

Sections:

1 Definitions.

Ground Mount Solar Energy System. A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

Net Metering. A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

Solar Energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System(SES). The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing.

Solar Farm Energy System(SFES). A commercial facility, on a parcel(s) of five acres or more that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for on-site or off-site use with the primary purpose of selling wholesale or retail generated electricity. Community solar installations are included in this definition.

Solar Farm Energy System Project Area. An SFES project area may be comprised of a single parcel of land or two or more contiguous parcels of land providing that the total area of an SFES project area consists of five acres of land or more.

Solar Panel. A device for the direct conversion of solar energy into electricity. Structure Mount Solar Energy System. A solar energy system in which solar panels are mounted on top of a roof structure as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optical angle.

Noxious Weeds. Any of several plants designated pursuant to the Illinois noxious Weed Law (505 ILCS 100/1 et. Seq.) and that are identified in 8 Illinois Administrative Code 220.

Section 2. Commercial Solar Farm Energy System (SFES).

A. Purpose and Intent. The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of SFESs designed for commercial energy production. The intent of these regulations is to protect the public health, safety, and community welfare while allowing development of solar energy resources for commercial purposes. This ordinance shall apply to solar energy farms

9. Outdoor Storage. Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the solar farm shall be allowed.

10. Proof an Agriculture Impact Mitigation Agreement (AIMA) has been executed with the Illinois Department of Agriculture. Failure comply with the Agricultural Mitigation Agreement and statue at 505 ILCs 147/15 et. seq. shall be a violation of this ordinance. Pursuant to 70 ILCS 405/22.02a an appropriate impact study shall be required as set out in the statutory Agricultural Mitigation Agreement which is incorporate herein as part of this ordinance.

11. Building Codes. All state, and national construction codes shall be followed. For purposes of this ordinance, the County adopts the National Electric Code and International Building Code as amended from time to time.

12. Vegetation and Ground Cover and Weed Control. Any weed control or planting of vegetation shall prevent Palmer, Amaranthus, and Conyza weed species, and other weed species that, at the time of application, are resistant to agricultural herbicides that are commonly used in Illinois. Any weed control or planting of vegetation shall also be certified to be in compliance with the Noxious Weed Act, 505 ILCS 100/1 et. seq., to prevent importation of noxious weeds or harmful vegetation. No soil sterilant shall be permitted on a solar site.

13. All drainage tiles shall be repaired or restored to same or better condition as when the project began. There will be an inspection for compliance by an independent inspector chosen by Vermilion County and paid for by the owner/operator.

14. JULIE shall be contacted before digging or excavation begins.

15. Local drainage districts, if any, shall be contacted prior to any development on the project site to locate drainage district tiles.

16. Annual review and reporting.

a) The applicant, owner, and/or operator of an SFES project shall submit to the Vermilion County Board Office on the first Monday of July of each year following SFES project approval a report regarding SFES maintenance and operation. This report shall include:

i) Any physical modifications to the SFES and/or its infrastructure;

ii) Complaints pertaining to setbacks, noise, appearance, safety, lighting, and use of any public roads, received by the applicant, owner and/or operator concerning the SFES, and the resolution of such complaints;

iii) Calls for emergency services, including the nature of the emergency and how it was resolved;

F. Application Process. The Application for a building permit for a Solar Farm Energy System shall be submitted with ten (10) copies and shall include:

1. An application fee of \$1,000.00
- 2) A written summary of the project including a general description of the project, including its approximate generating capacity.
- 3) The name(s), address(s), and phone number(s) of the owner and/or SFES operator.
- 4) A site plan of the SFES site showing:
 - a) Boundaries of the site.
 - b) All proposed SFES structures including, but not limited to, the project solar panels, substation, interconnect substation, and location and voltage of any overhead transmission lines
 - c) Property lines.
 - d) Setback lines.
 - e) The location of any known subsurface drainage tiles, and a statement describing attempts made to do tile surveys and to otherwise discover the location of drainage tile locations.
 - f) Identification of any flood zone areas within the project boundaries.
 - g) Location of all existing structures with their uses identified.
 - h) Wetland location, if any.
 - i) Septic systems.
 - j) Wells.
 - k) Existing easements, if any.
- 5) Proof of compliance with this solar ordinance and also proof of compliance with an erosion study by the Soil and Water Conservation District as defined under 70 ILCS 405/22.02a, and the Agricultural Mitigation Agreement statute at 505 ILCS 147/15 et. seq.
- 6) Emergency plan. The site and emergency plan shall be submitted to the local fire protection district(s) and/or department(s) whose jurisdiction is included in whole or in part within the SFES project area. Any specialized training necessary will be provided at the operator's expense
- 7) All other information as may be requested by the Infrastructure Committee.
- 8) At the sole discretion of the Infrastructure Committee with the consent of, or at the direction of, the County Board Chairman, if an independent engineering or consulting report is required to resolve any disputes, it shall be the responsibility of the applicant to pay for such engineer or consultant, provided

Section 3. Indemnification and liability.

A. The applicant, owner, and/or operator of the SFES project shall defend, indemnify, and hold harmless the County of Vermilion and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney's fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operation of the SFES project.

B. The applicant, owner, and/or operator of the SFES project shall maintain a current general liability policy covering bodily injury and property damage with limits of at least two million dollars per occurrence and two million dollars in the aggregate. Evidence of liability coverage must be reported to the Vermilion County Board on an annual basis, and any loss of coverage must be reported within three working days of loss. Failure to maintain coverage shall be considered a cessation of operations.

Section 4. Cessation of operations.

If any SFES provided for in this chapter has not been in operation and producing electricity for at least two hundred seventy consecutive days, it shall be removed. The Vermilion County Board shall notify the owner to remove the system. Within thirty days, the owner shall either submit evidence showing that the system has been operating and producing electricity or remove it. If the owner fails to or refuses to remove the solar energy system, the violation shall be referred to the Vermilion County State's Attorney for enforcement.

Section 4. Penalties.

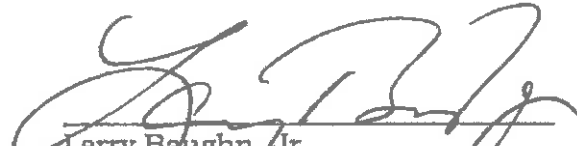
A failure to obtain applicable building permit(s) for the construction of a solar energy system or failure to comply with the requirements of a building permit or the provisions of this chapter or the requirements of the Agricultural Mitigation Agreement, 505 ILCS 147/15, shall be deemed a violation of this chapter. The state's attorney may bring an action to enforce compliance of the requirements of this chapter by filing an action in the circuit court for an injunction requiring conformance with this chapter or seek such other order as the court deems necessary to secure compliance with this chapter.

Any person who violates this chapter shall be fined not less than twenty-five dollars or more than five hundred dollars. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Nothing herein shall prevent the county from seeking such other legal remedies available to prevent or remedy any violations of this chapter.

PRESENTED, APPROVED, AND ORDAINED by the County Board of Vermilion County, Illinois at the August 13th, 2019, meeting.
DATED, this 13th day of August, 2019.

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Larry Baughn, Jr.
Chairman, Vermilion County Board

ATTEST:

Clerk of the County Board

ORDINANCE: 19-0806

RE: Ordinance- Solar Energy Systems
APPROVED BY EXECUTIVE COMMITTEE: 05/23/2019

Larry Baughn, Jr. <i>Committee Chairperson</i>	<input checked="" type="radio"/>	N	A
Craig Golden	<input checked="" type="radio"/>	N	A
Steven Fourez	Y	N	<input checked="" type="radio"/>
Kevin Green	<input checked="" type="radio"/>	N	A
Crisi Walls	Y	N	<input checked="" type="radio"/>
Greg Thatcher	<input checked="" type="radio"/>	N	A
Becky Stark	<input checked="" type="radio"/>	N	A
AJ Wright	Y	N	<input checked="" type="radio"/>