

**ORDER AND ORDINANCE _____ OF COUNTY COMMISSION OF
OZARK COUNTY, MISSOURI**

WHEREAS, § 192.300, RSMo., authorizes a county to make and promulgate orders, ordinances, rules or regulations as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into the county; and

WHEREAS, § 49.650, RSMo., authorizes a county to adopt ordinances and resolutions relating to its property, affairs, and local government for which no provision has been made in the constitution or laws of Missouri regarding nuisance abatement and storm water control, excluding agricultural and horticultural property, and the promotion of economic development for job creation purposes; and

WHEREAS, recent advances in artificial intelligence and continued growth of social media have led to the development of large commercial data centers across Missouri and the rest of the country; and

WHEREAS, large commercial data centers consume substantial quantities of electricity relative to typical industrial and commercial uses, necessitating coordination with electrical utilities to ensure grid stability and mitigate risks of localized power disruptions that can compromise critical residential medical equipment, refrigeration equipment, and necessary climate control systems during extreme weather events; and

WHEREAS, large commercial data centers utilize extensive continuous cooling systems and emergency backup generators that can generate sustained ambient noise levels, necessitating proactive review to ensure compliance with community noise standards and to preserve the peace and quiet enjoyment of adjacent properties and to protect residents from the documented physiological health risks associated with chronic, sleep-disrupting environmental noise; and

WHEREAS, the construction of large commercial data centers introduces substantial impervious surface acreage, which can significantly alter localized drainage patterns and increase storm water runoff, necessitating verified management controls to prevent erosion, downstream

flooding, and strain on county drainage infrastructure, and the public health hazards associated with standing water and compromised water quality; and

WHEREAS, the unique physical operations of Wind Energy Systems, including the rapid, rhythmic rotation of large turbine blades, create localized environmental phenomena that directly impact the human nervous, vestibular, and visual systems; and

WHEREAS, the interaction of sunlight and rotating wind turbine blades creates “shadow flicker” (the casting of moving, rhythmic shadows), which can cause a rapid, visually disruptive blink rate for nearby residents, and has been associated with photosensitive epilepsy, severe migraines, vertigo, and disorientation, thereby posing a potential risk to the physical health of citizens in their homes; and

WHEREAS, industrial wind turbines emit continuous, low-frequency sound waves and subaudible frequencies, commonly known as infrasound (acoustic energy below 20 Hz), which travel long distances and penetrate residential structures without significant attenuation; and

WHEREAS, scientific and medical studies have documented that prolonged exposure to subaudible infrasound and low-frequency noise can affect the human inner ear vestibular system, and that nearby residents have reported a cluster of physiological symptoms including chronic sleep deprivation, elevated cortisol levels, severe anxiety, and cardiovascular stress; and

WHEREAS, chronic sleep disturbance caused by low-frequency acoustic emissions has been identified in public health literature as a contributor to long-term health degradation, potentially leading to compromised immune function and increased risks of clinical depression and cognitive impairment; and

WHEREAS, the unmitigated adverse impacts of noise, electrical grid strain, unregulated storm water runoff, shadow flicker, and subaudible frequencies have the potential to degrade adjacent property values and diminish the surrounding area’s economic viability, and the regulation thereof directly furthers the County’s legitimate legislative interests to safeguard the local tax base, protect property rights, and actively promote stable economic development for job creation purposes as authorized pursuant to § 49.650, RSMo.; and

WHEREAS, the impacts listed above may be caused by numerous other high-impact commercial and industrial uses in addition to data centers; and

WHEREAS, the restrictions and regulations established herein, including noise, lighting, screening, and pre-construction review requirements, are designed to mitigate potential physiological conditions, human health and sleep issues, and protect the vestibular and visual health of Ozark County residents from the specified facilities; and

WHEREAS, industrial electrical generation facilities and large commercial data centers may pose significant hazards to emergency responders, including risks from high-voltage electrical systems, battery energy storage systems, and hazardous materials, unless an emergency response plan has been developed in advance; and

WHEREAS, the regulation of these factors directly furthers Ozark County's legitimate legislative interests to protect public health and safety, safeguard the local tax base, protect property rights, and actively promote stable economic development for job creation purposes as authorized pursuant to § 192.300, RSMo., and § 49.650, RSMo.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF OZARK COUNTY, MISSOURI, AS FOLLOWS:

1. Incorporation of Recitals. The WHEREAS clauses set forth above are incorporated herein as the findings of the Ozark County Commission as if fully set forth herein.
2. Definitions. For the purposes of this Ordinance, the following terms shall have the meanings set forth below:
 - a. **"Battery Energy Storage System" or "BESS"** means one or more devices intended for storing energy for later use. This term shall include all accessory equipment necessary for energy storage, including but not limited to inverters, transformers, cooling equipment, switching gear, metering equipment, transmission tie-lines, or other power interconnection facilities and/or substations.
 - b. **"Developer"** means any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, or any other group or entity acting as a unit, including their authorized agents, designees, or successors in interest, that initiates, plans, applies for, undertakes, finances, or oversees the physical development, clearing, grading, construction, or substantial expansion of a High-Impact Commercial and Industrial Use within the County; provided, however, that "finances" shall not include commercial banks' lending on reasonable terms available to the general public.
 - c. **"DNR"** means the Missouri Department of Natural Resources.
 - d. **"Electrical Utility Provider"** means any entity, whether publicly, privately, or cooperatively owned, that owns, operates, controls, manages, or leases electric transmission or distribution lines or systems for the provision of retail or wholesale electrical service within the county. This definition shall be interpreted broadly to encompass all electrical suppliers recognized under Missouri law, including but not limited to: (1) rural electric cooperatives organized, existing, or operating pursuant to Chapter 394, RSMo; (2) municipally owned or operated electric power systems operating pursuant to Chapter 91, RSMo; and (3) electrical corporations or public utilities subject to the jurisdiction, control, and regulation of the Missouri Public Service Commission pursuant to Chapters 386 and 393, RSMo.

- e. **“Energy System”** means any Solar Energy Project, Wind Energy Project, Battery Energy Storage System, or any combination thereof.
- f. **“EPA”** means the United States Environmental Protection Agency.
- g. **“Financial Assurance”** means reasonable assurance from a creditworthy party, examples of which include a surety bond, trust instrument, cash escrow or irrevocable letter of credit.
- h. **“Data Center”** means any non-residential, non-agricultural, and non-horticultural building, group of buildings or facility whose primary use is data processing or data storage, and is used to house computer systems, servers, and associated components, such as but not limited to central processing units, graphical processing units, quantum computing hardware, quantum processors, memory, data routing, data storage, data warehouse, server farm, bitcoin mining, crypto processing, virtual servers, artificial intelligence training or processing, image processing, cloud computing, email servicing, a telecom hotel, Telehouse location, or associated infrastructure, that meets one or more of the following thresholds:
 - i. **Electrical Demand:** The cumulative anticipated connected electrical load or peak demand for all meters, service connections, and delivery points serving the facility, site, or commonly controlled enterprise, where such cumulative demand exceeds two (2) megawatts (MW), or the project otherwise requires a dedicated substation or utility infrastructure upgrade, provided that a utility infrastructure upgrade shall not include routine line extensions or simple service drops to the property line that are funded entirely by the Developer, Owner, or Operator;
 - ii. **Noise Generation:** Utilizes continuous, 24/7 mechanical cooling, HVAC, chilling, or industrial manufacturing infrastructure, or emergency backup electrical generation, capable of producing sustained ambient sound levels exceeding 45 dBA at any property line; or
 - iii. **Storm Water Impact:** Involves land disturbance activities or the creation of new impervious surfaces that require a land disturbance or National Pollutant Discharge Elimination System permit from the DNR.

Exclusion: The definition of Data Center shall explicitly exclude any property, building, structure, or activity classified as agricultural or horticultural pursuant to § 49.650, RSMo.

- i. **“Occupied Dwelling”** means any permanent residential structure designed or adapted for human habitation that is actually used and inhabited on a regular basis as a residence by one or more lawful occupants.
- j. **“Operator”** means any person, firm, corporation, or entity having operational control, management responsibility, or daily supervisory authority over the business activities, mechanical systems, or utility consumption of a Data Center or Energy System.
- k. **“Owner”** means any person or entity holding fee simple title, a leasehold interest, or a proprietary interest in the real property or the physical infrastructure comprising a Data Center or Energy System.
- l. **“Solar Energy Project”** means a commercial or utility-scale solar energy system that generates electricity for sale, wholesale distribution or off-site consumption, together with all associated structures, panels, inverters, lines, conduits, substations, and appurtenances.
- m. **“Wind Energy Project”** means any commercial or utility-scale facility, development, operation, or collection of structures designed, constructed, or operated for the purpose of converting wind energy into electricity for sale, wholesale distribution, or off-site consumption. This definition shall encompass all infrastructure, assets, and appurtenances associated with the operation, including but not limited to: (a) wind turbines, towers, blades, rotors, and foundations; (b) associated meteorological towers, anemometers, and data collection equipment; (c) overhead and underground electrical transmission, distribution, and collection lines, conduits, and cabling; (d) energy storage assets, electrical substations, transformers, switchgears, and power inverters; and (e) operations and maintenance buildings, access roads, structural sound barriers, and security fencing. This definition excludes localized, small-scale wind turbines designed solely for residential use or to provide primary or supplemental on-site power.

3. Applicability. This Ordinance shall not apply to any railroad company, telecommunications or wireless company, public utility, rural electric cooperative, or municipal utility, or other electrical corporation regulated by the Public Service Commission, except that such entities shall remain subject to the requirements set forth in Section 4.a to provide electrical capacity verification. This Ordinance shall not apply to any project authorized under Chapter 100, RSMo., except that such projects shall remain subject to Sections 5, 6, 7, and 8 of this Ordinance. This Ordinance shall only apply to the unincorporated sections of Ozark County.

4. Pre-Construction Document Submission. Prior to commencement of construction, site clearing, grading, excavation, or land disturbance activities for any Data Center or Energy System, including expansion of any existing facility located within the County that would qualify as a Data Center or Energy System, the Developer, Owner, or Operator shall submit to the Ozark County Commission the following information and documents. No construction or land disturbance shall commence until the County Commission has acknowledged receipt of all required documents and confirmed compliance with this Section, which the County shall complete within thirty (30) days of receipt of a complete submission; provided, however, that the failure of the County to act within such period shall not constitute or be deemed an approval or confirmation of compliance. The County shall notify the submitting party within fifteen (15) business days of any submission if such submission is incomplete or deficient:

- a. Electrical Capacity Verification. A formal written letter of Service Availability or Capacity Verification issued by the serving Electrical Utility Provider. The document must explicitly state that the Electrical Utility Provider has reviewed the project's projected peak electrical demand and has determined that: (1) the Electrical Utility Provider possesses, or will possess prior to the facility commencing operations, sufficient electrical capacity to safely serve the proposed facility; (2) the delivery of power to the facility will not compromise the stability, reliability, or safety of the public electrical grid serving other residential, commercial, industrial, or agricultural uses in the surrounding area; and (3) the direct infrastructure costs to deliver power to the facility will be borne entirely by the Developer, Owner, or Operator pursuant to the terms of their interconnection or service agreement with the Electrical Utility Provider. Any costs, engineering studies, or load calculations required by the Electrical Utility Provider to generate this document shall be the sole responsibility of the Developer, Owner, or Operator. The County's receipt of this document shall serve purely as an administrative verification of compliance and shall not be construed as a county guarantee of grid stability.
- b. Environmental Compliance. Proof of compliance with all applicable environmental regulations administered by the DNR or EPA. Compliance shall be satisfied by providing copies of the following official documents, where applicable: (1) a valid, state-issued Land Disturbance Permit or National Pollutant Discharge Elimination System (NPDES) Storm Water Permit; (2) Air Quality Analysis documentation and any Construction Permits, Air Permits, or Operating Permits; (3) any applications or correspondence with the Missouri State Historic Preservation Office; (4) all applications and documents submitted in connection with any required environmental permits administered by the DNR or EPA; and (5) any other final permits, approvals, or formally issued letters of exemption required by the DNR for the specific construction or operation of the facility. The County's role under this section is strictly limited to the collection and verification of state-issued documentation. The County assumes no responsibility for the technical enforcement, monitoring, or

substantive evaluation of DNR permits, which shall remain under the sole jurisdiction and enforcement authority of the State of Missouri.

- c. Water Use Plans. Any plans or analyses indicating the proposed water use, source of water, anticipated water consumption, and types of cooling systems, whether open or closed loop or otherwise, and any Major Water User reports or registration with DNR.
 - d. Site Plans. Copy of any site plans, including any maps or other documents showing ingress and egress locations and access roads, including any restrictions to height or width for internal road use that may hinder emergency responses.
 - e. Road Use Agreement. A Road Use and Maintenance Agreement in a form acceptable to the County, which shall, at a minimum, address road repair obligations, performance bonding, and indemnification of the County, if the construction will or is reasonably expected to involve any oversize or overweight vehicles traveling on County roads, together with Financial Assurance guaranteeing the performance thereof.
 - f. Decommissioning Agreement. A Decommissioning Agreement in a form acceptable to the County, which shall, at a minimum, address timelines for facility removal, site restoration to pre-construction condition, disposal of materials in accordance with applicable law, and the estimated cost of decommissioning as certified by an independent engineer, together with Financial Assurance guaranteeing the performance thereof. The adequacy of such Financial Assurance shall be reviewed and, if necessary, updated by the Developer, Owner, or Operator at least every five (5) years or upon any material expansion of the facility, whichever occurs first.
 - g. Interconnection Rights. Evidence of all property rights or easements necessary for transmission and interconnection for an Energy System to connect to the electrical grid or a Data Center to connect to appropriate wired, wireless, or optical communications infrastructure.
 - h. Other Documentation. Such other documents as the County may reasonably request to guarantee compliance with the terms and conditions of this Ordinance. The County Commission reserves the authority to grant written variances from specific requirements of this Ordinance upon a showing by the applicant that strict compliance is impracticable due to unique site conditions, and that the proposed alternative measures will achieve substantially equivalent protections for public health, safety, and welfare.
5. Noise Abatement.

a. No Data Center or Energy System shall be constructed or operated in a manner that causes the sound level radiating from the facility to exceed the following limits, as measured using the A-weighted and C-weighted equivalent continuous sound level (LAeq) over a one-hour measurement period in accordance with ANSI S1.4 or equivalent standard, at the following measurement points: (i) the property line of the facility, and (ii) the exterior wall of any existing Occupied Dwelling on an adjacent or surrounding property. In no event shall the facility increase the pre-existing ambient sound level by more than five (5) dBA at adjacent Occupied Dwellings, as established by a pre-construction baseline sound study conducted in accordance with ANSI S12.9 or equivalent standard by a qualified acoustical consultant, covering a minimum continuous monitoring period of forty-eight (48) hours under typical weather conditions at each measurement location:

Daytime (7:00 AM to 10:00 PM): 50 dBA and 70 dBC

Nighttime (10:00 PM to 7:00 AM): 45 dBA and 65 dBC

Daytime and Nighttime for Data Center or Energy System adjacent to parcels with existing commercial or industrial uses and no Occupied Dwellings: 65 dBA and 80 dBC

b. Prior to the commencement of construction, site clearing, grading, excavation, or land disturbance activities described under Section 4 of this Ordinance, the Developer, Owner, or Operator shall submit an Acoustical Certification prepared and sealed by a licensed professional engineer or qualified acoustical consultant. This certification must include: (1) a predictive sound-modeling analysis demonstrating that the fully operational facility (including all cooling systems, HVAC infrastructure, and routinely tested emergency backup generators) will comply with the maximum decibel limits established in this section; and (2) detailed layout of any required engineering controls or structural sound-mitigation measures, including but not limited to acoustic fencing, sound-baffled walls, earthen berms, or dense vegetative screening, necessary to achieve compliance.

c. Within ninety (90) days of commencing commercial operations, the Developer, Owner, or Operator shall submit a post-construction ambient sound study, conducted by an independent third-party professional at the Developer's, Owner's, or Operator's expense, verifying that the actual operational noise levels comply with the limits set forth in this section. Failure to submit the required post-construction sound study within the designated timeframe, or submission of a study demonstrating non-compliance, shall constitute a violation of this Ordinance subject to the enforcement provisions of Section 9.

d. Any violation of the sound limits established herein, or any failure to maintain the sound-mitigation measures detailed in the approved pre-construction Acoustical Certification, shall constitute a public nuisance under § 49.650, RSMo.

e. Upon written notice of a sound violation from the County, the Developer, Owner, or Operator shall have fifteen (15) days to bring the facility into compliance. If compliance cannot be achieved through mechanical adjustments, the County shall have the authority to compel the Developer, Owner, or Operator to construct, install, or implement immediate supplementary physical abatement measures, including but not limited to localized acoustic enclosures, sound barriers, or expanded buffer zones. Failure to remediate a verified noise violation within the designated timeframe shall constitute grounds for the revocation of county permits (if any) or a stop-work/cease-operations order.

6. Light Pollution Abatement.

a. All outdoor lighting fixtures installed, replaced, or maintained by Data Center or Energy Systems shall be Fully Shielded Fixtures. No fixture shall emit light or cause up light above a ninety-degree (90°) horizontal plane. Floodlights, searchlights, or unshielded wall-pack fixtures are strictly prohibited unless retrofitted with an opaque shroud that satisfies the definition of a Fully Shielded Fixture.

b. For the purposes of this Section, the following definitions shall apply:

- i. **“Fully Shielded Fixture”** means an outdoor light fixture (luminaire) constructed and maintained in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane extending through the lowest light-emitting part of the equipment. The light-emitting element (bulb or lamp) must not extend below the opaque shield.
- ii. **“Glare”** means the sensation produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, causing annoyance, discomfort, or temporary loss of visual performance and visibility.
- iii. **“Light Trespass”** means artificial light that spills over a property boundary line and illuminates an adjacent or nearby property where it is unintended or unwanted.
- iv. **“Foot-candle”** means a unit of illuminance equal to one lumen per square foot, as measured at ground level by a standard calibrated light meter.

c. All outdoor lighting arrays shall be designed, aimed, and maintained so that the direct or reflected illumination from the site does not cause Light Trespass exceeding 0.5 foot-candles when measured at the property line of any abutting property used for agricultural,

commercial, or industrial purposes, and shall not exceed 0.1 foot-candles at the property line of any abutting property containing an Occupied Dwelling or any public right-of-way. No direct glare from the light-emitting element (the bulb, lamp, or lens) of any outdoor fixture located on the premises shall be visible from any public roadway or from the ground level of any adjacent property.

d. Outdoor lighting designed for security, facility safety, or perimeter monitoring is fully permitted, provided that:

- i. Such fixtures comply with the Fully Shielded requirements.
- ii. Motion-activated lighting is configured to remain illuminated for no longer than fifteen (15) minutes after a trigger event, and sensor ranges are calibrated so as not to be triggered by off-site movement or activity occurring past the property boundaries.
- iii. Continuous security lighting utilizes a Correlated Color Temperature (CCT) of 3,000 Kelvin (3000K) or less, minimizing high-intensity blue-light emissions known to cause severe glare and disrupt circadian rhythms.
- iv. This section shall not apply to emergency lighting required by law for fire alarms, life-safety illumination, or emergency exit systems, or obstruction lighting required by the Federal Aviation Administration ("FAA"), provided such lighting shall deploy the minimum intensity, flash rate, and nighttime settings permitted under appropriate FAA Advisory Circulars.

e. Any violation of the lighting requirements established herein, or any failure to maintain the exterior lighting as set forth herein, shall constitute a public nuisance under § 49.650, RSMo.

f. Upon written notice of a lighting violation from the County, the Developer, Owner, or Operator shall have thirty (30) days to bring the facility into compliance. If compliance cannot be achieved through mechanical adjustments or repairs, the County shall have the authority to compel the Developer, Owner, or Operator to construct, install, or implement immediate corrective measures, including but not limited to compliant lighting fixtures. Failure to remediate a verified lighting violation within the designated timeframe shall constitute grounds for the revocation of county permits (if any) or a stop-work/cease-operations order.

7. Landscaping and Visual Screening. All ground-mounted Solar Energy Projects and BESS shall be screened from view from adjacent occupied dwellings existing at the time of construction. Screening shall consist of continuous native evergreen vegetation buffer (with a

minimum of six (6) feet height at planting), capable of reaching ten (10) feet in height within three (3) years, or an aesthetically compatible obscuring fence, maintaining an opacity of at least eighty percent (80%). Requirements for visual screening of Data Center and Wind Energy Projects from adjacent occupied dwellings shall apply exclusively to ground-level ancillary structures, including substations, operations and maintenance buildings, and equipment storage yards. Screening shall utilize native evergreen vegetation or secure fencing matching local agricultural or industrial character. Wind turbine towers and blades are expressly exempt from visual screening requirements. Where complete visual screening is not feasible, Data Center and Wind Energy Projects facing public rights-of-way or adjacent occupied dwellings shall be screened using a combination of earthen berms, native landscaping, or architectural fencing. Screening design must: mitigate ground-level visual impacts of mechanical equipment, loading docks, and parking facilities; maintain necessary airflow for cooling infrastructure as certified by an engineer licensed in the State of Missouri; and comply with the noise abatement standards set forth in Section 5 of this Ordinance.

8. Emergency Operations. Simultaneously with the submission of any application or documentation required under this Ordinance, the Developer, Owner, or Operator shall provide a designated contact form to the Ozark County Commission. This form must include the legal names, mailing addresses, and 24/7 emergency contact information for all parties and designate an emergency contact. The Developer, Owner, or Operator shall update this information within ten (10) days of any change. The County shall distribute this information to any fire protection district, volunteer fire department, ambulance district, or law enforcement agency having jurisdiction over the site. Furthermore, the Developer, Owner, or Operator shall actively coordinate with the Ozark County Emergency Management Director and all applicable emergency service providers to establish mutually agreeable protocols for fire protection, hazard mitigation, and emergency response, including a comprehensive thermal runaway response plan for any BESS. Such protocols shall be finalized and submitted to the County Commission prior to the commencement of commercial operations.

9. Variances. The County Commission may, upon written application by the Developer, Owner, or Operator, grant a written variance from one or more specific requirements of this Ordinance upon a showing, supported by competent substantial evidence, that: (1) strict compliance is impracticable due to unique site conditions, existing adjacent land uses, topography, or other physical characteristics of the property not created by the applicant; (2) the requested variance is the minimum deviation necessary to afford reasonable use of the site; (3) the variance will not materially impair the public health, safety, or welfare, increase the likelihood of sleep disturbance, nuisance conditions, or adverse noise impacts to nearby Occupied Dwellings, or otherwise undermine the purposes of this Ordinance; and (4) the applicant has implemented or agreed to implement all feasible alternative mitigation measures, operational restrictions, construction techniques, or monitoring protocols necessary to provide substantially equivalent protection. Any application for a variance under this Section shall identify with particularity the specific requirement from which relief is requested, state the grounds therefor, and include all supporting materials reasonably necessary for evaluation,

including acoustical or light studies, engineering analyses, proposed mitigation measures, and a description of the practical difficulty or hardship asserted. The County Commission may refer the application to a qualified consultant or engineer for review, at the sole expense of the applicant. No variance granted under this Section shall be effective unless approved in writing by the County Commission and conditioned upon such terms as the County Commission deems necessary to protect adjacent properties and achieve the purposes of this Ordinance, including but not limited to limitations on hours of operation, additional setbacks, enhanced sound barriers, post-construction testing, periodic compliance monitoring, or revocation upon a finding of noncompliance. Any variance granted pursuant to this Section shall be narrowly construed, shall apply only to the specific facility and circumstances described in the application, and shall not operate as a waiver of any other requirement of this Ordinance.

10. Enforcement and Penalties. Any violation of this Ordinance shall be punishable by a fine of up to \$500 per day per violation, or such amount as may be the maximum authorized by law. Prior to the imposition of any fine, the County shall provide written notice of the violation to the Developer, Owner, or Operator, specifying the nature of the violation and providing not less than fifteen (15) days to cure, unless a different cure period is specified elsewhere in this Ordinance. The County may also seek injunctive relief in circuit court to stop construction or require removal of non-compliant facilities. In any enforcement action brought by the County under this Ordinance, the County shall be entitled to recover its reasonable attorney's fees, costs, and expenses from the violating party. Each day a violation continues after the expiration of the applicable cure period constitutes a separate offense.

11. Distribution to the County Clerk. Upon passage and approval, the County Clerk shall file this Ordinance in the official records of the County, make it available for public inspection during regular business hours, and cause a copy or summary to be published in a newspaper of general circulation in the County as may be required by applicable law.

12. Severability. If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person, entity, or circumstance, is held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance or the application thereof to other persons or circumstances. The County Commission hereby declares that it would have adopted each remaining section, subsection, clause, phrase, and provision independently of any section, subsection, clause, phrase, or provision so held invalid, unconstitutional, or unenforceable.

13. Legal Effect. This Ordinance shall be in full force and effect from and after its passage and approval. This Ordinance shall apply to all new Data Center and Energy Systems for which construction, site clearing, grading, excavation, or land disturbance activities have not commenced as of the effective date. All obligations imposed by this Ordinance shall be binding upon and enforceable against any successors, assigns, transferees, or subsequent owners or operators of any facility subject to this Ordinance.

By Order of the County Commission of Ozark County, Missouri on this ____ day of _____, 2026.

Terry Newton, Presiding Commissioner

Jim Britt, Eastern District Commissioner

Layne Nance, Western District Commissioner

ATTEST:

Brian Wise, County Clerk