RESOLUTION NO. 2018-05-08-A

Resolution opposing the passage of HB1465, HB1467, HB1468, HB1469, SB1657, any trailer bill, or any bill similar too, or any bill where the 100th Illinois General Assembly desires to restrict the Individual right of U.S. Citizens as protected by the Second Amendment of the United States Constitution.

WHEREAS, the Right of the People to Keep and Bear Arms is guaranteed as an Individual Right under the Second Amendment to the United States Constitution and under the Constitution of the State of Illinois, and;

WHEREAS, the Right of the People to Keep and Bear Arms for defense of Life, Liberty, and Property is regarded as an Inalienable Right by the People of Fayette County, Illinois, and;

WHEREAS, the People of Fayette County, Illinois, derive economic benefit from all safe forms of firearms recreation, hunting and shooting conducted within Fayette County using all types of firearms allowable under the United States Constitution, and;

WHEREAS, HB1465 is a violation of the 4th Amendment to the U.S. Constitution requiring responsible persons under 21 to surrender lawfully owned firearms to face becoming instant felons; fails to define how to relinquish firearms; only allows possession at Sparta Shooting Complex, but fails to provide similar exemptions for recreational shooting at gun clubs, private ranges or under supervision of responsible adult or parent, unless certified as a firearms instructor;

WHEREAS, HB1467 is a violation of the 4th Amendment to the U.S. Constitution requiring persons to immediately relinquish lawfully owned bump stocks or trigger cranks, while also failing to provide where and how to relinquish firearm devices, thus creating instant felons upon passage; and

WHEREAS, HB1468 contains broad and unclear definitions which will cause confusion amongst firearm owners and dealers as to which type of firearm is subject to the 72 hour wait period; bans nonresidents from purchasing certain long guns defined loosely as assault weapons, puts dealers in jeopardy of unknowingly violating the law, and;

WHEREAS, HB1469 is a violation of the 4th Amendment to the U.S. Constitution requiring persons to immediately relinquish lawfully owned magazines, fails to provide how to properly relinquish banned magazines, creates instant felons if enacted as written, creates conflicts allowing for sale to out of state persons while stating possession is a felony, bans body armor worn as protection for those who employ the use of chain saws, motorcyclists, range officers, firearm instructors, shop owners, and employees who work in dangerous neighborhoods or during night shifts, and
WHEREAS, SB1657 and trailer bills will create economic hardships on lawfully owned and operated, small business firearm dealerships, in effect forcing them to close; will create undue burdens and price increases on persons to lawfully purchase firearms; will have a direct negative impact on local economies thru job loss and sales tax loss; will create another layer of burdensome government regulation on top of the heavy federal regulations; imposes new fees on top of existing Federal license fees, and;

WHEREAS, Fayette County Board, being elected to represent the People of Fayette County and being duly sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of Illinois, and;

WHEREAS, the Illinois House of Representatives and the Illinois Senate, being elected by the People of the State of Illinois and being duly sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of Illinois, and;

WHEREAS, the Governor of Illinois, being elected to represent the People of the State of Illinois and being duly sworn by your Oath of Office to uphold the United States Constitution and the Constitution of the State of Illinois, and;

WHEREAS, proposed legislation, any bills similar to, under consideration by the Illinois State Legislatures would infringe the Right to Keep and Bear Arms and would ban the possession and use of firearms, magazines, body armor now employed by individual citizens of Fayette County, Illinois, for defense of Life, Liberty and Property and would ban the possession and use of firearms now employed for safe forms of firearms recreation, hunting and shooting conducted within Fayette County, Illinois, and;

WHEREAS, the proposed legislations potentially violates the 5th Amendment failing to provide just compensation under the Takings Clause, 8th Amendment impositions against excessive fines and punishments on law abiding citizens by punitive forfeiture/relinquishment of lawfully owned property, and Ex Post Facto Law Clause of the United States Constitution.

NOW THEREFORE, IT BE AND IS HEREBY RESOLVED that the People of Fayette County, Illinois, do hereby oppose the enactment of any legislation that would infringe upon the Right of the People to keep and bear arms and consider such laws to be unconstitutional and beyond Legislative Authority.

BE IT FURTHER RESOLVED, that the Fayette County Board demands that the Illinois General Assembly cease further actions restricting the Right of the People to keep and bear arms, and hereby demand that the Governor of Illinois veto all such legislation which restricts the Right of the People to keep and bear arms.
BE IT FURTHER RESOLVED, that the Clerk of Fayette County is hereby directed to prepare and deliver certified copies of this Resolution to all members of the Illinois General Assembly and the Office of the Governor.

BE IT FURTHER RESOLVED, that if the Government of the State of Illinois shall infringe upon the alienable rights granted by the Second Amendment, Fayette County shall become a "sanctuary county" for all firearms unconstitutionally prohibited by the government of the State of Illinois, in that, Fayette County will prohibit its employees from enforcing the unconstitutional actions of the State government.

PASSED by the County Board of the Fayette County, Illinois on the ___8th____ day of May, 2018, upon yea and nay vote as follows:

Ayes 13
Nays ________
Absent 1

APPROVED by the Chairman of the Fayette County Board, Illinois on the ____8th____ day of May, 2018.

Jeffrey Eickman, Chairperson
Fayette County Board, Illinois

ATTEST:

Vicky Conder
Fayette County Clerk

[SEAL]
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RESOLUTION NO. 2018-05-08-B

WHEREAS, this County Board of Fayette County, Illinois, has heretofore entered into a certain written "PROFESSIONAL SERVICE AGREEMENT" with Joseph E. Meyer & Associates, Inc. (or its predecessor) originally dated May 20, 2003 and providing for the creation and administration of a Delinquent Tax Liquidation Program; and

WHEREAS, said Agreement, as extended and amended, remains in full force and effect as of the date hereof, but the costs of conducting said Delinquent Tax Liquidation Program, including costs of obtaining title to tax delinquent properties and conveying such properties through public auctions, have substantially increased; and

WHEREAS, increasing the minimum auction sale bid to $750.00 per property will serve to defray such increased program costs;

NOW THEREFORE BE IT RESOLVED by the County Board of Fayette County, Illinois, that the minimum auction sale bid for properties first offered at public oral or sealed bid auction sales through the Delinquent Tax Liquidation Program shall be, and is hereby, increased to $750.00 per parcel; and

FURTHER, that the increase in minimum bid hereby effected shall be applied so as to increase by $100.00, to a total of $450.00, the minimum fee paid to the said Joseph E. Meyer & Associates, Inc., for its services on account of the sale of any property pursuant to said Agreement, and to increase the proceeds accruing to the Taxing Districts by an additional $50.00 per property; and

FURTHER, that any properties that are not sold upon first offering may be re-offered at a reduced selling price as may be deemed appropriate by the Treasurer and this County Board; and

FURTHER, that the Chairman of this County Board is hereby authorized to enter into and to subscribe, on behalf of this County Board, the written "ADDITION TO PROFESSIONAL SERVICE AGREEMENT" presented to this meeting and providing for the increase in minimum auction sale bid hereby approved and effected, and that all other terms and provisions of the said "PROFESSIONAL SERVICE AGREEMENT", as heretofore amended, shall remain in full force and effect.

APPROVED AND ADOPTED at a regular meeting of the County Board of Fayette County, Illinois, this 8th day of May, 2018.

County Board Chairman

ATTEST:

County Clerk
ADDENDUM TO PROFESSIONAL SERVICE AGREEMENT

THIS AGREEMENT, entered into by and between the County of Fayette, Illinois, hereinafter referred to as "County", and Joseph E. Meyer & Associates, Inc., hereinafter referred to as "Contractor";

WITNESSETH:

WHEREAS, the County and Contractor (or its predecessor) entered into a written instrument entitled "PROFESSIONAL SERVICE AGREEMENT" bearing date of May 20, 2003 (hereinafter referred to as "the Agreement") establishing a Delinquent Tax Liquidation Program, and said Agreement, as heretofore extended and amended, remains in full force and effect between the County and Contractor as of the date hereof; and

WHEREAS, the County and Contractor desire to further amend the Agreement as hereinafter set forth;

NOW THEREFORE, for and in consideration of the sum of TEN DOLLARS ($10.00), and for other good and valuable consideration, the parties agree as follows, to-wit:

1. That the relevant provisions of the Agreement are hereby amended such that:

   a. The minimum auction sale bid for properties first offered at public oral or sealed bid auction sales through the Delinquent Tax Liquidation Program shall be $750.00 per parcel; and

   b. Whenever title to any tax-delinquent property shall be conveyed to a new owner through the Delinquent Tax Liquidation Program Agent shall receive a minimum compensation of FOUR HUNDRED FIFTY DOLLARS ($450.00) or TWENTY-FIVE PERCENT (25%) of the purchase price, whichever is greater. In event the sale price of any such property is FOUR HUNDRED FIFTY DOLLARS ($450.00) or less, the Agent shall receive the full sale price as compensation and no additional fee shall be paid on account of the sale of such property:

2. All of the terms and provisions of the Agreement, as heretofore amended and extended, and as amended hereby shall remain in full force and effect between the parties hereto.

Agreed, entered and signed this 08 day of MAY, 2018.

The County of Fayette, Illinois
A Body Corporate and Politic

By /s/ [Signature]  
County Board Chairman

Joseph E. Meyer & Associates, Inc.

By /s/ [Signature]  
Whitney Strohmeyer, President

ATTEST:

/s/ [Signature]  
County Clerk
COUNTY OF FAYETTE, ILLINOIS

ORDINANCE NUMBER 2018-05-08-C

AN ORDINANCE FOR THE CONTROL OF NOXIOUS WEEDS

ADOPTED BY THE FAYETTE COUNTY BOARD
OF THE COUNTY OF FAYETTE, ILLINOIS
THIS 8th DAY OF MAY, 2018

PUBLISHED BY THE AUTHORITY OF
THE COUNTY BOARD OF FAYETTE COUNTY
THIS DAY OF MAY, 2018
ORDINANCE NO. 2018-05-08-C

AN ORDINANCE FOR THE CONTROL OF NOXIOUS WEEDS

WHEREAS, Fayette County, Illinois (the "County"), has heretofore been duly organized and is now operating as a county under the provisions of the Illinois Counties Code, and all laws amendatory thereof and supplementary thereto (the "Code"); and

WHEREAS, the County of Fayette is considered a Control Authority for Noxious Weeds under 505 ILCS 100/1, et seq (Illinois Noxious Weed Law), and;

WHEREAS, every person shall control the spread of and eradicate noxious weeds on lands owned or controlled by him and use such methods for that purpose and at such times as are approved and adopted by the Director of the Department of Agriculture; and

WHEREAS, Noxious weeds have been defined by the Department of Agriculture as: (1) Marihuana; (2) Canada Thistle (Cirsium arvense); (3) Perennial Sowthistle (Sonchus arvensis); (4) Musk Thistle (Carduus nutans); (5) Perennial members of the sorghum genus, including johnsongrass (Sorghum halepense), sorghum alnum, and other johnsongrass X sorghum crosses with rhizomes; and (6) Kudzu (Pueraria labata), and;

WHEREAS, the County has the authority to appoint and employ a "Weed Commissioner" for the purposes of determining whether noxious weeds are present within the county, and said Weed Commissioner having the authority to investigate and destroy noxious weeds, and;

WHEREAS, the Weed Commissioner shall receive compensation for investigating the existence of and destroying noxious weeds, including any clerical or administrative activities performed in relation to those activities, at the rate of $2000 per year.

WHEREAS, said Commissioner must produce an account of noxious weed investigation and destruction activities performed by the weed commissioner, verified by oath and approved
by the County Clerk. Said account said specify by separate items each activity of investigation
and destruction performed and for each activity of destruction, and;

NOW THEREFORE, BE IT ORDEMD BY THE COUNTY BOARD OF FAYETTE
COUNTY, ILLINOIS:

SECTION 1. Noxious Weed Destruction.

1. A person owning, occupying, or controlling land shall destroy all noxious weeds on
the land.

2. If after publication of the notice required pursuant to 505 ILCS 100/9, the Weed
Commissioner and the County Board determine that the persons owning, occupying or controlling the land have failed to destroy all noxious weeds on the
land, the County Board shall serve notice on those persons personally, pursuant to
505 ILCS 100/9, together with a statement commanding that the noxious weeds
upon the land be destroyed within seven (7) days of the receipt of the notice or the
person shall be subject to a penalty pursuant to Section 2 of this Ordinance.

SECTION 2. Penalty.

Any person violating this Ordinance, after due notice, is guilty of a petty offense and shall
not be fined not more than $100 for the first offense and not more than $200 for each subsequent
offense.

SECTION 3. Authorization to Officers.

The County Clerk is hereby authorized empowered and directed to attest the signature
of the County Board Chairman on such Contract. Upon passage and signing of this Ordinance
and the Contract, the County Clerk shall file a certified copy of such executed documents.

SECTION 4. Authorization to Others.

All Officers, Employees and Agents of the County are hereby authorized, empowered,
and directed to take any and all actions necessary, appropriate or convenient to effectuate the
purposes of this Ordinance and complete the execution of the Contract.
SECTION 5. SEVERABILITY.

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

SECTION 6. REPEALER.

All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

ADOPTED by the County Board of the Fayette County, Illinois on the 8th day of May, 2018, upon yea and nay vote as follows:

BRYCE KISTLER  
Yea 

JAKE HARRIS  
Nay 

JOHN C. DANIELS, JR.  
Yea 

JEFFREY BECKMAN  
Nay 

GLEN W. DANIELS  
Nay 

MARK ISAIAH  
Absent 

DEAN J. BERNHARDT  
Nay 

KEITH COLE  
Nay 

DARRELL SCHAAL  
Yea 

JENNY WAGGONER  
Yea 

GLENN GURTNER  
Nay 

GLENDAL J. BARTELS  
Yea 

WADE WILHOUR  
Nay 

CHAD AUSTIN  
Nay
APPROVED by the Chairman of the Fayette County Board, Illinois on the __8th____ day of May, 2018.

Jeffrey Beckman, Chairperson
Fayette County Board, Illinois

ATTEST:

Vicky L Conder
Fayette County Clerk

(SEAL)
COUNTY OF FAYETTE, ILLINOIS

ORDINANCE NUMBER 2018-05-08-D

AN ORDINANCE PROHIBITING DOGS FROM RUNNING AT LARGE

ADOPTED BY THE FAYETTE COUNTY BOARD
OF THE COUNTY OF FAYETTE, ILLINOIS
THIS 8th DAY OF MAY, 2018

PUBLISHED BY THE AUTHORITY OF
THE COUNTY BOARD OF FAYETTE COUNTY
THIS DAY OF MAY, 2018
ORDINANCE NO. __2018-05-08-D__

AN ORDINANCE PROHIBITING DOGS FROM RUNNING AT LARGE

WHEREAS, Fayette County, Illinois (the “County”), has heretofore been duly organized and is now operating as a county under the provisions of the Illinois Counties Code, and all laws amendatory thereof and supplementary thereto (the “Code”); and

WHEREAS, the County Board, pursuant to 55 ILCS 5/5-1071, may regulate and prohibit the running of dogs at large in unincorporated areas of the county which have been subdivided for residence purposes. The county board may impose such fines or penalties as are deemed proper to effectuate any such regulation or prohibition of dogs running at large, except when a fine or penalty is already allowed by law, and;

WHEREAS, any animal recovered pursuant to this ordinance is also subject to the Animal Control Act, 510 ILCS 5/1, _et seq_; and

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF FAYETTE COUNTY, ILLINOIS:

SECTION 1. DEFINITIONS.

1. “Running at Large” or “run at large” means permitting a dog to stroll, wander, rove or ramble at will and without constraint or confinement. “Running at large” shall not include the foregoing conduct when the same occurs on property owned or leased by the person to whom the dog belongs.

2. “Owner” means any person, keeper, custodian or legal entity owning, harboring or keeping a dog, whether temporary or permanent.

SECTION 2. RUNNING AT LARGE PROHIBITED.

No Owner shall permit a dog to run at large within the unincorporated areas of the county which have been subdivided for residence purposes. Any dog found running at large may be impounded by the County as provided in this Ordinance and may be destroyed if not timely redeemed as provided in Section 4 below.
SECTION 3. PENALTY.

Any person violating this Ordinance, after due notice, is guilty of a petty offense and shall not be fined not more than $100 for the first offense and not more than $200 for each subsequent offense.

SECTION 4. REDEMPTION.

If within give (5) days the owner of such impounded dog shall pay the costs of such impounding, then the owner shall be given possession of the impounded dog. Upon the expiration of the five (5) days specified in Section 5 below, any person may claim or redeem such impounded dog by paying the costs aforesaid.

SECTION 5. FIVE (5) DAY NOTICE.

Any dog impounded under the provisions of this ordinance shall be kept in a pound for a period of at least give (5) days after a notice of such impounding has been posted in the County Clerk’s office. If the owner of the dog is known, then the County Animal Control Officer shall make reasonable effort to notify the owner of the impoundment. All impounded dogs shall be fed and treated in a humane manner.

SECTION 6. UNCLAIMED ANIMALS, DISPOSAL.

If any dog impounded for violation of this ordinance has not been claimed or redeemed within the five (5) days provided in Section 5 above, then the Animal Control Authority or any other duly designated officer or agent of the County is hereby authorized and empowered to destroy the dog in a humane manner according to law or to surrender the same to the local humane society.

SECTION 7. SEVERABILITY.

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.
SECTION 8. REPEALER.

All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

ADOPTED by the County Board of the Fayette County, Illinois on the 8th day of May, 2018, upon yea and nay vote as follows:

BRYCE KISTLER  
JAKe HARRIs  
JOnH C. DANIELS, JR.  
JEFREY BECKMAN  
GLEN W. DANIELS  
MARK ISAIAH  
DEAN J. BERNHARDT  
KEITH COLE  
DARRELL SCHAAL  
JENNY WAGGONER  
GLENN GURTNER  
GLENDA J. BARTELS  
WADE WILHOUR  
CHAD AUSTIN  

Yea  
Nay  
Nay  
Yea  
Nay  
Absent  
Yea  
Yea  
Yea  
Yea  
Nay  
Nay  
Nay

APPROVED by the Chairman of the Fayette County Board, Illinois on the 8th day of May, 2018.

Jeffrey Beckman, Chairperson
Fayette County Board, Illinois

ATTEST:

[Vicky L. Conder]
Fayette County Clerk  
[SEAL]
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COUNTY OF FAYETTE, ILLINOIS

ORDINANCE NUMBER 2018-05-08-E

AN ORDINANCE AUTHORIZING SOLAR ENERGY SYSTEMS

ADOPTED BY THE FAYETTE COUNTY BOARD
OF THE COUNTY OF FAYETTE, ILLINOIS
THIS _______ 8th _______ DAY OF MAY, 2018

PUBLISHED BY THE AUTHORITY OF
THE COUNTY BOARD OF FAYETTE COUNTY
THIS ____________________ DAY OF MAY, 2018
ORDINANCE NO. 2018-05-08-E

AN ORDINANCE AUTHORIZING SOLAR ENERGY SYSTEMS

WHEREAS, Fayette County, Illinois (the “County”), has heretofore been duly organized and is now operating as a county under the provisions of the Illinois Counties Code, and all laws amendatory thereof and supplementary thereto (the “Code”); and

WHEREAS, the Fayette County Board has determined that solar installations should be allowed in unincorporated Fayette County as allowed in 55 ILCS 5/12 and 55 ILCS 5/5-1063, and;

WHEREAS, this ordinance does not apply to any portion of Fayette County that is incorporated or under a municipal rule, and;

WHEREAS, the purpose of this ordinance is to promote and encourage economic development, while maintaining order in the construction, installation and operation of Solar Energy Systems ("SES") in Fayette County, while ensuring the protection of the health, safety and welfare of the residents of Fayette County by promoting the safe, effective and efficient use of solar energy to reduce on-site consumption of fossil fuels or utility-supplied electric energy, and;

WHEREAS, this ordinance will allow the County of avoid adverse impact on important areas, such as agricultural land, endangered species habitats, conservation land, and other sensitive lands, and;

WHEREAS, this ordinance shall not be deemed to nullify any provisions of local, state or federal law, and;

WHEREAS, it is in the best interest of the citizens of the County of Fayette to enact an ordinance to permit Solar Energy Systems,
NOW THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF FAYETTE COUNTY, ILLINOIS:

SECTION 1. DEFINITIONS.

"Active Solar Energy System" is 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.

"Building-integrated Solar Energy System" is an active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

"Grid-intertie Solar Energy System" is a photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

"Ground Mount" is a solar energy system mounted on a rack or pole that rests on or is attached to the ground.

"Off-grid Solar Energy System" is a photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

"Passive Solar Energy System" is a solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

"Photovoltaic System" is an active solar energy system that converts solar energy directly into electricity.

"Renewable Energy Easement, Solar Energy Easement" is an easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.
"Roof Mount" is a solar energy system that is mounted on a rack that is fastened onto a building roof.

"Solar Access" is an unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

"Solar Collector" is an assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the purpose is to convert or transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

"Solar Energy" is a 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)" is all components required to become a complete assembly or structure that will convert solar energy into electricity for use.

"Solar Energy System Addition" is a private solar energy system which is structurally attached to a building or structure on the zoning lot on which said system is located. Said system shall be considered part of the building and shall comply with all provisions of this ordinance pertaining thereto.

"Solar Energy System, Private" is a collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot on which said system is located; excess power generation is limited to net metering or similar technology with regulations set by the local power utility, community, county, and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.

"Solar Farm" is a commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology,
for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

"Solar Garden" is a commercial solar-electric (photovoltaic) array, of no more than 40 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system. A county solar garden may be either an accessory use, when a part of an existing or a proposed subdivision or a special use if it is a stand-alone garden.

"Solar Heat Exchanger" is a component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

"Solar Hot Air System" is an active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air.

"Solar Hot Water System" is a system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

"Solar Mounting Devices" is racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

"Solar Storage Unit" is a component of a solar energy device that is used to store solar generated electricity or heat for later use.

SECTION 2. PERMIT REQUIREMENTS AND FEES.

All Solar Energy Systems ("SES") will be required to have a Fayette County Permit before any work can be started. A written plan and a plat/drawing for the proposed Solar Energy System shall be provided with the Permit Application. The plat/drawing must show the location of the system on the building or on the property, (for a ground-mount system show arrangement of panels), with all property lines and set back footages indicated. Fees for
processing the applications for permits shall be submitted to and collected by the Fayette County Clerk's Office as follows:

<table>
<thead>
<tr>
<th>Kilowatts (kW)</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-100</td>
<td>$50.00</td>
</tr>
<tr>
<td>101-500</td>
<td>$100.00</td>
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<tr>
<td>501-1000</td>
<td>$250.00</td>
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<tr>
<td>1001-2000</td>
<td>$500.00</td>
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<tr>
<td>2001-3000</td>
<td>$750.00</td>
</tr>
<tr>
<td>3001-4000</td>
<td>$1000.00</td>
</tr>
<tr>
<td>Over 4,001</td>
<td>$1500.00 + $100.00 for each additional 0-1000 Kilowatts</td>
</tr>
</tbody>
</table>

Any SES where construction has started before a Permit has been applied and paid for will be charged double the permit fee.

SECTION 3. PERMITTED/SPECIAL USE.

1. A single ground mount, roof mount or building integrated private solar energy system for residential/business use is permitted as an Accessory Use in ALL Zoning Districts where there is a principal structure, and shall be subject to the regulations for accessory uses.

2. Solar Gardens shall be allowed in ALL zoning districts, and shall require a Permit whether accessory or principal use of the property.

SECTION 4. SET BACK REQUIREMENTS.

1. Set back requirements for all Solar Energy Systems ("SES") shall meet the structure minimum set back requirements when the SES is oriented at any & all positions.

2. All solar panels in a Solar Farm shall be kept at least five hundred (500) feet from the property line or right-of-way. This requirement may be waived, provided the solar farm’s owner/lessee obtains, and records with the Fayette County Recorder, signed and notarized affidavits, agreeing that the required minimum setback be waived, from all property owners and the affected road authorities adjoining the zoning lot.
on which the solar garden is to be located (as determined by Fayette County Clerk). However, in no instance shall any part of a solar farm, be located within fifty (50) feet of a property line or right-of-way.

3. No solar energy system shall be allowed to be placed in the front yard of any residentially used or zoned property.

4. Roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted.

SECTION 5. **HEIGHT REQUIREMENTS.**

1. Building or roof mounted solar energy systems shall not exceed the maximum allowed height in any zoning District.

2. Ground or pole mounted solar energy systems shall not exceed the maximum height, when oriented at maximum tilt, for the zoning district in which it is located.

SECTION 6. **OTHER REQUIREMENTS.**

1. Upon request from the Fayette County Clerk, an owner of a commercial Solar Energy System must provide documentation, within thirty (30) days, that the Solar Energy System is still in use. If it is not, the owner of the SES will have 180 days, after notification from the Zoning Committee, to remove the SES from the property.

2. Upon request from the Fayette County Clerk, the owner or operator of a Solar Farm or a Solar Garden must submit, within 14 days, a current operation and maintenance report to the Clerk.

3. In all undeveloped areas, the Solar Energy developer will be required to complete a consultation with both the Illinois Historic Preservation Agency (IHPA) and the Illinois Department of Natural Resources (IDNR) through the Department’s online EcoCat Program. The cost of this consultation shall be at the developer’s expense. The final certificate from EcoCat shall be provided to the Fayette County Clerk before a permit will be issued.
4. No fencing is required however if installed on the property the fencing shall have a maximum height of eight (8) feet. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.

5. Any lighting for Solar Farms/Gardens shall be installed for security and safety purposes only. Except for lightening that is required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.

6. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.

7. Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).


**Design Standards:** Active solar energy systems shall be signed to conform to the county comprehensive plan and to blend into the architecture of the building or may be required to be screened from routine view from public right-of-ways other than alleys. Screening may be required to the extent it does not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.

1. **Building Integrated Photovoltaic Systems:** Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

2. **Solar Energy Systems with Mounting Devices:** Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if
the system is not visible from the closest edge of any public right-of-way or
immediately adjacent to a residential structure.

3. Reflectors: All solar energy systems using a reflector to enhance solar production
shall minimize glare from the reflector affecting adjacent or nearby properties.
Measures to minimize glare include selective placement of the system, screening on
the north side of the solar array, modifying the orientation of the system, reducing
use of the reflector system, or other remedies that limit glare.

4. Aviation Protection: For solar units located within 500 feet of an airport or within
approach zones of an airport, the applicant must 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 Federally Obligated Airports, or most recent version
adopted by the FAA.

Coverage: Roof or building mounted solar energy systems, excluding building-integrated
systems, shall allow from adequate roof access for fire-fighting purposes to the south-facing or
flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall
be exempt from impervious surface calculations if the soil under the collector is not compacted
and maintained in vegetation. Foundations, gravel or compacted soils are considered
impervious.

Plan Approval Required: All solar energy systems shall require administrative plan approval by
the Fayette County Officials via the review of the application for a permit.

1. Plan Applications: Plan applications for solar energy systems shall be accompanied by
horizontal and vertical (elevation) drawings. The drawings must show the location
of the system on the building or on the property for a ground-mount system,
including the property lines.
a. *Pitched Roof Mounted Solar Energy Systems:* For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

b. *Flat Roof Mounted Solar Energy Systems:* For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage sign, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

*Approved Solar Components:* Electric solar energy system components must have UL listing or approved equivalent and solar hot water systems must have an SRCC rating.

*Compliance with Building Code:* All active solar energy systems shall meet approval of county building code officials, consistent with the State of Illinois Building Code and solar thermal systems shall comply with HVAC-related requirements of the Energy Code. Any county adopted building codes will apply and take precedence where applicable.

*Compliance with State Electric Code:* All photovoltaic systems shall comply with the Illinois State Electric Code.

*Compliance with State Plumbing Code:* Solar thermal systems shall comply with applicable Illinois State Plumbing Code requirements.

*Compliance with State Energy Code:* All photovoltaic systems and Solar thermal systems shall comply with the Illinois State Energy Code.

*Utility Notification:* All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

*Principal Uses:* Fayette County encourages the development of commercial or utility scale solar energy systems where such systems present few land use conflicts with current and future
development patterns. Ground-mounted solar energy systems that are the principal use on the zoning lot or lots are special uses in the selected districts.

a) Solar gardens: Fayette County permits the development of unincorporated county solar gardens, subject to the following standards and requirements:

1. *Rooftop Gardens Permitted:* Rooftop community systems are permitted in all zoning districts where buildings are permitted.

2. *Ground-mount Gardens:* Ground-mount community solar energy gardens must be less than forty (40) acres in total size. Ground-mount solar developments covering more than forty (740) acres shall be considered solar farms.

3. *Stormwater and NPDES:* Solar gardens are subject to Fayette County’s Stormwater Management regulations, erosion and sediment control provisions and NPDES permit requirements.

4. *Interconnection:* An interconnection agreement must be completed with the electric utility in whose service territory the system is located.

5. *Aviation Protection:* For solar gardens located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SCHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of the Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

6. *Other Standards:* Ground-mount systems must comply with all required standards for structures in the district in which the system is located. All solar gardens shall also be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building
Code, as amended; and the National Electric Code, as amended. Also, Health Department requirements for wells and septic systems must be met.

b) Solar Farms: Ground-mount solar energy systems that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market, are permitted under the following standards:

1. Stormwater and NPDES: Solar Farms are subject to Fayette County Stormwater Management regulations, erosion and sediment control provisions and NPDES permit requirements.

2. Ground Cover and Buffer Areas: Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. A plan must be approved by the Soil Water Conservation District and paid for by the developer. Fayette County has a Noxious Weed Ordinance which is to be followed. Due to potential county liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b)) it is required that any crops planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees.

3. Foundations: A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.

4. Other Standards and Codes: All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; and the National Electric Code, as amended.
5. *Power and Communication Lines*: Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with building shall be buried underground. Exemptions may be granted by Fayette County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the County Board, by a majority vote. In addition, the Illinois Department of Agriculture (IDOA) has established standards and policies in the Agricultural Impact Mitigation Agreements (AIMA) regarding the construction or burial of electric transmission lines which should be agreed to and adhered to between the landowner and the developer.

6. *Site Plan Required*: A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, right-of-way, service roads, floodplains, wetlands, and other protected natural resources, topography, farm tile, electric equipment, fencing, and screening materials and all other characteristics requested by Fayette County. The site plan should also show all zoning districts, and overlay districts.

7. *Aviation Protection*: For solar farms located within 500 feet of an airport or within approach zones of an airport, the applicant must 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 Federally Obligated Airports, or most recent version adopted by the FAA.

8. *Endangered Species and Wetlands*: Solar farm developers 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. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation will be borne by the developer.

SECTION 7. LIABILITY INSURANCE AND INDEMNIFICATION.

1. For Solar Farms and Solar Gardens, commencing with the issuance of building permits, the Applicant, Owner, or Operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least $1 million per occurrence and $3 million in the aggregate. Such insurance may be provided pursuant to a plan of self-insurance, by a party with a net worth of $5 million or more. The County shall be named as an individual insured on the policy to the extent the County is entitled to indemnification.

2. For Private/Individual SES(s), commencing with the issuance of building permits the Applicant or Owner shall maintain a current liability policy covering bodily injuries and any damage that may occur, on their home owner’s policy or other applicable policy as approved by the Zoning Commission.

3. Any SES(s), Applicant, Owner, or Operator, whether individual or commercial, shall defend, indemnify, and hold harmless the County and its officials, employees, and agents (collectively and individually, the “Indemnified Parties”) from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney’s fees, except to the extent arising in whole or part out of negligence or intentional acts of such Indemnified Parties (such liabilities together known as “liability”) arising out of Applicant, Owner, or Operators selection, construction, operation, and removal of the SES(s) and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or
negligence). This general indemnification shall not be construed as limited or qualifying the county's other indemnification rights available under the law.

SECTION 8. DECOMMISSIONING.

1. A decommissioning plan shall be required to be submitted when applying for all Solar Farms and Solar Gardens, to ensure that facilities are properly removed after their useful life.

2. Decommissioning of solar panels must occur in the event they are not in use for 90 consecutive days.

3. The owner and operator will have 6 months to complete the decommissioning plan after operation of a Solar Farm or Solar Garden stops being operational.

4. The decommissioning plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site.

5. The Fayette County Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure the proper decommissioning. The posting of a bond may be required prior to the issuance of a building permit for the facility.

6. 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.

SECTION 9. SEVERABILITY.

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.
SECTION 10. REPEALER.

All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

ADOPTED by the County Board of the Fayette County, Illinois on the 8th day of May, 2018, upon yea and nay vote as follows:

- BRYCE KISTLER: Yea
- JAKE HARRIS: Yea
- JOHN C. DANIELS, JR.: Nay
- JEFFREY BECKMAN: Yea
- GLEN W. DANIELS: Yea
- MARK ISAIAH: Absent
- DEAN J. BERNHARDT: Yea
- KEITH COLE: Yea
- DARRELL SCHAAL: Yea
- JENNY WAGGONER: Yea
- GLENN GURTNER: Nay
- GLENDI A. BARTELS: Yea
- WADE WILHOUR: Yea
- CHAD AUSTIN: Yea

APPROVED by the Chairman of the Fayette County Board, Illinois on the 8th day of May, 2018.

[Signature]
Jeffery Beckman, Chairperson
Fayette County Board, Illinois

ATTEST
[Signature]
Vicky L. Conder
Fayette County Clerk
Resolution No: 2018-05-08-F

RE: Amended – Combined Annual Budget and Appropriation Ordinance for Fayette County, Illinois for fiscal year ending November 30, 2018

WHEREAS, at its November 7, 2017, meeting of the Finance Committee of the Fayette County Board determined the amount of money estimated and deemed necessary to meet and defray the legal liabilities and necessary expenses that were anticipated to be incurred from December 1, 2017 through November 30, 2018, and listed their specific detailed general fund budget and special fund budgets by itemizing county expenditures for the fiscal year ending November 30, 2018; and,

WHEREAS, the Fayette County Board at its regular meeting November 14, 2017 concurred with the Finance Committee findings and adopted the Fayette County, Illinois Budget Appropriations and Tax Levy Ordinance for the fiscal year ending November 30, 2018, and

WHEREAS, the County Board sees fit to amend the previously approved Budget Appropriation parts of the Budget Appropriation and Tax Levy Ordinance

NOW THEREFORE, BE IT ORDAINED by the Fayette County Board that the attached recommended budget amendments are hereby adopted for the fiscal year ending November 30, 2018; and

PRESENTED, APPROVED and ORDAINED by the Fayette County Board in regular session on May 8, 2018.

Jeff Beckman, Chairperson

ATTEST:

Vicky Conder, County Clerk

{Seal}
Amend the budget and Appropriations ordinance as follows:

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