COUNTY OF FAYETTE, ILLINOIS

ORDINANCE NUMBER 2022-08-09-A

AN ORDINANCE AMENDING ORDINANCE 2018-06-12-B
REGULATING DEVELOPMENT OF SOLAR ENERGY SYSTEMS.

ADOPTED BY THE FAYETTE COUNTY BOARD
OF THE COUNTY OF FAYETTE, ILLINOIS
THIS ___9TH___ DAY OF AUGUST, 2022

PUBLISHED BY THE AUTHORITY OF
THE COUNTY BOARD OF FAYETTE COUNTY
THIS ___9TH___ DAY OF AUGUST, 2022
ORDINANCE NO. 2022-08-09-A

AN ORDINANCE AMENDING ORDINANCE 2018-06-12-B
REGULATING DEVELOPMENT OF SOLAR ENERGY SYSTEMS

The purpose of this ordinance is to facilitate the construction, installation, and operation of Solar Energy Systems in Fayette 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 ordinance is not intended to replace safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state, or federal law.

1. Definitions.

A. **Applicant:** Upon the submission of a Petition for a Special Use Permit for the purpose of a Solar Energy System ("SES"), any person, firm or partnership, association, corporation, company, or organization of any kind proposing to obtain site location approval and permits for a solar energy system in unincorporated Fayette County and includes the proposed operator and/or operator of the SES, and any other party with an interest in the SES.

B. ** Dwelling:** a building, or portion thereof, occupied or intended to be occupied exclusively for residential purposes, but not including recreational vehicles, travel trailers or tents, which complied with the use regulations set out in the various districts provided for in the Fayette County Revised Zoning Ordinance.

C. **Dwelling Exclusion Zone:** An eight hundred (800) foot by eight hundred (800) foot, square area centered on a non-participating primary dwelling, unless otherwise agreed to by the non-participating adjacent landowner. The SES equipment and fences are excluded from this area.

D. **Ground-mounted Solar Energy System:** A solar energy system and its related equipment that has its support structure placed directly on the ground and is not attached or affixed to an existing structure.

E. **Solar Energy System ("SES"):** An alternative energy facility that consists of one or more ground-mounted or free-standing solar collection devices, solar energy related equipment, and other associated infrastructure with the primary intention of generating electricity or otherwise converting solar energy to a different form of energy for primarily commercial or other off-site use; also known as a solar power plant and a solar farm.

F. **Visual Screen:** A visual barrier which, with vegetative landscaping, opaque fencing, or approved combination thereof, is of such nature and density that provides year-round opacity and screens structures and activities on the parcel; from a single-story dwelling viewpoint.
G. **Construction of Solar Energy Systems:** No person shall construct or operate an SES without having fully complied with all the provisions of this ordinance.

H. **Permits Required:** No person shall construct or operate an SES without first obtaining a special use approval from the County Board.

2. **Special Use.** An SES may be permitted with the following regulations and design standards.

   A. **Foundations.** An Illinois Licensed Professional Engineer shall certify that the foundation is within accepted professional standards, given the design of the solar panels, local soil, and climate conditions.

   B. **Other Standards and Codes.** All solar farms shall be in compliance with any applicable local, state, and federal regulatory standards, and the National Electric Code as amended. All electrical components of the SES must have an Underwriters Laboratories listing and all solar collectors must be designed with an anti-reflective coating.

   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, above-ground electrical wires. The Fayette County Board, when or after granting a building permit, may grant variances when shallow bedrock, watercourses, or other elements of natural landscape interfere with the ability to bury Lines.

   D. **Height.** Systems, equipment, and structures shall not exceed twenty (20) feet in height when ground mounted. 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.

3. **Fencing.**

   A. Unless otherwise provided in this section, security fencing having a minimum height of six (6) feet shall be installed, maintained, and secured around the solar panels and all energy producing and storage equipment of the SES and required to comply with the National Electric Code requirements for fencing.

   B. At the request of the non-participating resident, an eight (8) foot high woven wire fence may be substituted at the boundary of the Exclusion Zone of any home located on an adjacent, non-participating parcel.

   C. Fencing shall contain appropriate warning signage that is in accordance with NESC and ANSI Z535 Safety Sign Standards and OSHA regulations.

   D. The Applicant shall maintain the required fence to prevent the growth of woody vegetation or noxious weeds within and along the fence.
E. Fencing is not required between participating parcels.

4. Setbacks.

A. Equipment Setbacks. A ground-mounted SES shall have the following equipment setbacks:

1. A minimum of fifteen (15) feet from any property line.

2. A minimum of four hundred (400) feet from any foundation of an adjacent, non-participating primary dwelling, [i.e., an eight hundred (800) foot by eight hundred (800) foot, square exclusion zone centered on the adjacent, non-participating primary dwelling foundation].

3. A minimum of sixty (60) feet from the centerline of any township roadway; a minimum of seventy-five (75) feet from the centerline of any county roadway, and a minimum of fifty (50) feet from the right-of-way of any state road.

4. A minimum of four hundred (400) feet from the property line of any platted subdivision.

5. A minimum of five hundred (500) feet from any dwelling for any inverters, transformers and/or storage equipment that are part of the project unless a waiver is obtained from the owner of the dwelling.

6. No setbacks are required between adjacent participating land parcels.

B. Fencing Setbacks.

1. Fences adjoining roadways may be placed up to the property line.

2. All other fences shall be set back a minimum of three (3) feet from property lines to allow non-participating landowners to farm up to property lines and for the developer to access the outside of the fence for maintenance purposes.

3. Fences around adjacent, non-participating dwellings shall be set back to the boundary of the Exclusion Zone.

4. Fences around platted subdivision shall be set back a minimum of four hundred (400) feet from the subdivision property line.

5. Security. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
6. **Lighting.** If lighting is provided at the site, lighting shall be shielded and downcast to minimize light pollution on adjacent parcels.

7. **Noise.** Noise levels must meet the Illinois Pollution Control Board noise standards (35 IL Administrative Code Part 900). After construction of the SES, the Fayette County Board shall take appropriate enforcement action as necessary to investigate each noise complaint and take any additional enforcement action as proves warranted to stop any violation that is occurring, including but not limited to requiring the Applicant to take reasonable steps to mitigate the noise complaint.

8. **Glare.** Solar collectors shall be placed such that concentrated solar 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. After construction of the SES, the Fayette County Board shall take appropriate enforcement action as necessary to investigate each complaint of glare and take any additional enforcement action as proves warranted to stop any significant glare that is occurring, including but not limited to requiring the Applicant to take reasonable steps to mitigate the glare such as the installation of additional screening.

9. **Screening.** To help minimize the visual impacts of an SES on adjacent, non-participating dwellings, from a single-story dwelling viewpoint. Screening shall be provided as follows:

   A. **Platted Subdivisions.** A platted subdivision shall have a visual screen designed, installed, maintained, and ultimately removed by the Applicant at the time of decommissioning. The visual screen will be installed on the property being leased by the SES, immediately adjacent to the property line. This provides for the most effective screening and minimizes the potential of drain tile damages.

   B. **Adjacent, Non-participating Dwellings, Excluding Platted Subdivisions.** Subject to the provision of this paragraph, a Visual Screening Option shall be provided by the Applicant to the owner of any adjacent, non-participating dwelling.

   C. **The Visual Screening Option shall provide the following options:**

      1. The owner of any adjacent, non-participating dwelling, at their discretion, may elect to receive a one-time payment from the Applicant equal to the cost of design, installation, maintenance, and removal of a visual screen in lieu of the actual visual screen. This option shall be detailed in writing by the Applicant, including a proposed design and budgetary estimate for the design, installation, maintenance, and removal of the visual screen, as prepared by an Illinois Registered Landscape Architect. This one-time payment allows for the owner of the adjacent, non-participating dwelling to install the visual screen on their own property if and as they desire. This one-time payment shall be paid prior to the issuance of any building permit, and proof of payment shall be provided to the Fayette County Board.

   OR
2. The owner of any adjacent, non-participating dwelling, at their discretion, may request a visual screen be designed, installed, maintained, and ultimately removed by the Applicant at the time of decommissioning. If this option is chosen, the visual screen will be installed on the property being leased by the SES, immediately adjacent to the property line. This provides for the most effective screening and minimizes the potential of drain tile damages.

D. If the owner of any adjacent, non-participating dwelling does not elect one of the above two (2) options, no visual screen will be installed, and a one-time payment will be provided as described in the first option.

E. A minimum of thirty (30) days prior to the issuance of any building permit, the Applicant shall provide a signed copy of a Memorandum of Understanding to the County Clerk, outlining the terms of the Visual Screening Option as agreed upon by the Applicant and owner of any adjacent, non-participating dwelling.

10. Standards for a Visual Screen are as follows:
   A. A Visual Screen shall be in the form of vegetative landscaping, opaque fencing, or approved combination thereof, as agreed upon by the non-participating landowner and the Applicant.

   B. All Visual Screens shall be designed and prepared by an Illinois Registered Landscape Architect.

   C. All vegetative landscaping shall be planted at a minimum of three (3) feet tall and must reach a minimum height of eight (8) feet within four (4) years of planting.

   D. If the vegetative landscaping, or any portion thereof, that has been installed by the Applicant does not maintain a height of eight (8) feet any time after its fourth (4th) year of being planted, the Visual Screen, or affected portion, shall be replaced by the Applicant at the start of the next growing season.

   E. All Visual Screens that are installed by the Applicant shall be always maintained in good condition by the Applicant.

   F. The Visual Screen shall be installed as early as possible in construction phase of the SES.

11. Signage. A warning sign that is in accordance with NESC and ANSI Z535 Safety Sign Standards and OSHA regulations shall be provided at the entrance to the facility and along the perimeter to the SES. The sign at the entrance to the facility shall include the facilities 911 address and a 24-hour emergency contact number.
12. **Outdoor Storage.** Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the SES shall be allowed, except for outdoor storage that is otherwise expressly allowed in the zoning district as specified herein. The Fayette County Board or their designee shall have the discretion to determine whether outdoor storage complies with this provision.

13. During construction of the SES, construction activities shall commence no earlier than 6:00 A.M. and shall be discontinued no later than 9:00 P.M.

14. **Application Requirements.** Due to the unique nature and special requirements of an SES and the potential impacts of an SES on adjoining properties and government services, the SES shall be required to submit and obtain approval on the following items in addition to any requirements by the County Board. The required information must be submitted either with the application. The Applicant shall provide twenty (20) copies of all required submittals to the County Clerk. However, the Applicant shall only be required to submit two (2) copies of all documents proving ownership or interest in the property. The Applicant shall be required to seek a special use permit for parcels of real estate on which solar collection devices, solar energy related equipment, substations, and other associated infrastructure shall be constructed. A special use permit is not required for a parcel of real estate on which shall be placed or buried only one or more Lines, electric transmission lines, or poles. The application for special use permit need not identify the specific location of each solar panel, access road, access point, underground or overhead electric line, transformer, or other element of the SES. The application for a building permit, however, must provide the specific location of each solar panel, access road, access point, underground or overhead electric line, transformer, or other element of the SES.

15. **Community Meeting.** Prior to the submission of an application for a Special Use Permit for an SES, a community information meeting shall be organized and hosted by the Applicant. The purpose of the meeting is outreach, with the intent of providing complete information to the community in an informal setting. The meeting shall not be construed to be a local government meeting or formal public hearing. The meeting shall be conducted in accordance with the following protocol:

   A. **Notification.** The Applicant shall notify the Fayette County Board, the Township Board of the affected Township, and all persons who own real estate within a minimum of one thousand (1000) feet of the proposed solar project boundary as sited in the application for Special Use Permit, a minimum of ten (10) days prior to the community meeting. Notification may be sent by regular, first-class mail. Notification via local newspaper, radio stations and social media should be considered.

   B. **Meeting Date/Time/Location.** The meeting shall be held a minimum of forty-five (45) days prior to the hearing on the petition/application for Special Use Permit, on a weeknight (Monday through Thursday) at an accessible location within a Township where the proposed project will be located, such as a Township Hall or other community center, or alternately at the Old Fayette County Courthouse.
C. **Content of Meeting.** The informational meeting shall be arranged and hosted by the Applicant or a qualified representative and shall at a minimum include a detailed explanation of the project, the site plan for the proposed project, anticipated construction schedule, the landscaping and screening plan, and the decommissioning plan.

16. **A site plan with existing conditions showing the following:**

   A. Existing property lines from the exterior boundaries, including the names of adjacent property owners and current use of those properties.

   B. Existing public and private roads, showing widths of the roads and any associated easements.

   C. A contour map showing topography at two-foot intervals of the project site.

   D. Existing vegetation (list type and percent of coverage: i.e., cropland, grassland, wooded areas etc.).

   E. Waterways, streams, and rivers.

   F. A copy of the current FEMA FIRM map that shows the subject property.

   G. Mapped soils according to the Fayette County Soil Survey.

   H. Surface water drainage patterns, and to the extent possible, subsurface drainage lines.

   I. Existing pipelines and utilities.

   J. A plan for the SES showing the following:

   K. Planned location and spacing of solar panels.

   L. Planned location of access roads and access points.

   M. Planned location, height, and fencing materials of all fencing.

   N. Planned location of Lines connecting the SES to a building, substation, or other electric load.

   O. Planned new electrical equipment other than at the existing building or substation that is to be the connection point for the SES.

17. **Weed/Grass Control.** At a minimum, the Applicant shall adhere to the AIMA weed control requirements. The Applicant shall submit and adhere to an acceptable weed/grass control plan for property inside and outside the fenced area for the entire property. Vegetation between the fencing and the property line shall be maintained such that noxious weeds are controlled or eradicated consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.).
18. **Landscaping.** A landscape plan shall be submitted which shall incorporate native grasses, flowers, plants which will provide wildlife and pollinator habitat, soil erosion protection and/or aid in strengthening the soil structure.

19. **Manufacturer's specifications.**

   A. 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 racks. Specifications for the actual equipment to be used in the SES shall be required before a building permit is issued.

20. **Connection and Interconnection.**

   A. A description of the method of connecting the SES to a building or substation.

   B. At the time of applying for building permit, the Applicant shall provide proof that the Applicant has entered into an agreement to sell the power to be generated by the SES.

21. **Aviation Protection.**

   A. For any SES to be located within five hundred (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 Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.

22. **Fire Protection.**

   A. The Applicant shall provide for a fire protection plan for the construction and the operation of the facility and shall provide for and maintain reasonable means of access for emergency services.

23. **Endangered Species and Wetlands.**

   A. The Applicant shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources ("IDNR") through the Department's online EcoCat Program. The Applicant shall include a copy of the Agency Action Report and the response from the IDNR. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation shall be borne by the Applicant.

24. The SES shall be located, designed, constructed, and operated to avoid and, if necessary, mitigate the impacts to wildlife to a sustainable level of mortality.

25. **Road Use Agreements.**

   A. The Developer and the County Board shall approve a Road Use Agreement (RUA) not less than thirty (30) days prior to the issuance of the building permits for the SES project.
B. Agreement Contents.

1. The contents of the Road Use Agreement shall include, but not be limited to the following:

2. Transportation Impact Analysis (TIA) that details the expected construction routes and the ESAL count per roadway segment. Core samples, or non-destructive testing methods, as approved by the County Engineer, shall be used to determine the base and surface thicknesses of each public roadway used. In addition, all bridges and culvers on the construction routes shall be identified and evaluated for structural adequacy. Adequate exhibits shall be included so that the full impact to the public roadways within the project footprint can be determined.

3. Requirements that regulate the construction traffic impacts.

4. Requirements for repairing damages to the roadway base, surface, and appurtenances, in addition to providing for roadway surface upgrades.

5. Governing practices regarding utility installations on or near the rights of way.

6. County requirements that include providing permits when the Developer provides proper information.

7. Requirement for a Certificate of Liability Insurance for ten million dollars ($10,000,000) per occurrence.

8. Requirement for a Security instrument in the amount of one hundred twenty-five percent (125%) of the estimated roadway base damage repair and roadway surface repairs and upgrades.

26. Consulting Fund. Not less than thirty (30) days after special use has been granted, an initial engineering and legal fee of no less than Five thousand dollars ($5,000) shall be deposited into the County Treasury (the Consulting Fund) to cover all engineering consulting and legal fees incurred by the County for the duration of the project from conception to completion. The amount of the initial engineering and legal fee may be adjusted at the discretion of the County Engineer based on the size of the proposed project. Additional funds shall be required, as deemed necessary by the County Engineer. Monies remaining in the Consulting Fund at the completion of the project will be refunded back to the SES project.

27. Storm Water Management, Retention of Topsoil and Minimized Disturbance to Prime Farmland.

A. At a minimum, the Applicant shall adhere to the AIMA standards addressing soil retention and restoration issues. A storm water management plan and drainage permit in accordance with the County's Storm Water Management Ordinance (Fayette County Code §11-4) shall be approved by the County Engineer before the issuance of the project building permit. The plan shall be signed and sealed by an Illinois Licensed Professional Engineer.
28. Retention of all Topsoil.

A. No topsoil may be removed, stripped, or sold from the proposed SES site pursuant to or as part of the construction of the SES.

B. Minimizing Disturbance of Prime Farmland as defined by the U.S. Department of Agriculture.

C. Any SES to be located on identified prime farmland shall minimize the disturbance to prime farmland as follows:
   1. The disturbance to prime farmland caused by construction, operation, and deconstruction of the SES shall be always minimized consistent with good engineering practice.

D. Disturbance to prime farmland shall be offset by establishment of a vegetative ground cover within the SES that includes the following:
   1. The vegetative ground cover shall use native plant species as much as possible and shall be based on a site assessment of the site geography and soil conditions.
   2. The species selected shall serve a secondary habitat purpose as much as possible.

E. Maintenance of the vegetative ground cover shall use a combination of management approaches to ensure safe, cost-effective, reliable maintenance while minimizing environmental risks.

F. The plan to establish and maintain a vegetative ground cover that includes native plant species as much as possible shall be detailed in a landscape plan included in the SES application. The landscape plan shall include the weed control plan required by subsection E (3-f).

G. The SES shall be required to initiate and comply with all recommendations of the Fayette County Soil & Water Conservation District's Natural Resources Information Report as to the appropriate vegetative ground cover species selections.

29. Agricultural Impact Mitigation Agreement (AIMA). The Applicant shall enter and adhere to the AIMA with the Illinois Department of Agriculture, prior to construction, pursuant to 505 ILCS 147/15.

30. Drainage. The Applicant shall commit to repairing or restoring all drainage tiles damaged during construction and deconstruction to the same or better condition as to when construction began, specifically outlined in the AJMA. The Applicant shall also commit to contact local drainage districts before the start of any construction to locate drainage district tiles.
31. **Interference:** The Applicant shall verify that there will be no communication interference resulting from the SES project. If, after the start of the Commercial Operation Date of the SES project, the Applicant receives a written complaint from a property owner within a one (1) mile radius around the project boundary, related to interference with local broadcast residential television or radio, the Applicant shall respond within ten (10) working days after being notified, and shall use commercially reasonable efforts to mitigate any problems on a case-by-case basis.

32. **Duration of Special Use Permit.** Notwithstanding the provisions of Section 10-2A-3 of the Fayette County Code, the Fayette County Board shall revoke a special use permit granted for any SES when a building permit has not been secured within three (3) years from the date the special use was granted. The County Board may extend this three-year period for such time as it shall determine, for good cause and without further hearing before either the County Board.

33. **Operational Standard Conditions**

   A. **Maintenance**

   1. The Applicant of the SES must submit, on or before the first (1st) anniversary of the Commercial Operation Date, a summary of operation and maintenance reports to the Fayette County Board and any other operation and maintenance reports as the Fayette County Board reasonably requests.

   2. Any physical modification to the SES that increases the number of solar conversion devices or structures and/or the land area occupied by the SES shall require a new special use permit. Like for like replacements of all SES components including but not limited to solar panels, transformers, inverters, batteries, cabling, shall not require re-certification provided replacement is done in an equivalent fashion to the original installation and the required replacement permit fees are paid.

   3. The Applicant shall explain methods and materials used to clean the SES equipment including an estimation of the daily and annual gallons of water used and the source of the water and the management of wastewater. The Fayette County Board may request copies of well records from the Illinois State Water Survey and may require an estimate by a qualified hydrogeologist of the likely impact on adjacent water wells.

34. **Materials Handling, Storage and Disposal.**

   A. All solid wastes related to the construction, operation and maintenance of the SES shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.

   B. All hazardous materials related to the construction, operation and maintenance of the SES shall be handled, stored, transported, and disposed of in accordance with all applicable local, state, and federal laws.
35. Points of Contact.

A. The Applicant of the SES shall maintain with the Fayette County Sheriff's Department a primary and two (2) secondary points of contact. This information shall be always kept current, and changes shall be reported immediately or as soon as possible.

36. Repowering of the Solar Farm.

A. The owner or Applicant of the SES may repower the existing SES to incorporate advances in SES technology including, but not limited to, solar panels, inverters, and balance of system components.

B. Repowering is permitted so long as the project adheres to all conditions of the Special Use Permit as previously imposed.

C. Repowering shall not substantially or fundamentally change the site footprint or make up of the project or the point of interconnection.

D. As such, any repower efforts taken by the owner/Applicant shall be governed by the Ordinance in effect at the time the project was permitted for its Special Use Permit.

E. Any material change to a project must be granted through the Special Use Permit process outlined in the Fayette County Code and shall be governed by the current Ordinance, and all fees and costs associated with the Special Use Permit process shall apply.

37. Decommissioning of the Solar Farm. At a minimum, the Applicant shall adhere to the AIMA decommissioning (deconstruction) requirements.

38. Before a building permit can be granted, the Applicant must present a decommission plan to ensure that all SES facilities are removed after their useful life. Decommissioning of solar panels must occur in the event they are not producing power for twelve (12) consecutive months and/or the landowner does not receive payment for six (6) months. The last day of this twelve (12) month period shall be considered the termination date. The operating company shall complete decommissioning of the SES within twelve (12) months of the termination date, or the County will perform decommissioning at the operating company's expense. The decommission plan shall include provisions and the estimated costs for removal of all structures and modifications including equipment, fencing, roads, and foundations, including but not limited to the restoration of soil and vegetation necessary to return the land to the condition in which it existed at the time the application for special use permit was first filed. The plan must also describe the financial security the Applicant proposes to offer to guarantee completion of the Applicant's decommissioning obligations on the site. The issuance of a building permit for any SES shall be made contingent upon the Applicant's prior filing of proof of its fulfillment of the decommissioning security obligation for the entire site, and in no instance shall the financial security be less than fifty thousand dollars ($50,000) per megawatt. The only acceptable form of security financing shall be the Applicant's deposit of the determined monetary amount in the County escrow account, unless
the County Board, in its sole discretion, agrees to accept an alternative security, or a portion thereof, in the form of a security bond approved by the County. An updated decommissioning plan shall be submitted to the Fayette County Board every five (5) years. The initial updated decommissioning plan shall be submitted on or before the fifth (5th) anniversary of the Commercial Operation Date.

39. Prior to construction, the Applicant of the SES shall submit an engineer's estimate of cost for decommissioning and disposal/recycling of the SES and restoring the site in accordance with the approved decommissioning plan. Upon review and approval by the Fayette County Board of the estimate, the Applicant shall deposit, in the County escrow account, unless the County Board in its sole discretion agrees to accept alternative security, or a portion thereof, in the form of a security bond approved by the County, an amount of one hundred fifty percent (150%) of the estimate, to cover the cost of decommissioning as well as inflation cost in future years. The value of the surety shall not be reduced based on the salvage value of any materials or equipment.

40. During the operation of the SES, a new engineer's estimate of cost for decommissioning shall be submitted to the Fayette County Board every five (5) years. The initial updated cost estimate shall be submitted on or before the fifth (5th) anniversary of the Commercial Operation Date. Upon approval of the estimated costs by the Fayette County Board, a revised surety shall be provided to the Fayette County Board in the amount of one hundred fifty percent (150%) of the new estimate. The value of the surety shall not be reduced based on the salvage value of any materials or equipment.

41. The decommissioning plan shall provide for the removal of the following within twelve (12) months of the termination of SES operation:

A. All solar collectors and components, fencing, above-ground improvements, and outside storage.

B. Foundations, pads, and underground electrical wires to reclaim all sites to the depth of six (6) feet below the surface of the ground.

C. Hazardous materials shall be disposed of in accordance with federal and state law.

D. Any earth disturbance resulting from the removal of the ground-mounted solar panels must be graded and reseeded, unless otherwise agreed upon by the property owner.

E. Vegetative screening that has been installed by the Applicant.

42. Inspections. The County Board or his/her representative shall have the right, at any reasonable time and in the presence of the Applicant, its agents and/or assigns, to enter the premises on which the SES has been constructed to inspect all parts of said SES installation and require that repairs or alterations be made with in thirty (30) days if, in his/her judgment, there exists a deficiency in the SES.

43. Liability Insurance. The Applicant of the SES shall maintain a current general liability policy covering bodily injury and property damage and naming Fayette County as an additional insured
with limits of at least five million dollars ($5,000,000) per occurrence and five million dollars ($5,000,000) in the aggregate with a deductible of no more than five thousand dollars ($5,000).

44. Standard Condition for Liability Insurance.

A. General Liability Insurance

1. The County of Fayette, Illinois, its officers, and employees shall be included as an additional insured on the General Liability policy on a primary and non-contributory basis for both ongoing and completed operations. A minimum of a three (3) year extended reporting period is required for all claims-made policies.

2. The County of Fayette, Illinois, its officers, and employees shall be named as additional insured with a waiver of subrogation on the Commercial Liability policy.

3. Any Commercial Umbrella utilized shall be a "Following Form" policy.

4. All policies must contain no more than a thirty (30) day notice of cancellation.

5. Current copies of the insurance policies and certificates of insurance shall be kept on file with the Fayette County Clerk.

B. Maintenance of General Liability Insurance

1. The Applicant of the SES shall maintain a current general liability policy covering bodily injury and property damage with minimum limits of a least five million dollars ($5,000,000) per occurrence and five million dollars ($5,000,000) in the aggregate.

2. The Applicant of the SES shall maintain a current Commercial Auto policy of at least one million dollars ($1,000,000).

C. The Applicant of the SES shall maintain Workman’s Compensation insurance in the following amounts:

1. One million dollars ($1,000,000) per accident;

2. Occupational Disease: One million dollars ($1,000,000) per employee with a policy limit of one million dollars ($1,000,000).

D. Pollution liability insurance shall be maintained in the amount of five million dollars ($5,000,000) per policy.

E. The general liability policy shall identify landowners included in the Special Use Permit as additional insured.
45. Administration and Enforcement. Before obtaining a building permit, the Applicant of the SES, at its expense, shall coordinate with the Fayette County Special Use Committee to develop a system for logging and investigating complaints related to the SES.

46. This ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PRESENTED, APPROVED and ORDAINED by the Fayette County Board in regular session on August 9, 2022.

GLENDA BARTELS  
KEITH COLE  
MERRELL H. COLLINS  
JOHN W. CEARLOCK  
GLENN L. GURTNER  
MATT HALL  
JACOB HARRIS  
DOUG KNEBEL  
MACK PAYNE  
ASHLEY TOWLER  
JENNY WAGGONER  
DEBRA L. WARNER  
JAMES WEHRLE  
JOE A. WILLS

YES  
ABSENT  
ABSENT  
YES  
YES  
YES  
YES  
YES  
YES  
YES  
YES  
ABSENT  
ABSENT  
YES

ATTEST:

Jessica Barker  
Fayette County Clerk

Jenny (Austin) Waggoner  
Fayette County Board Chairperson

{SEAL}
RESOLUTION NUMBER 2022-08-09-A

A Resolution from the Fayette County Trustee to authorize the Chairperson of the Fayette County Board to authorize the cancellation of the appropriate certificates of purchase for the following parcels: 18-14-16-181-003; 18-14-16-181-005.

ADOPTED BY THE FAYETTE COUNTY BOARD
OF THE COUNTY OF FAYETTE, ILLINOIS
THIS 9TH DAY OF AUGUST, 2022

PUBLISHED BY THE AUTHORITY OF
THE COUNTY BOARD OF FAYETTE COUNTY
THIS 9TH DAY OF AUGUST, 2022
RESOLUTION
2022-08-09-A

WHEREAS, The County of Fayette, as Trustee for the Taxing Districts therein, has undertaken a program to collect delinquent taxes and to perfect titles to real property in cases in which the taxes on such real property have not been paid, pursuant to 35ILCS 200/21-90, and

WHEREAS, Pursuant to this program, the County of Fayette, as Trustee for the Taxing Districts therein, has acquired an interest in the following described real estate:

18-VANDALIA TOWNSHIP

PERMANENT PARCEL NUMBER: 18-14-16-181-003, 005

As described in certificates(s): NONE sold November 2015, NONE sold November 2017

and it appearing to the County board that it is in the best interest of the County to dispose of its interest in said property.

WHEREAS, Cortland L. Bolyard, has bid $815.00 for the County's interest, such bid having been presented to the County board at the same time it having been determined by the County board and the Agent for the County, that the County shall receive from such bid $300.00 as a return for its certificate(s) of purchase. The County Clerk shall receive $0.00 for cancellation of Certificate(s) and to reimburse the revolving account the charges advanced from this account, the auctioneer shall receive $0.00 for his services and the Recorder of Deeds shall receive $65.00 for recording. The remainder is the amount due the Agent under his contract for services. The total paid by purchaser is $815.00.

WHEREAS, your County board recommends the adoption of the following resolution:

BE IT RESOLVED BY THE COUNTY BOARD OF FAYETTE COUNTY, ILLINOIS, that the Chairman of the Board of Fayette County, Illinois, be hereby authorized to execute a deed of conveyance of the County's interest or authorize the cancellation of the appropriate Certificate(s) of Purchase, as the case may be, on the above described real estate for the sum of $300.00 to be paid to the Treasurer of Fayette County Illinois, to be disbursed according to law. This resolution to be effective for sixty (60) days from this date and any transaction between the above parties not occurring within this period shall be null and void.

ADOPTED by roll call vote this 8th day of August, 2022

ATTEST

Jessica Barker
CLERK

Janey (Austin) Wagner
COUNTY BOARD CHAIRMAN

SALE TO NEW OWNER

Jessica Barker Fayette County Clerk/Recorder
Book: GR2342 Page: 91
Receipt #: 73168
Doc Id: 222212
Pages Recorded: 2
Cahsier Initials: sam

Total Fees: $55.50
Miscellaneous R-ES: $0.50
R-ES 8/18/2022 11:17:39 AM: $9.00
Date Recorded: 8/18/2022 11:17:39 AM
<table>
<thead>
<tr>
<th>RES#</th>
<th>Account</th>
<th>Type</th>
<th>Account Name</th>
<th>Parce#</th>
<th>Total Collected</th>
<th>County Clerk</th>
<th>Auctioneer</th>
<th>Recorder/Sec of State</th>
<th>Agent</th>
<th>Misc/Overpmt</th>
<th>Treasurer</th>
</tr>
</thead>
<tbody>
<tr>
<td>05-22-001</td>
<td>0921005P</td>
<td>SAL</td>
<td>CORTLAND L. BOLYARD</td>
<td>18-14-16-181-003, 005</td>
<td>815.00</td>
<td>0.00</td>
<td>0.00</td>
<td>65.00</td>
<td>450.00</td>
<td>0.00</td>
<td>300.00</td>
</tr>
</tbody>
</table>

**Totals**

- Total Collected: $815.00
- County Clerk: $0.00
- Auctioneer: $0.00
- Recorder/Sec of State: $65.00
- Agent: $450.00
- Misc/Overpmt: $0.00
- Treasurer: $300.00

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**Clerk Fees**

- $0.00

**Recorder/Sec of State Fees**

- $65.00

**Total to County**

- $365.00

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Committee Members
COUNTY OF FAYETTE, ILLINOIS

RESOLUTION NUMBER 2022-08-09-B

A RESOLUTION TO APPROPRIATE $11,000 FROM THE COUNTY BRIDGE FUND TO REPLACE A CULVERT ONE MILE NORTH OF SAINT PETER, ON 1000 AVENUE, IN LONE GROVE TOWNSHIP.

ADOPTED BY THE FAYETTE COUNTY BOARD
OF THE COUNTY OF FAYETTE, ILLINOIS
THIS 9TH DAY OF AUGUST, 2022

PUBLISHED BY THE AUTHORITY OF
THE COUNTY BOARD OF FAYETTE COUNTY
THIS 9TH DAY OF AUGUST, 2022
RESOLUTION

WHEREAS; a request for County Bridge Funds for the purpose of replacing a culvert, on T.R. 511 (1000 Ave) over an Unnamed Tributary to Lone Grove Branch, in Lone Grove Township, located one (1) mile north of St. Peter, in accordance with Section 5-501, Chapter 121 of the Illinois Statutes has been filed; and

WHEREAS; the general assembly of the State of Illinois, amended Section 5-602 of the Road and Bridge Laws of Illinois, providing that any county for the purpose of administering Section 5-501, 5-502, 5-503 and 5-504 of this code and having less than 1,000,000 inhabitants may levy an additional annual tax not exceeding 0.05 percent of all the taxable property in such county, as equalized or assessed by the Department of Revenue, which tax shall be in addition to all other county taxes and shall be in excess of any other rate limitation; and

WHEREAS; Lone Grove Township has petitioned the Fayette County Board for aid in replacing a culvert under Section 5-501 and 6-508, Chapter 121 of the Illinois Statutes as specified in the petition on file with the Fayette County Clerk; and

NOW, THEREFORE BE IT RESOLVED; that the County Board shall appropriate sufficient funds to pay one-half the expense, estimated to be $11,000, to replace the requested culvert; and

BE IT FINALLY RESOLVED; that the funds necessary to furnish the county bridge aid required in the construction of the above-described culvert shall be obtained from the County Bridge Fund.

Jenny Austin Waggoner,
Fayette County Board Chairman

I, Jessica Barker, County Clerk, in and for Fayette County, Illinois, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of the resolution approved by the County Board of Fayette County at its meeting on the 9th day of August, 2022.

IN TESTIMONY WHEREOF; I have unto set my hand and seal, at my office, this 9th day of August, 2022.

Jessica Barker,
Fayette County Clerk
Illinois Department of Transportation  
As Accepted Tabulation of Bids  
For Letting: 06/17/2022

Letting Item: 128  
Route: TR 571B  
Contract: 95916  
Section: 19-07132-00-BR  
Project: 8GM5(575)  
District: 7  
County: Fayette

Contract Description: Replace the bridge carrying TR 571B over a tributary to North Fork Creek, 6 miles west of Farina.

1439  Depew and Owen Builders, Inc.  
301 N. Oak Street  
PO Box 1252  
Centralia, IL 62801  
301 N. Oak Street  
Centralia, IL 62801  
Phone: (618) 532-1160  
Fax: (618) 532-0925  
ronnie@depewandowen.com

$299,988.00

This list is an aid and is not intended to be an all-inclusive list of potential bidders. It is the responsibility of the bidder, subcontractor or vendor to determine who is bidding on a project.
LOCATION MAP  
TR 571B (700N)  
BRIDGE OVER TRIBUTARY  
TO NORTH FORK  
SECTION 19-07132-00-BR  
LONE GROVE ROAD DISTRICT  
FAYETTE COUNTY, ILLINOIS
COUNTY OF FAYETTE, ILLINOIS

ORDINANCE NUMBER 2022-08-09-C

AN ORDINANCE AMENDING ORDINANCE 2017-05-09-F
REGULATE AND CONTROL THE SALE OF ALCOHOLIC LIQUOR

ADOPTED BY THE FAYETTE COUNTY BOARD
OF THE COUNTY OF FAYETTE, ILLINOIS
THIS 9TH DAY OF AUGUST, 2022

PUBLISHED BY THE AUTHORITY OF
THE COUNTY BOARD OF FAYETTE COUNTY
THIS 9TH DAY OF AUGUST, 2022
ORDINANCE 2022-08-09-C

AN ORDINANCE TO AMEND ORDINANCE 2017-05-09-F
REGULATE AND CONTROL THE SALE OF ALCOHOLIC LIQUOR

BE IT ORDAINED, by the Fayette County Board of the State of Illinois:

1. It shall be unlawful for a person without a retail liquor dealer's license to sell or to offer alcoholic liquor for sale at retail within Fayette County, Illinois, and outside the limits of any City, Village, or incorporated Town. It shall be unlawful for a person to sell or offer alcoholic liquor for sale at retail in Fayette County, Illinois, in violation of the terms of this Ordinance.

2. Retail liquor dealer licenses shall be divided into five classes:

   a. Class A License, the lawful holder of which shall be authorized to sell at retail all alcoholic spirits, wine, and beer;
   b. A Class B License, the lawful holder of which shall be authorized to sell at retail all alcoholic spirits, wine, and beer in the original package only, provided that such alcoholic spirits, wine, or beer may not be consumed upon the licensed premises;
   c. A Class C License, the lawful holder of which shall be authorized to sell beer, ale, stout and Jager beer by a lawful club;
   d. A Class D License, the lawful holder of which shall be authorized as a club to sell all alcoholic spirits, wine, and beer;
   e. A Class E License, the lawful holder of which shall be authorized for a period not to exceed 24 hours to sell beer as a lawfully qualified not-for-profit organization.

3. No retail liquor dealer's license shall be issued to an applicant for premises which are located within any Township or other area which, by previous local option referendum, has prohibited and made unlawful the sale of alcoholic liquor if such prohibition remains in effect at the time of the application.

4. All applications for the issuance of a retail liquor dealer's license shall be filed with the Fayette County Clerk for delivery to the local Liquor Control Commissioner or for delivery to the person or persons duly appointed to assist the local Liquor Control Commissioner in the exercise of such Commissioner's powers and the performance of the Commissioner's duties and action thereon.

5. All applications shall conform in substance to and incorporated therein the wording necessary to disclose the information expressly required by the provisions of 235 ILCS 5/7-1 et seq., as such statute now exists, and as it may from time-to-time hereafter be amended. All applications shall be verified under oath by the applicant.
6. License fees shall be payable at the time application is made by the applicant and shall be returnable only in the event the license for which application is made is not granted.

7. License fees shall be as follows:

   a. Class A License: $1,000 per year;
   b. Class B License: $500.00 per year;
   c. Class C License: $250.00 per year;
   d. Class D License: $350.00 per year;
   e. Class E. License: $25.00 for license sale period.

8. The number of licenses authorized to issue shall be subject to the following limitations:

   a. The number of Class A Licenses shall not exceed 3 for any Fayette County Township outside the limits of any City, Village, or Incorporated Town.
   b. The number of Class B Licenses shall not exceed 3 for any Fayette County Township outside the limits of any City, Village, or Incorporated Town.
   c. The number of Class C Licenses shall not exceed 3 for any Fayette County Township outside the limits of any City, Village, or Incorporated Town.
   d. The number of Class D Licenses shall not exceed 3 for any Fayette County Township outside the limits of any City, Village, or Incorporated Town.
   e. No more than 2 Class E Licenses per calendar year may be issued to any organization within any calendar year, unless such licensee shall pay a license fee of $250.00 per year, the payment of which license fee shall authorize the issuance of 5 Class E Licenses within a calendar year.

9. Operating Hours: Premises Licensed pursuant to this Ordinance shall be limited in their periods of operation as follows:

   a. Premises operating under Class A License may be open to the public and sell all alcoholic spirits, wine, and beer between the hours of 9:00 a.m. and 12:00 o'clock midnight, Monday through Saturday, and from 12:00 noon until 9:00 p.m. on Sunday.
   b. Premises operating under Class B License may be open to the public and sell alcoholic spirits, wine, and beer in original package only for off-premises consumption between the hours of 6:00 a.m. and 9:00 p.m., Monday through Saturday, and from 12:00 noon until 9:00 p.m. on Sunday.
   c. Premises operating under Class C License may be open to its members and guests and sell beer, ale, stout, and lager beer between the hours of 9:00 a.m. and 12:00 p.m. o'clock midnight, Monday through Saturday, and from 12:00 noon until 9:00 p.m. on Sunday.
d. Premises operating under Class D License may be open to its members and guests and sell all alcoholic spirits, wine, and beer between the hours of 9:00 a.m. and 12:00 o'clock midnight, Monday through Saturday, and from 12:00 noon until 9:00 p.m. on Sunday.

e. Premises operating under Class E License may sell beer only from 9:00 a.m. and 12:00 o'clock midnight on the day for which the license is valid, except for Sunday, upon which day, operation shall be from not earlier than 12:00 noon until not later than 9:00 o'clock p.m.

10. The applicant for a Class A License and the holder of a Class A License shall comply with the following requirements:

   a. The structure of the licensed premises shall have fire resistant construction in accordance with the National Fire Protection Association 101 Life Safety Code.

   b. Licensed premises shall not exceed a maximum capacity of 20 persons for each 500 square feet of customer floor space.

   c. The licensed premises shall be equipped with separate rest rooms, with one for each sex, with such rest rooms to be an integral part of the building. Said premises shall have at least two entrances at the front and rear of the building, with the doors on each entrance opening outward.

11. The local Liquor Control Commissioner or the person or persons duly appointed to assist the Commissioner in the exercise of the Commissioner's powers and the performance of Commissioner's duties shall consider and pass upon any application made in accordance with this Ordinance. If the Commissioner or the Commissioner's duly appointed agent shall determine that all requirements of the Dram Shop Law of the State of Illinois [235 ILCS 5/6-21, et seq], as applicable, have been satisfied and the applicant is otherwise qualified hereunder to obtain a license as provided by law, and that the required license fee has been tendered, and the applicant has, under oath, agreed to conform with the provisions of this Ordinance, then and in that event the local Liquor Control Commissioner or the person or persons appointed to assist the Commissioner in the exercise of the Commissioner's powers and the performance of Commissioner's duties, shall approve said application and shall return the same to the Fayette County Clerk with such approving order endorsed thereon. Upon the Fayette County Clerk's receipt of such endorsed and approved application, the Clerk shall issue under the Clerk's signature a license in due form for a calendar year from and after the date the license was ordered to issue.

12. An applicant for a retail liquor dealer license and the holder of a license shall be a resident of Fayette County.

13. In the event any licensee shall discontinue the business of retail sale of alcoholic liquor under a license issued pursuant to the provisions of this Ordinance during the calendar
year for which it was issued, such license shall become void and of no further effect. In the event any licensee shall cease to be a resident of Fayette County during the calendar year for which a license is issued, such license shall become void and of no further effect. In the event any licensee shall violate a provision of this Ordinance, of the Liquor Control Act of the State of Illinois or of any applicable Federal statute or regulation, such licensee's license shall be subject to immediate termination, in which event it shall be void and of no further effect. In the event of the termination of license by its avoidance under this paragraph, no refund of any part of the license fee paid shall be made.

14. Any retail liquor dealer license issued pursuant to the provisions of this Ordinance is personal to the licensee and shall not be transferrable in any way, either as between individuals, firms, or corporations, or as between premises or locations. Any license shall completely identify the licensee and contain an exact description of the premises to which the license applies and shall be always after issuance, displayed prominently upon the premises so licensed.

15. A person holding a retail liquor license issued pursuant to this Ordinance shall abide by the provisions of the Liquor Control Act of the State of Illinois, as said Act presently exists or may hereafter be amended from time to time.

16. In the event this Ordinance or any section or part hereof is determined by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, such determination shall have not impacted any other part, section, or provision of this Ordinance, which shall, consequently, remain in full force and effect.

17. An Amended Resolution Relative to Dram Shop of this Board, as adopted August 10, 1982 and an Amending Resolution thereof dated April 12, 1988, and Amending Resolution thereof adopted February 10, 1994, together with any and all other Ordinances or Resolutions which may have heretofore been enacted and to the extent any such Ordinances may be inconsistent with or in conflict with this Ordinance, each all are hereby repealed. All outstanding licenses issued under said repealed Resolutions shall remain valid and lawful under the terms of this Ordinance, if otherwise lawfully issued and held by the licensee.
PRESENTED, APPROVED and ORDAINED by the Fayette County Board in regular session on August 9, 2022.

GLENDA BARTELS
KEITH COLE
MERRELL H. COLLINS
JOHN W. CEARLOCK
GLENN L. GURTNER
MATT HALL
JACOB HARRIS
DOUG KNEBEL
MACK PAYNE
ASHLEY TOWLER
JENNY WAGGONER
DEBRA L. WARNER
JAMES WEHRLE
JOE A. WILLS

ATTEST:

Jessica Barker
Fayette County Clerk

[Signature]

Jenny (Austin) Waggoner
Fayette County Board Chairperson

(SEAL)