

CHAPTER 151: COMMERCIAL ENERGY SOLAR SYSTEMS

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§ 151.01 PURPOSE.

The purpose of this chapter is to facilitate the commercial construction, installation, and operation of solar energy facilities or other renewable energy technologies in unincorporated Jersey County that promote economic development and ensure the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. This chapter governs the siting of commercial solar energy facilities and substations that generate electricity to be sold to wholesale or retail markets. This chapter does not apply to residential construction and is not intended to replace safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

(Ord. passed 5-9-2023)

§ 151.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACTIVE SOLAR ENERGY SYSTEM. A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical or chemical means.

APPLICANT. The entity or person who submits to the County Code Administrator an application for the siting and operation of any commercial solar energy facility or substation. All references to **APPLICANT** in this chapter shall include **APPLICANT'S** successors-in-interest and assigns, which includes a commercial solar energy facility permittee (as defined in this section).

COMMERCIAL OPERATION DATE. The calendar date on which the commercial solar energy facility produces power for commercial sale, not including test power.

COMMERCIAL SOLAR ENERGY BUILDING PERMIT. A permit necessary for the commencement of work performed toward the construction, erection or installation of an approved commercial solar energy facility, substation, supporting facilities, or operations and maintenance building in connection with a commercial solar energy facility. A **COMMERCIAL SOLAR ENERGY BUILDING PERMIT** may be issued by the County Code Administrator after a commercial solar energy facility has obtained a special use application and after the County Board determines that all conditions, if any, have been satisfied that are imposed by this chapter and the special use application. The **COMMERCIAL SOLAR ENERGY BUILDING PERMIT** shall require the applicant to deliver a written "notice to proceed" for the commercial solar energy facility to the County Code Administrator prior to commencement of construction of the commercial solar energy facility. The term "commencement of construction", as used in this chapter, includes any site development work (e.g., demolition, grubbing, grading, excavation, road work, construction of project-related structures or infrastructure improvements, and the like) regarding the commercial solar energy facility.

COMMERCIAL SOLAR ENERGY FACILITY or **COMMERCIAL SOLAR ENERGY SYSTEM**. Herein referred to as "CSEF" or "CSES". Any device or assembly of devices that is ground-installed and uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property.

COMMERCIAL SOLAR ENERGY FACILITY PERMITTEE. An applicant who applies for and receives a commercial solar energy building permit under this chapter for the siting and operation of any commercial solar energy facility or substation. All references to a **COMMERCIAL SOLAR ENERGY FACILITY PERMITTEE** in this chapter shall include a **COMMERCIAL SOLAR ENERGY FACILITY PERMITTEE'S** successors-in-interest and assigns.

FINANCIAL ASSURANCE or **FINANCIAL SECURITY** or **DECOMMISSION SECURITY**. Assurance from a credit worthy party, examples of which include a surety bond (e.g., performance bond and payment bond), trust instrument, cash escrow, or irrevocable letter of credit.

GRID-INTERIM SOLAR ENERGY SYSTEM. A photovoltaic solar energy system that is connected to an electric circuit served by an electrical company.

NONPARTICIPATING PROPERTY. Real property that is not a participating property. "Nonparticipating residence" means a residence that is located on nonparticipating property and that is existing and occupied on the date when an application for a permit to develop the commercial solar energy facility is filed with the County Code Administrator.

NOTICE TO PROCEED. A written document, named as such, stating that the applicant expresses an intent to commence construction activities on a commercial solar energy facility and identifying the date on which the construction activities are scheduled to commence.

OCCUPIED COMMUNITY BUILDING. Any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the commercial solar energy facility is filed with the County Code Administrator: a school, place of worship, day care facility, public library, or community center.

OFF-GRID SOLAR ENERGY SYSTEM. A photovoltaic solar energy system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

OPERATOR. The entity responsible for the day-to-day operation and maintenance of the development project, including any third party subcontractors. The **OPERATOR** must be a qualified solar power professional. All references to **OPERATOR** in this chapter shall include **OPERATOR'S** successors-in-interest and assigns.

OWNER. The entity or entities with an equity interest in a commercial solar energy facility, including their respective successors and assigns. Owner does not mean (a) the property owner from whom land is leased for locating the project (unless the property owner has an equity interest in the project); or (b) any person holding a security interest in the commercial solar energy facility solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell a commercial solar energy facility at the earliest practicable date. This definition includes the definition of facility owner as defined in 55 ILCS 5/5-12020.

PARTICIPATING PROPERTY. Real property that is subject of a written agreement between a facility owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing a commercial solar energy facility or supporting facilities. **PARTICIPATING PROPERTY** also includes real property that is owned by a facility owner for the purpose of constructing a commercial solar energy facility or supporting facilities.

PARTICIPATING RESIDENCE. Real property that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the commercial solar energy facility is filed with the County Code Administrator.

PROFESSIONAL ENGINEER. A qualified individual who is licensed as a professional engineer in the State of Illinois. Where a structural engineer is required to take some action under terms of this chapter, a **PROFESSIONAL ENGINEER** may serve as the structural engineer if he or she has the appropriate structural engineering certification.

PROTECTED LANDS. Real property that is subject to a permanent conservation right consistent with the Real Property Conservation Rights Act or registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.

PUBLIC CONSERVATION LANDS. Land owned in fee title by county, state or federal agencies and managed specifically for conservation purposes, including but not limited to county, state and federal parks, state and federal wildlife management areas, state scientific and natural areas, and federal wildlife refuges and waterfowl protection areas. **PUBLIC CONSERVATION LANDS** do not include private lands upon which conservation easements have been sold to government agencies or non-profit conservation organizations. **PUBLIC CONSERVATION LANDS** also do not include private lands for which the owners have entered into contractual relationships with government or non-profit conservation organizations for conservation purposes.

SPECIAL USE APPLICATION. An application or the siting and operation of any commercial solar energy facility or substation that consists of all documentation and information contained in this chapter. The application is filed with the County Code Administrator prior to a public hearing. A **SPECIAL USE APPLICATION** is approved by the County Board after a public hearing, allowing a particular use at a specified location subject to compliance with certain specified special conditions as may be required by the County Board.

SUPPORTING FACILITIES. The transmission lines, substations, access roads, storage containers, and equipment associated with the generation and storage of electricity by the commercial solar energy facility.

(Ord. passed 5-9-2023)

§ 151.03 PROHIBITION.

No CSEF or substation governed by this chapter shall be constructed, erected, installed, or located within the county, unless prior siting approval has been obtained for each individual CSEF or for a group of CSEFs under a joint siting application pursuant to this chapter.

(Ord. passed 5-9-2023)

§ 151.04 COMMERCIAL SOLAR ENERGY SETBACKS.

(A) The CSEF shall be sited as follows, with setback distances measured from the nearest edge of any component of the facility:

(1) Occupied community buildings and dwellings on nonparticipating properties: 150 feet to the outside wall of the structure.

(2) Nonparticipating residences: 150 feet to the nearest point on the outside wall of the structure.

(3) Boundary lines of participating property: none.

(4) Boundary lines of nonparticipating property: 50 feet to the nearest point on the property line of the nonparticipating property.

(5) Public road rights-of-way: 50 feet to the nearest edge of the public road right-of-way.

(B) The setback requirements for nonparticipating properties may be waived by the written consent of the owner(s) of each affected nonparticipating property.

(C) The applicant does not need to obtain a variance from the county upon waiver by the property owner of any of the above setback requirements. Any waiver of any of the above setback requirements shall run with the land and be recorded with the Recorder of Deeds of the county.

(Ord. passed 5-9-2023)

§ 151.05 DESIGN STANDARDS.

(A) *Facility equipment.* Shall conform to applicable International Code Council building codes and to other industry standards including the International Code Council energy provisions and the American National Standards Institute ("ANSI"). Applicants shall submit certificates from equipment manufacturers that have obtained from Underwriters Laboratories ("UL") and/or an equivalent third party an assurance that the equipment is manufactured in compliance with industry standards. All solar panels, cells and modules, and solar panel mounts and racking, including any helical piles, ground screws, ballasts, or other anchoring systems shall be new equipment commercially available; no used or experimental equipment shall be used without the approval of a variance by the County Board.

(B) *Compliance with additional regulations.* It shall be the responsibility of the applicant to coordinate with the FAA or other applicable federal or state authority to attain any additional required approval for the installation of a solar energy generation facility. The applicant shall submit with the special use application an approval letter from any federal or state authority requiring permit or approval.

(C) *Power and communication lines.* Power and communication lines ("lines") running between banks of solar panels shall be buried underground except from point of interconnection to existing utility-owned, aboveground electrical wires. The applicant shall submit with the special use application a copy of a letter from the electric utility company confirming the review of the application for interconnection has started.

(D) *Minimum acreage.* No CSES shall be erected in any lot less than 20 acres in size.

(E) *Height.* Systems, equipment, and structures shall not exceed 20 feet in height above the ground at full tilt. Excluded from this height requirement, however are electric transmission lines, utility poles, and other poles and equipment used in connecting a ground-mounted piece of equipment to an electric transmission line.

(F) *Intra-project power and communication lines.* All power lines used to collect power and all communication lines shall be buried underground at a depth in accordance with the agricultural impact mitigation agreement until same reach the property line or a substation adjacent to the property line.

(G) *Floodplain.* No CSEF or substation parts and/or equipment for construction or operation shall be permitted to be located in the designated Jersey County floodplain determined by the current FEMA FIRM maps or as determined by the Jersey County Certified Floodplain Manager.

(H) *Security.* Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

(I) *Lighting.* If lighting is provided at the site, lighting shall be shielded and downcast so that the light does not spill onto

adjacent parcels.

(J) *Noise*. Noise levels from CSEFs shall be in compliance with applicable Illinois Pollution Control Board (IPCB) regulations. The applicant shall submit the manufacturer's sound power level characteristics and other relevant data regarding noise characteristics necessary for a competent noise analysis. The applicant, through the use of a qualified professional, shall appropriately demonstrate compliance with the applicable noise requirements in its special use application.

(K) *Glare*. Solar collectors shall be placed such that concentrated solar radiation or glare does not project onto nearby structures, roadways or other areas accessible to the public. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

(L) *Fire safety*. It is the responsibility of the applicant to coordinate with the local fire protection district. The applicant shall submit with the special use application an approval letter from the local fire protection district.

(M) *Warning signage*. A visible warning sign of "high voltage" shall be posted at all points of site ingress and egress and along the perimeter fence of the facility, at a maximum of 300 feet apart. A sign that includes the facility's 911 address and a 24-hour emergency contact number shall be posted near all entrances to the facility.

(N) *Endangered species and wetlands*. Applicant shall seek natural resource consultation with the Illinois Department of Natural Resources (IDNR). The applicant shall submit with the special use application the results of the IDNR EcoCAT consultation. The cost of the EcoCAT consultation and complete environmental review shall be paid by the applicant. The completed report shall be included with the special use application submission.

(O) *Foundations*. A qualified structural engineer licensed in the State of Illinois shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.

(P) *Other standards and codes*. All commercial solar energy facilities or substations shall be in compliance with all applicable local, state and federal regulatory standards, including the National Electric Code, as amended.

(Q) *Agricultural impact mitigation*. Pursuant to 505 ILCS 147/15(a), the applicant, at its expense, shall enter into an agricultural impact mitigation agreement ("AIMA") with the Illinois Department of Agriculture prior to any public hearing required before a siting decision on the CSEF application. All impacted agricultural land, whether impacted during construction, operation, or decommissioning activities, must, at a minimum, be remediated by the applicant pursuant to terms of the AIMA with the Illinois Department of Agriculture. The applicant shall submit a copy of the standard agricultural impact mitigation agreement fully executed between the landowner(s) and the Department of Agriculture as part of the special use application.

(Ord. passed 5-9-2023)

§ 151.06 APPLICATION.

The provisions of this chapter shall be administered and enforced by personnel of the Jersey County Code Administrator office (herein referred to as "Code Official"). The applicant must submit the following information ten business days prior to the submittal of the special use application for a solar farm. The applicant is required to submit 25 copies, one original full size application package of all required documentation and one application with all exhibits submitted electronically, to the Code Official, together with the appropriate filing fee. The application shall include the following:

(A) Site plan with existing conditions showing the following:

- (1) Existing property lines and property lines extending 100 feet from the exterior boundaries, including the names of adjacent property owners and current use of those properties;
- (2) Existing public and private roads, showing widths of the roads and any associated easements;
- (3) Location and size of any abandoned wells or sewage treatment systems;
- (4) Existing buildings and any impervious surfaces;
- (5) A contour map showing topography at two foot intervals. A contour map of surrounding properties may also be required;
- (6) Existing vegetation (list type and percent coverage, i.e., cropland/plowed fields, grassland, wooded areas, and the like);
- (7) A copy of the current FEMA FIRM map that shows the subject property, the 100 year flood elevation and any regulated flood protection elevation, if available;
- (8) Surface water drainage patterns; and
- (9) The location of any subsurface drainage tiles.

(B) Site plan with proposed conditions showing the following:

- (1) Location and spacing of solar panels;
- (2) Location of access roads, access points, and rights-of-way that will be utilized for both the construction and

operation of the CSEF;

(3) Planned location of underground or overhead electric lines connecting the CSEF to a building, substation or other electric load;

(4) New electrical equipment other than at the existing building or substation that is to be the connection point to the CSEF;

(5) Sketch elevation of the premises accurately depicting proposed solar energy conversion system and its relationship to structure on adjacent land;

(6) The location of any wetlands, floodplain, drainage structures including surface ditches and subsurface drainage lines, underground mines, scenic and natural areas within 1,500 feet of the proposed CSEF, and the layout of all structures within the geographical boundaries of any applicable setback; and

(7) Vegetative screening shall be provided for any part of the CSEF that is visible to nonparticipating residences. The landscaping screen shall be located between the required fencing and the property line of the participating parcel upon which the facility sits. The vegetative screening shall include a continuous line of native evergreen foliage and/or native shrubs and/or native trees and/or any existing wooded area and/or plantings of tall native grasses and other native flowering plants.

(C) The applicant shall submit an executed agreement between the CSEF owner/operator and all road district authorities with infrastructure affected by the CSEF to the county. This agreement shall include, at a minimum:

(1) A final map identifying the routes that will be used;

(2) A plan for repairing and/or restoring the affected roads; and

(3) Other inclusions as specified by the County Board or affected road authority.

(D) Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.

(E) An itemized cost estimate for the entire construction of the project such as the following (may not be all inclusive):

(1) Cabling, DC connectors and combiner boxes; all AC components;

(2) Racking and mounting system; foundations and material for assembling and mounting the inverter;

(3) Fencing; camera security system; theft or fire protection equipment;

(4) Grid voltage cables and connectors; switch gears and control boards; transformers and stations; substation, housing and meters;

(5) All installation costs; trenching; transport costs;

(6) Electrical testing;

(7) Special inspections; construction labor costs; supervision costs; monitoring costs; and

(8) Stormwater, erosion and drainage costs.

(F) A description of the method of connecting the array to a building or substation.

(G) An interconnection agreement must be completed with the electric utility in whose service territory the system is located. Off-grid systems are exempt from this requirement.

(H) *Decommissioning plan.* A decommissioning plan shall be required to ensure that CSEFs are properly removed after their useful life.

(1) Decommissioning of solar panels must occur in the event that they are not in use for 12 consecutive months.

(2) The owner/operator will have six months to complete the decommissioning plan after operation of a CSEF stops being operational, or the county will take the necessary decommission steps.

(3) The plan shall include provisions for removal of all structures (including equipment, fencing and roads) and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site.

(4) The Jersey County Board may require the posting of a bond, letter of credit or establishment of an escrow account to ensure the proper decommissioning. The posting of a bond may be required prior to the issuance of a commercial solar energy facility permit for construction.

(5) Jersey County reserves the right to require additional information or components to the plan as the county deems necessary to ensure that an adequate proposal is in place to decommission the facility in its entirety and that adequate funds are available. In the event that the State of Illinois enacts a law with regards to the decommissioning of a solar farm, the strictest requirements shall prevail.

(I) *Complaint resolution.* The applicant shall develop a process to resolve any complaints that may arise from neighboring

property owners during the construction and operation of the solar farm. The process shall use an independent mediator and shall include a time limit for acting on a complaint that is received. The process shall not preclude the local government from acting on a complaint. The applicant shall provide to the nearby residents a toll-free phone number for complaints during the construction of the facility if a problem should arise. Applicants will respond to all complaints from persons directly affected by the commercial project within 48 hours, will attempt to resolve all complaints in a prompt and responsible manner, will keep a log of all complaints and the method of resolution, will make the log available to the county, and will agree to participate in a non-binding mediation for complaints that are not resolved, with the cost of such to be paid directly by the applicant.

(J) Material changes to the application are not permitted once the notice of the public hearing has been published, unless requested or permitted by the county.

(Ord. passed 5-9-2023)

§ 151.07 USE OF PUBLIC ROADS.

(A) An applicant proposing to use any county, municipality, township or village road(s) for the purpose of transporting CSES or substation parts and/or equipment for construction, operation or maintenance of the CSEF or substation(s), shall:

- (1) Identify all such public roads; and
- (2) Obtain applicable weight and size permits from relevant government agencies prior to construction.

(B) To the extent an applicant must obtain a weight or size permit from the county, municipality, township or village, the applicant shall:

(1) Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage;

(2) Any proposed public roads that will be used for construction purposes shall be identified and approved in writing by the respective Road District Commissioner and the County Engineer prior to the granting of the special use application. Traffic for construction purposes shall be limited to these roads. All overweight and/or oversized loads to be transported on public roads may require a permit from the respective highway authority. Any road damage caused by the transport of the facility's equipment, or the installation, maintenance, or removal of said equipment, must be completely repaired to the reasonable satisfaction of the Road District Commissioner and the County Engineer. The Road District Commissioner and County Engineer may choose to require either remediation of road repair upon completion of the CSEF or are authorized to collect fees for overweight and/or oversized load permits. Further, financial assurance, in an amount to be fixed by the Road District Commissioner or County Engineer to assure the road district or the county that future repairs are completed to their reasonable satisfaction, shall be provided. The applicant shall submit a draft form of said financial assurance with special use application;

(3) Enter into a road use agreement with the county and each affected road district that includes the following provisions, at a minimum:

- (a) Project layout map;
- (b) Transportation impact analysis;
- (c) Pre-construction plans;
- (d) Project traffic map;
- (e) Project scope of repairs;
- (f) Post-construction repairs;
- (g) Insurance;
- (h) Financial security in forms and amounts acceptable to the county; and

(i) The road use agreement shall require the applicant to be responsible for the reasonable cost of improving roads used to construct a CSEF and the reasonable cost of repairing roads used by the facility owner during construction of the commercial solar energy facility so that those roads are in a condition that is safe for the driving public after the completion of the commercial solar energy facility construction; and

(4) All repairs and improvements to public roads and roadway appurtenance shall be subject to the prior approval of the county before being made and shall also be subject to inspection and acceptance by the county after such repairs and improvements are completed. The county's road use agreement, and any further agreements contemplated therein, regarding the maintenance and repair of public roads and highways, must be approved by the County Board prior to the issuance of any commercial solar energy building permit related to the construction of the proposed commercial solar energy facility.

(Ord. passed 5-9-2023)

§ 151.08 APPLICABLE FEES AND SPECIAL USE APPLICATION.

(A) Upon submittal of a special use permit application for a solar farm, the applicant shall submit a non-refundable filing fee as listed in the Jersey County Fee Schedule that will be utilized to review and assess the application. Should the actual costs to the county exceed the current fee, the applicant shall be responsible for those additional costs, including, but not limited to the costs of outside attorneys, hearing officer, and consultants (e.g. noise engineers, traffic engineers, and environmental consultants), and shall remit additional funds to the county within 15 days of receipt of request from the county.

(B) *County Code Administrator responsibilities.*

(1) Accept and date stamp the application was filed. The date stamp should be considered the official filing date for all time purposes. Receipt and acceptance of an application by the Code Official is *pro forma*, and does not constitute an acknowledgment that the applicant has complied with this chapter.

(2) The Code Official shall forward the application to the County Engineer for a determination of completeness.

(3) The Code Official shall make available a copy of the application and public record concerning the application for public inspection during the normal business hours of the county offices. Additionally, the Code Official shall provide to any person so requesting copies of the application or the public record upon payment by such persons for the actual cost of reproduction.

(Ord. passed 5-9-2023)

§ 151.09 PUBLIC HEARING.

After the filing of an application, the Code Official shall make a preliminary determination of completeness of the application. If, in the Code Official's opinion, the application has addressed the required elements of an application, it will be forwarded to the County Engineer and the Subdivision and Land Use Committee to conduct a public hearing on the application. If the application is incomplete, the applicant will be notified and the application will not proceed to hearing unless good cause is shown for the incompleteness.

(A) *Notice.* The applicant must provide a complete list of all properties adjacent to a proposed solar farm. The applicant shall have a notice issued to every owner of those properties by certified mail, registered mail, or personal service at the last known address of such owner of a property as identified by the county tax records. The notice will identify the nature of the proposed use and the date that a public hearing shall occur on the proposed use at the Subdivision and Land Use Committee, and that any person may make an appearance to participate in that hearing. Those notices must be served at least 15 days before the public hearing. The applicant shall provide evidence of notification or evidence of a "good faith" effort to contact the property owner prior to the hearing if requested by the Code Official. The hearing notice shall also be published in a circulation of general publication at least three times before the hearing commences, with the first publication occurring at least 30 days before the hearing and at least one publication occurring between seven and 15 days before the hearing commences.

(B) *Subdivision and Land Use Committee.* The Committee members shall preside over the public hearing; establish a record of the proceedings; and make decisions concerning the admission of the evidence and the manner in which the hearing is conducted. The Chairperson of the Committee will make a recommendation and proposed findings to the full Board at the next regular scheduled meeting. At the commencement of the public hearing people wishing to provide a public comment will be identified by a sign in sheet.

(C) *Committee and County Board action.* The Subdivision and Land Use Committee will consider the following facts:

(1) Whether the application and proposed solar farm project substantially complies with this chapter.

(2) Whether the proposed solar farm project is sufficiently protective of the public health, safety and welfare of the residents of Jersey County.

(3) The Subdivision and Land Use Committee shall tender its findings and recommendations to the County Board. The committee may recommend approval, approval with request for additional information or clarification, approval with conditions, or denial. Within 30 days of the conclusion of the public hearing, the County Board will meet in public session and render its decision. The County Board may approve, approve with conditions, or deny the application.

(D) *Re-filing.* Any applicant, owner or operator whose solar farm project application is denied may not re-file a substantially similar application for one year. If the County Code Official determines an application is substantially similar to one the applicant filed within one year, it will not be forwarded to the Subdivision and Land Use Committee or the County Board for review.

(Ord. passed 5-9-2023)

§ 151.10 BUILDING PERMIT PROCEDURE.

Building applications shall be submitted to the Code Official. The application shall be on a form approved by the Code Official and must be accompanied by two copies of the following:

(A) Address of property; date of application (911 address required);

(B) Applicant's name, address, and contact information;

(C) Property owner's name, address, phone number, and email;

(D) Company name (if different from applicant), contact information, mailing address, and email;

(E) Site drawing that shows the proposed location and distance of the commercial solar energy facility with reference to property lines of the parcel; right-of-way of any road; residence; business; or public building;

(F) Final construction plans prepared and sealed by a structural engineer licensed in Illinois;

(G) Building permit fee payable by check to "Jersey County" (refer to the Jersey County Fee Schedule);

(H) The applicant shall provide standard manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles and rack. Specifications for the actual equipment to be used in the CSES shall be required before a building permit is issued. The Illinois Power Agency Act (20 ILCS 3855/1-1) requires that all systems (utility scale, distributed and community solar) are installed by qualified installers. This requirement is regulated by the Illinois Commerce Commission;

(I) A description of the method of connecting the CSES to a building or substation;

(J) *FAA requirements.* For any CSES to be located within 500 feet of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the airport traffic control tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Commercial Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA; and

(K) *Land habitat.* A landscape plan shall be submitted which shall incorporate native grasses, flowers, and plants which will provide wild life and pollinator habitat, soil erosion protection and/or aid in strengthening the soil structure. This plan shall be for all other areas of the CSES that will not interfere with the solar arrays.

(Ord. passed 5-9-2023)

§ 151.11 GATES AND LOCKS.

Perimeter chain-linked fencing having a minimum height of six feet shall be installed, maintained, and secured around the boundary of the CSES. The fence shall contain appropriate warning signage that is posted such that it is clearly visible on the site.

(A) All gates to the fences of solar farms shall be at least six feet in height and shall additionally have at least three strands of barbed wire run above such six feet.

(B) All gates to the fences of all solar farms shall be equipped with locks and shall remain locked at all times except for those times when the owner and/or operator, or their respective agents, is/are using the gate for ingress and/or egress or is/are otherwise present and monitoring the solar farm(s).

(C) All gates to fences of all solar farms shall be constructed so as to substantially lessen the likelihood of entry into a solar farm by unauthorized individuals.

(D) The gates and barbed wire required hereunder shall be maintained in good condition. Failure to maintain the gates required hereunder shall constitute a violation of this chapter.

(E) The gate, barbed wire and lock requirements specified hereunder shall continue notwithstanding the fact that a solar farm is no longer operational and/or falls into disuse unless and until such solar farm is dismantled and removed from the parcel or parcels of land upon which it was constructed.

(Ord. passed 5-9-2023)

§ 151.12 ENFORCEMENT AND INSPECTIONS.

The provisions of this chapter shall be administered and enforced by personnel of the Jersey County Code Administrator Office (herein referred to as the "Code Official") through an inspection of the solar farm every year. The Code Official and his/her designee are hereby granted the power and authority to enter upon the premises of the solar farm at any time by coordinating a reasonable time with the operator and/or owner of the facility. Any person, firm, or corporation who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any provisions in this section may face fines of not less than \$100 nor more than \$750 for each offense. A separate and distinct offense shall be regarded as committed each day the violation remains uncorrected.

(Ord. passed 5-9-2023)

§ 151.13 DECOMMISSIONING SECURITY COSTS.

The plan shall ensure financial resources equal to 125% of the entire cost of decommission, and approved by the Code Official and the state's attorney, in a surety performance bond that is readily convertible into cash at face value and that names Jersey County and its officials as the insured. This surety shall be retained by the county to cover the cost of the decommissioning requirements herein. Following initial submittal of the surety, the cost calculation shall be reviewed bi-annually, and adjusted accordingly based upon an updated estimate, excluding the salvage value, by an Illinois licensed engineer under seal; provided however, that any such periodic adjustment must be approved by the County Board. The county shall hire the engineer and the applicant shall be required to cover the cost. Failure to comply with any requirement

of this section shall result in the immediate termination and revocation of all prior approvals and permits; further, the county shall be entitled to make immediate demand upon, and/or retain any proceeds of, the surety, which shall be used for decommissioning and/or removal of the solar energy facility, even if still operational.

(Ord. passed 5-9-2023)

§ 151.14 REMEDIAL COSTS.

Applicants and/or owners of commercial solar energy facilities shall pay all costs associated with the remedy of any complaints deemed necessary and factual by the Jersey County Code Administrator or the Jersey County Board.

(Ord. passed 5-9-2023)

§ 151.15 LIABILITY INSURANCE.

The owner or operator of the solar project shall maintain a current and general comprehensive liability and automobile policy covering bodily injury and property damage with limits of at least \$5,000,000 per occurrence and \$20,000,000 in the aggregate. The owner or operator of the solar project shall maintain this policy for the lifetime of the solar project and submit a copy of the same to the Jersey County Board at each renewal. The County of Jersey and its officials shall be named as additional insureds.

(Ord. passed 5-9-2023)