed by the Parish Engineer and additional requirements regarding drainage may be imposed on the Facility. The application must also indicate if a storm water permit from the Louisiana Department of Environmental Quality for construction, operation, or both is required.
- (13) *Solid and Hazardous Waste*: Identify solid waste or hazardous waste that will be generated by the Facility. The application shall include a plan for spill prevention, clean-up and disposal of fuels, oils, and hazardous wastes, as well as collection and storage methods for solid waste generated by the Facility.
- (14) *Wind*: Provide an analysis of the solar equipment's ability to withstand maximum sustained winds (and temporary maximum gusts) that could be reasonably expected in the vicinity of the Facility.
- (15) *Lighting*: Provide lighting plans showing all lighting within and on the perimeter of the Facility.
- (16) *Transportation Plan*: Provide an access plan for both the construction and operation phases of the Facility. The plan must show proposed Facility service road ingress and egress access onto primary and secondary routes and the layout of the Facility service road system.
- (17) *Vegetative Maintenance Plan*: Submit a plan for the upkeep and maintenance of the vegetation consistent with the requirements of Section 122-171(k) herein. Emphasis should be placed on maintaining the required vegetation.
- (18) *Public Safety*: Submit a plan outlining routine and emergency shutdown procedures. Include a plan of how the Facility will comply with applicable fire protection regulatory requirements, including the International Fire Code and NFPA. Submit a copy of the Emergency Response Plan to the Fire Department or Fire District Chief and the Parish Engineer. Identify potential hazards to adjacent immovable properties, public roadways and to the community in general related to operation and/or shutdown of the Facility is in operation.
- (19) *Sound Limitations*: Identify anticipated noise levels at the fence line of the Facility when construction is complete and when the Facility is in operation.
- (20) *Magnetic Field Limitations*: Identify anticipated magnetic field levels at the fence line of the Facility when construction is complete and when the Facility is in operation.
- (21) *Telecommunications Interference*: Identify electromagnetic fields and communications interference to be generated by the Facility when construction is complete and when the Facility is in operation.

- (22) *Photovoltaic Panel Angles*: Submit a vehicular glare analysis on the layout, mounting and movement of the photovoltaic panels and demonstrate that the glare will be minimized and will not materially interfere with vehicular traffic.
- (23) *Aviation Analysis*: Submit an aviation glare analysis developed by a qualified third-party contractor showing any potential Aviation Glare Hazards (AGH) that would arise from the Facility and its effect on local flightpaths, including Barksdale Air Force Base and any airport.
- (24) *Life of the Facility and Final Reclamation*: Submit a Decommissioning and Final Immovable Property Reclamation Plan ("Decommissioning Plan") after anticipated useful life or abandonment or termination of the Facility, including evidence of an agreement with the immovable property owner that ensures proper final removal of power generating equipment no later than twelve (12) months after decommissioning in accordance with the requirements of Sec. 122-177 herein. The Decommissioning Plan shall include the following: (a) the anticipated life of the Facility, (b) the estimated decommissioning cost in current dollars, (c) how said estimate was determined, including how credit for salvage value was calculated, (d) the manner in which the Facility will be decommissioned, and (e) an acceptable performance guarantee to cover the cost of decommissioning, as set forth in Section 122-171(q)(8) herein. The plan must be prepared by a professional engineer licensed in Louisiana.
- (q) *Additional Requirements*: All shall comply with the following requirements.
- (1) *Construction*: The installation of equipment shall be performed in accordance with generally accepted industry standards for such installation and in accordance with the manufacturer's standards and specifications.
- (2) *Licensed Contractor*: The contractor(s) hired to construct, install, service, monitor and/or maintain the Facility and any of the equipment therein, shall be duly licensed by the Louisiana State Licensing Board for Contractors in the classification of solar energy equipment as required by La. R.S. 37:2156.3 and LAC 46: XXIX, Chapters 1-7 at Section 311, as amended. Each contractor and subcontractor shall register with the Parish Engineer prior to furnishing any labor, materials, services, or work to the Solar Farm project.
- (3) *Build Completion*: Upon substantial completion of the construction of the Facility, a certified as-built plan stamped by a professional engineer licensed in Louisiana shall be submitted to the Parish Engineer for review, which shall clearly show the as-built Facility, including any and all as-built construction, concealed or buried conduit, utilities, etc. The Parish Engineer must approve the as-built plan prior to the Parish Engineer's final inspection of the Facility. Once approved, the owner or operator shall file the as-built plan in the Bossier Parish mortgage records and the Parish Engineer shall maintain a copy of the as-built plan on file for three (3) years after the Facility has completed the decommissioning process.
- (4) *Proof of Adherence to Noise Limitations*: Proof of adherence to noise limitations by the Facility as provided in Section 122-171(h) herein shall be submitted to the Parish Engineer within three (3) months following the commencement of operation of the Facility. This proof shall be based upon actual measurement of the noise level at the property line of each neighboring property during Facility operation.
- (5) *Proof of Adherence to Magnetic Field Limitations*: Proof of adherence to magnetic field limitations by the Facility shall be submitted to the Parish Engineer within three (3) months following the commencement of operation of the Facility. This proof shall be based upon actual measurement of the magnetic field background levels at the property line of each neighboring property during Facility operation.

- (6) *Delayed or Incomplete Construction*: A Solar Farm Permit will expire three (3) years from date of issuance if construction of the Facility has not commenced. A Solar Farm Permit shall expire four (4) years from date of issuance if the construction of the Facility has not reached substantial completion and/or final acceptance, both of which must be determined and certified by an engineer licensed in Louisiana. After the expiration of a Solar Farm Permit, the applicant may reapply.
- (7) *Experts and Consultants*: Should the Parish Engineer determine that review of any element of the application, including but not limited to the Decommissioning Plan, requires assistance from outside experts, including but not limited to engineers, accountants, or other technical consultants, the applicant shall bear the cost of the Police Jury's retaining of the expert.

Where provisions herein require submittal of a report or other information prepared by or work performed by a third-party contractor, engineer, or other consultant, the Parish Engineer or Parish Administrator has the authority to hire consultants to review the submitted report, information, or work performed by third-party contractor, engineer, or other consultant, with the cost of the Police Jury retaining such consultants to be borne by the applicant, owner, or operator.

- (8) *Performance Guarantee for Decommissioning*: After a Solar Farm Permit is issued, as a precondition to commencing construction, the Facility owner or operator shall submit to the Parish Engineer a performance guarantee in the form of a performance bond, irrevocable letter of credit, cash escrow held by a federally insured financial institution, or, at the option of the Police Jury, a bond in a rating specified by the Police Jury from a third party independent of the Facility owner or operator, in the amount of the estimated decommissioning cost of the Facility based on the report prepared in Section 122-171(p)(24) herein. Credit shall be given for salvage value of the equipment and such credit may be subtracted from the estimated decommissioning cost but under no circumstances may the performance guarantee be less than \$500,000.00 even if the salvage value of the equipment exceeds the estimated decommissioning cost. If providing a performance bond, it shall be issued by a solvent, legal surety that is licensed to do business in the State of Louisiana, subject to the approval of the Parish Engineer. Any financial institution issuing an irrevocable letter of credit or holding a cash escrow shall be subject to the approval of the Parish Engineer.

For the performance guarantee, whether utilizing a bond, letter of credit, or cash escrow, the immovable property owner(s) shall be listed as the primary beneficiary of the performance guarantee, with the Police Jury listed as the secondary beneficiary. The performance guarantee shall provide that it cannot be amended, cancelled, or revoked without the prior written consent of all beneficiaries thereto. The amount of the estimated decommissioning cost and the performance guarantee shall be submitted by the Facility owner or operator to the Parish Engineer for review at least every two (2) years and shall be increased as needed in accordance with the Consumer Price Index for inflation and any reduction in value of the credit given for estimated salvage value. The performance guarantee shall be released at such time that it or its assignees remove the system(s) and associated abandoned structures of the Facility and such completed removal is found to be satisfactory by the Parish Engineer.

- (9) *Final Inspection and Permission to Operate*: Prior to operation of the Facility, the owner and/or operator shall submit a written request to the Parish Engineer for final inspection of the Facility.

The Parish Engineer shall perform both a file review and a physical inspection of the Facility in conducting the final inspection. The review shall be performed to confirm that applicable requirements of the ordinance have been met and that the approved as-built plan reflects the Facility design as constructed. The Parish Engineer shall submit the results of his final inspection to the Parish Administrator.

If the Parish Administrator determines that the Facility has passed the final inspection and all applicable fees have been remitted, he will recommend approval of the Permission to Operate to the Police Jury, upon whose approval the Parish Engineer shall notify the Facility owner or operator that operation of the Facility may commence by issuance of a written Permission to Operate. The issued Permission to Operate may not be transferred by the Facility owner or operator without the approval of the Police Jury.

If the Parish Administrator determines that the Facility does not pass the final inspection, he will advise the Parish Engineer to notify the Facility owner or operator in writing with a list of deficiencies that must be corrected.

Sec. 122-172. Appeals.

Upon receipt from the Parish Engineer of recommended approval or denial of a Solar Farm Permit, receipt from the Parish Administrator of recommended approval of Permission to Operate, or an appeal made within 30 days from an MPC's denial of a Conditional (or Planning Approval) Use following recommended approval by the Parish Engineer of a Solar Farm Permit, the Police Jury shall hold a hearing and may, by majority vote of a quorum, then present and voting, (1) affirm or reverse the recommended approval of the Solar Farm Permit or Permission to Operate, (2) affirm or reverse the recommended denial of the Solar Farm Permit, (3) affirm or reverse the appeal of the denial of a Conditional (or Planning Approval) Use, or (4) remand to the Parish Engineer (Solar Farm Permit), Parish Administrator (Permission to Operate), or MPC (Conditional or Planning Approval Use), for further consideration. The Police Jury's decision in each instance is final (subject to later rehearing following remand), but it may be appealed by the applicant to the 26th Judicial District Court within ten (10) days from receipt of the mailing by certified mail, return receipt requested, of the Police Jury's decision to the applicable Facility applicant, owner, or operator.

Sec. 122-173. Permit Fee.

The Solar Farm Permit fee shall be one (1) percent (%) of the total construction cost of the Facility, plus any other applicable permit fees outlined in the Bossier Parish Police Jury's permit fee schedule. The Solar Farm Permit fee shall be due upon issuance of the Solar Farm Permit as a condition of protecting the infrastructure of Bossier Parish.

Sec. 122-174. Inspections.

Upon 24-hours prior notification, with the exception of emergency situations as determined at the discretion of the Permit Office, authorized representatives of the Police Jury may enter upon the premises and conduct an inspection of the Solar Farm at any time, whether during construction, operation, or decommissioning, to verify compliance with any and all applicable requirements, standards, and/or guidelines.

Sec. 122-175. Enforcement: Penalties.

- (a) In the event the owner or operator is in violation of terms herein and/or the terms of the Bossier Parish Code of Ordinances, the Police Jury may at its discretion under Section 1-13 of the Bossier Parish Code of Ordinances, following a notice of noncompliance being sent by certified mail, return receipt requested, to the applicant, owner, or operator of the Solar Farm setting forth the noncompliant activities and a deadline for achieving compliance, with the applicant, owner, or operator having failed to meet the requirements for compliance within the allotted time period:
 - (1) Withhold any approvals or permits required by this ordinance or as otherwise provided in the Bossier Parish Code of Ordinances.
 - (2) Issue stop work orders against any work undertaken by an entity not having a proper approval or permit required by this ordinance or as otherwise provided in the Bossier Parish Code of Ordinances, or operating in violation of any parish regulatory provision, including the immediate cessation of parish utility services.

- (3) Issue stop work orders against any previously approved actions in violation hereof or as otherwise provided in the Bossier Parish Code of Ordinance, including the immediate cessation of parish utility services.
 - (4) Bring an action for temporary restraining order, temporary or permanent injunction, or any other judicial remedy (including, in appropriate cases, for mandamus) to prevent the violation and/or to prevent the occupancy or use of any site or structure involved in the violation, or otherwise to abate a violation, hereof or as otherwise provide in the Bossier Parish Code of Ordinances. Any person subject to parish regulatory provision, and every permittee for the issuance of any parish permit, is placed on notice and agrees that a violation may be enforced, restrained, corrected, or abated, without limitation, by any such judicial remedy, without the necessity of the parish proving irreparable harm or furnishing bond or other security and with the parish, should it prevail in whole or in part, being entitled to recover reasonable attorney's fees and costs. Additionally, any forbearance by the Parish of enforcement in any instance shall not constitute a waiver of parish authority to seek enforcement, restraint, correction, or abatement in any other instance.
 - (5) Prosecute the violation as a misdemeanor as provided in Section 1-13(a) of the Bossier Parish Code of Ordinances, subject to a maximum penalty upon conviction of \$500.00, with each day the violation continues constituting a separate offense.
- (b) Failure to pay any penalty timely is a violation hereof and may result in the revocation of the Solar Farm Permit. Repeat violations hereof and/or terms of the Solar Farm Permit may result in revocation of the Solar Farm Permit.

Sec. 122-176. Deviations from application.

The applicant, owner, or operator of the Solar Farm must immediately notify, update and/or supplement its Solar Farm Permit application with the Permit Office in the event of any material changes or deviations from the information represented in its original application. The Parish Engineer will determine whether the changes and/or deviations result in noncompliance with this ordinance and require the Parish to reconsider the status of the permit.

Sec. 122-177. Decommissioning, removal, and abandonment.

- (a) Any Solar Farm that has reached the end of its useful life, ceases to generate power as set forth in Section 122-177(c) below, or has been abandoned shall be removed in accordance with the Decommissioning Plan. The removal and decommissioning activities shall commence within ninety (90) days of termination of site use, abandonment, or revocation of the Solar Farm Permit. The Solar Farm owner or operator shall physically remove the installation no more than twelve (12) months after the date of discontinued operations. The owner or operator shall notify the Parish Engineer by certified mail, return receipt requested, of the proposed date of the discontinued operations and provide detailed plans for removal.
- (b) Decommissioning shall consist of:
 - (1) Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site including cabling up to a depth of three (3) feet;
 - (2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 - (3) Stabilize or revegetate the Solar Farm site as necessary to minimize erosion. The contour of the immovable property shall be returned to what it was at the inception of the project, or as similar as reasonably possible, except that this requirement shall not apply where the immovable property owner(s) consents to the altered contour of the immovable property remaining and permanent drainage structures are in place to ensure that no adjoining immovable property has adverse effects from watershed, runoff and/or drainage from the immovable property. The Parish Engineer may allow the owner or operator to leave landscaping or designated below-grade foundations to minimize erosion and disruptions to vegetation. The

immovable property owner(s) and/or the Parish Engineer may require that roads and/or buildings be retained; and

- (4) Remediation of any environmental hazards remaining on the site, as determined by the EPA, LDEQ, or the Parish Engineer.
- (c) Absent a written notice of a proposed date of decommissioning or written notice of a force majeure, the Solar Farm shall be considered abandoned when it fails to generate electricity for more than one (1) year after the commercial operations commencement date, without having first obtained the written consent of the Parish Engineer. Determination of abandonment shall be made by the Parish Engineer.
- (d) If the owner or operator of the Solar Farm fails to remove the installation in accordance with the requirements of this section within twelve (12) months of abandonment or the proposed date of decommissioning, the Parish may utilize the performance guarantee and any and all legal or available means necessary to cause the abandoned, hazardous, or decommissioned Solar Farm to be removed and to complete all of the decommissioning steps under this section.

Sec. 122-178. Industrial Tax Exemption Program (ITEP).

The Police Jury reserves the right to accept, reject, or request modification of the Louisiana Industrial Ad Valorem Tax Program, which currently provides an 80% property tax abatement for an initial five (5) years with the option of renewal.

Sec. 122-179. Transfer and/or sale of solar farm.

The Parish Engineer shall be notified within thirty (30) days of any anticipated transfer of ownership, operation and/or sale of the Solar Farm, the Solar Farm Permit, or the Permission to Operate. The Police Jury must approve of any such transfer. The new owners or operators of the Solar Farm shall be held to the same standards, requirements, and permit conditions as the original Solar Farm owner or operator.

Sec. 122-180. Conflict of Laws.

Whenever the requirements of this ordinance conflict with each other or with the requirements of any other applicable statute, regulation, or law, including, without limitation, any regulations that may be promulgated by the Louisiana Department of Natural Resources, the more restrictive regulation shall apply. In the event the requirements of this ordinance conflict with any ordinance previously enacted by the Parish, the provisions of this ordinance shall apply.

Sections 122-181 through 122-210 Reserved.

BE IT FURTHER ORDAINED, etc., that all ordinances or parts of ordinances in conflict herewith are hereby repealed.

The ordinance was offered by Mr. Marsiglia, seconded by Mr. Plummer. Upon a vote, it was duly adopted on this 16th day of August, 2023.

RACHEL D. HAUSER
PARISH SECRETARY

DOUG RIMMER, PRESIDENT
BOSSIER PARISH POLICE JURY