

AMENDMENT NO. ____

TO

ORDINANCE NO. BL2026-1391, AS SUBSTITUTED

Madam President –

I hereby move to amend Substitute Ordinance No. BL2026-1391, as follows:

- I. By modifying Section 3, proposed Subsection 17.16.090.C, by adding the following as an additional subsection 17.16.090.C.6:

6. Decommissioning.

- a. For purposes of this section “decommissioning” shall mean the removal and restoration of the property and shall include the removal of all hazardous materials and contents, including cabling, electrical components, cooling systems, any contaminated soils, any electrical generators, and other associated facilities, as well as the regrading of any earth disturbed during removal.
- b. Any data center owner or operator shall at its expense complete decommissioning of the property within twelve months after the end of the life of the property for any use. The property will be presumed to be at the end of its useful life if it is not used for a continuous period of twelve months. The facility owner or operator shall report to the codes department within 48 hours any cessation or discontinuation of use. If the codes department becomes aware of the cessation or discontinuation of use of the data center by observation or report from a third party without receiving notification from the facility owner or operator. In that case, the codes department may notify the facility owner or operator of the report or observation in writing or by posting a notice on the premises that decommissioning must be completed within six (6) months of said notice.
- c. The cost of decommissioning shall be determined by an independent certified Professional Engineer and shall be equal to the estimate of decommissioning less the net salvage value of the equipment.
- d. The facility owner or operator shall post and maintain financial assurance naming Metro as obligee for decommissioning equal to the cost of decommissioning.
- e. Acceptable forms of financial assurance may be in the form of a surety bond; a collateral bond; an irrevocable letter of credit; an approved negotiated instrument not described; or a combination of the forms of security described herein.
- f. The escrow agent shall release the financial assurance when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.
- g. In the event of sale or transfer of the data center, the acquiring agency shall adhere to the original monetary and operational decommissioning requirements set forth for the original developer.

- II. By modifying Section 3, proposed Subsection 17.16.090.D, by adding the following as an additional subsection 17.16.090.D.6:

6. Decommissioning.

- a. For purposes of this section “decommissioning” shall mean the removal and restoration of the property and shall include the removal of all hazardous materials and contents, including cabling, electrical components, cooling systems, any contaminated soils, any electrical generators, any electrical substation, and other associated facilities, as well as the regrading of any earth disturbed during removal. Removal of any substation is subject to the approval of the Nashville Electric Service.
- b. Any data center owner or operator shall at its expense complete decommissioning of the property within twelve months after the end of the life of the property for any use. The property will be presumed to be at the end of its useful life if it is not used for a continuous period of twelve months. The facility owner or operator shall report to the codes department within 48 hours any cessation or discontinuation of use. If the codes department becomes aware of the cessation or discontinuation of use of the data center by observation or report from a third party without receiving notification from the facility owner or operator. In that case, the codes department may notify the facility owner or operator of the report or observation in writing or by posting a notice on the premises that decommissioning must be completed within six (6) months of said notice.
- c. The cost of decommissioning shall be determined by an independent certified Professional Engineer and shall be equal to the estimate of decommissioning less the net salvage value of the equipment.
- d. The facility owner or operator shall post and maintain financial assurance naming Metro as obligee for decommissioning equal to the cost of decommissioning.
- e. Acceptable forms of financial assurance may be in the form of a surety bond; a collateral bond; an irrevocable letter of credit; an approved negotiated instrument not described; or a combination of the forms of security described herein.
- f. The escrow agent shall release the financial assurance when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.
- g. In the event of sale or transfer of the data center, the acquiring agency shall adhere to the original monetary and operational decommissioning requirements set forth for the original developer.

- III. By modifying Section 4, proposed Subsection 17.16.185.A, by adding the following as an additional subsection 17.16.185.A.6:

6. Decommissioning.

- a. For purposes of this section “decommissioning” shall mean the removal and restoration of the property and shall include the removal of all hazardous materials and contents, including cabling, electrical components, cooling systems, any contaminated soils, any electrical generators, any electrical substation, and other associated facilities, as well as the regrading of any earth disturbed during removal. Removal of any substation is subject to the approval of the Nashville Electric Service.
- b. Any data center owner or operator shall at its expense complete decommissioning of the property within twelve months after the end of the life of the property for any use. The

property will be presumed to be at the end of its useful life if it is not used for a continuous period of twelve months. The facility owner or operator shall report to the codes department within 48 hours any cessation or discontinuation of use. If the codes department becomes aware of the cessation or discontinuation of use of the data center by observation or report from a third party without receiving notification from the facility owner or operator. In that case, the codes department may notify the facility owner or operator of the report or observation in writing or by posting a notice on the premises that decommissioning must be completed within six (6) months of said notice.

- c. The cost of decommissioning shall be determined by an independent certified Professional Engineer and shall be equal to the estimate of decommissioning less the net salvage value of the equipment.
- d. The facility owner or operator shall post and maintain financial assurance naming Metro as obligee for decommissioning equal to the cost of decommissioning.
- e. Acceptable forms of financial assurance may be in the form of a surety bond; a collateral bond; an irrevocable letter of credit; an approved negotiated instrument not described; or a combination of the forms of security described herein.
- f. The escrow agent shall release the financial assurance when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.
- g. In the event of sale or transfer of the data center, the acquiring agency shall adhere to the original monetary and operational decommissioning requirements set forth for the original developer.

INTRODUCED BY:

Mike Cortese
Member of Council