



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

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

WHEREAS, the Quorum Court of Carroll 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 facilities require significant land use, which may have lasting and potentially adverse effects on local communities, and;

WHEREAS, Scout Clean Energy/Nimbus has a 30 wind turbine facility currently under construction in eastern Carroll County, 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 CARROLL COUNTY, 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 Carroll County, Arkansas, effective immediately upon adoption.

SECTION 2: DEFINITIONS

- 1) Definition of "construct" or "construction", or "expansion" means any clearing of land, excavation, relocation of utilities, grading, construction of access roads at proposed sites, erection of any energy generation components, and/or any positioning or location of equipment to accomplish same, but shall not include preliminary assessment work defined as; 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 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 and which is intended to be connected or has an interface for connection to the local, state or national electrical grid. This includes industrial-scale wind and solar farms and the various components of such farms, including, but not limited to industrial wind turbines, meteorological towers, solar panels, Operation and Maintenance buildings, transmission facilities, transformers, and control systems.

3) For the purpose of this ordinance, “Facility” refers to the total combined components that are needed for the functioning and distribution of wind or solar powered energy for commercial use including but not limited to one or more of the following: industrial electrical energy producing structures including but not limited to wind turbines and or solar panels, cables, transmission lines, substations, transformers, control systems and operation and maintenance buildings. Each planned phase of an electrical generation facility is a separate facility.

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 as established by relevant administration authority or commercial/industrial buildings for the exclusive use of the occupants.

SECTION 4: EXISTING FACILITY

This moratorium does not apply to any industrial wind or solar energy facility within Carroll County, including but not limited to the Scout Clean Energy/Nimbus 30 turbine wind farm, the construction of which began on or before December 31, 2024, provided it complies with all applicable federal, state, and local laws. Any facility preexisting the date of this ordinance shall provide to the Quorum Court of Carroll County, Arkansas annually on or before the first day of April each year the ~~revenue~~ and energy production statistics for each wind turbine or solar array and a collective total of those statistical categories for the entire facility by filing a report with the office of the Carroll County Judge.

SECTION 5: PURPOSE AND DURATION

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

- 1) The fifth anniversary of the date the last wind turbine in the Scout Clean Energy/Nimbus wind turbine facility currently under construction begins to produce electricity, or
- 2) The Quorum Court passes an ordinance lifting the moratorium.

SECTION 6: MORATORIUM DECLARATION

The Quorum Court finds that this ordinance is necessary to protect public health, safety, and welfare. Therefore, this ordinance shall take effect immediately upon adoption.

SECTION 7: PENALTIES

- 1) Any person(s), firm, corporation, partnership, association, owner, occupant, agent or anyone having ownership in the subject property or supervision or control over the facility that violates or fails to comply with any provision of this Ordinance, shall be guilty of a misdemeanor.
- 2) Upon conviction of such violation, any offending party shall be punished by fine of up to \$500 for any one specified offense. If the act prohibited is continuous in time, each day will be considered a separate offense under this Ordinance, and the maximum fine shall be \$500 per day.
- 3) Carroll County or any citizen shall be entitled to pursue all legal and equitable remedies available under the law in order to abate the nuisance and compel compliance with this Ordinance, including injunctive relief and any civil damages to which they may be entitled.

SECTION 8: 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) 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.

PASSED AND APPROVED this 20 day of May, 2025.

APPROVED: David Writer
David Writer, Carroll County Judge

ATTEST: Connie T. Doss
Connie T. Doss, Carroll County Clerk

SPONSORS: Kellie Matt & Jerry King

First Reading: March 18, 2025 Vote: 11 For 0 Against

Second Reading: April 22, 2025 Vote: 8 For 2 Absent, 1 Vacancy

Third Reading: May 20, 2025 Vote: 10 For 0 Against, 1 Vacancy

This Ordinance is paid for by the Quorum Court, Carroll County, Arkansas. §14-14-116 \$_____