

**COLES COUNTY BOARD**  
**Regular Meeting**  
**May 9, 2023**

The regular meeting of the Coles County Board was called to order at 7:00 p.m. with the following members present, Bob Bennett, Mike Clayton, Denise Corray, John Doty, Jeremy Doughty, Tad Freezeland, Lisa Jaco, Gail Mason, Nancy Purdy, Rick Shook, and Michael Watts, with Chairman Darrell Cox Presiding.

Invocation was given by Jeremy Doughty  
Moment of Silent Reflection  
Pledge to the Flag

**PUBLIC COMMENTS**

James Dinaso Charles Stodden Ray Hoover Robb Perry John Kraft Kirk Allen

**APPROVAL OF MINUTES - APRIL 11, 2023**

Motion by Freezeland, seconded by Doughty

AYES: Bennett, Clayton, Cox, Doty, Doughty, Freezeland,  
Jaco, Mason, Purdy, Shook, Watts (11)  
NAYS: None (0)  
ABSENT: None (0)  
ABSTAIN: Corray (1)

**APPOINTMENT TO THE BOARD OF REVIEW**

Motion by Cox to appoint Brandon Stewart to serve on the Board of Review until June, 2025 with the consent of the County Board

AYES: Bennett, Clayton, Corray, Cox, Doty, Doughty, Freezeland,  
Jaco, Mason, Purdy, Shook, Watts (12)  
NAYS: None (0)  
ABSENT: None (0)

**APPOINTMENT TO THE BOARD OF REVIEW**

Motion by Cox to appoint Pete Shanks to serve on the Board of Review until June, 2025 with the consent of the County Board

AYES: Bennett, Clayton, Corray, Cox, Doty, Doughty, Freezeland,  
Jaco, Mason, Purdy, Shook, Watts (12)  
NAYS: None (0)  
ABSENT: None (0)

**APPOINTMENT TO THE DRAINAGE DISTRICT #12 OF HUMBOLDT**  
**Floyd Miller**

Motion was made by Cox to appoint Floyd Miller to serve on the Drainage # 12 of Humboldt with the consent of the County Board

Motion Failed

AYES: Cox, Doty, Jaco (3)

NAYS: Bennett, Clayton, Corray, Doughty, Freezeland, Mason, Shook, Watts (8)

ABSENT: None (0)

ABSTAIN: Purdy (1)

**APPOINTMENT TO THE MAJORS DRAINAGE DISTRICT**  
**Ronnie Hill**

Motion was made by Cox to appoint Ronnie Hill to serve on the Majors Drainage District with the consent of the County Board until Sept. 2025.

AYES: Bennett, Clayton, Corray, Cox, Doty, Doughty, Freezeland,  
Jaco, Mason, Purdy, Shook, Watts (12)

NAYS: None (0)

ABSENT: None (0)

**APPOINTMENT TO THE SHERIFF'S MERIT COMMISSION**  
**Chad Reed**

Motion was made by Cox to appoint Chad Reed to serve on the Sheriff's Merit Commission until April, 2030 with the consent of the County Board

AYES: Bennett, Clayton, Corray, Cox, Doty, Doughty, Freezeland,  
Jaco, Mason, Purdy, Shook, Watts (12)

NAYS: None (0)

ABSENT: None (0)

**APPOINTMENT TO THE COLES COUNTY AIRPORT AUTHORITY**  
**William Rasmussen III**

Motion was made by Cox to appoint William Rasmussen, III to serve on the Coles County Airport Authority until May, 2028 with the consent of the County Board

AYES: Bennett, Clayton, Corray, Cox, Doty, Doughty, Freezeland,  
Jaco, Mason, Purdy, Shook, Watts (12)

NAYS: None (0)

ABSENT: None (0)

**RESOLUTION: RETURN OF UNUSED ARPA FUNDS  
EMA WARNING SIRENS - (\$4610.00)**

For a copy of the resolution see page 5921

Motion by Watts, seconded by Purdy

AYES: Bennett, Clayton, Corray, Cox, Doty, Doughty, Freezeland,  
Jaco, Mason, Purdy, Shook, Watts (12)  
NAYS: None (0)  
ABSENT: None (0)

**RESOLUTION: RETURN OF UNUSED  
HABITAT FOR HUMANITY - HAVAC - (\$776.00)**

For a copy of the resolution see page 5922

Motion by Clayton, seconded by Jaco

AYES: Bennett, Clayton, Corray, Cox, Doty, Doughty, Freezeland,  
Jaco, Mason, Purdy, Shook, Watts (12)  
NAYS: None (0)  
ABSENT: None (0)

**RESOLUTION: EXTENSION OF THE AUDIT FOR THE CIRCUIT CLERK**

For a copy of the resolution see page 5923

Motion by Watts, seconded by Jaco.

AYES: Bennett, Clayton, Corray, Cox, Doty, Doughty, Freezeland,  
Jaco, Mason, Purdy, Shook, Watts (12)  
NAYS: None (0)  
ABSENT: None (0)

**RESOLUTION: INCREASE LAND RECORD FEES  
COUNTY CLERK FEES**

Remove from table (3-14-2023)

Motion by Doughty to remove from table, seconded by Purdy.

AYES: Bennett, Clayton, Corray, Cox, Doty, Doughty, Freezeland,  
Jaco, Mason, Purdy, Shook, Watts (12)  
NAYS: None (0)  
ABSENT: None (0)

For a copy of the resolution see page 5924

Motion by Doughty, seconded by Jaco

AYES: Bennett, Clayton, Corray, Cox, Doughty, Freezeland,  
Jaco, Mason, Purdy, Shook, Watts (11)  
NAYS: Doty (1)  
ABSENT: None (0)

**RESOLUTION: TAX SALE  
CERTIFICATE 2011-00264**

For a copy of the resolution see page 5925

Motion by Jaco, seconded by Clayton

AYES: Bennett, Clayton, Corray, Cox, Doty, Doughty, Freezeland,  
Jaco, Mason, Purdy, Shook, Watts (12)  
NAYS: None (0)  
ABSENT: None (0)

**UPDATE LIQUOR ORDINANCE**

For a copy of the ordinance see pages 5926 - 5936

Motion by Clayton, seconded by Doty

AYES: Bennett, Clayton, Corray, Cox, Doty, Freezeland, Jaco, Mason, Watts (9)  
NAYS: Purdy, Shook (2)  
ABSENT: None (0)  
ABSTAIN: Doughty (1)

**WIND ORDINANCE**

For a copy of the ordinance see pages 5937 - 5955

Motion by Watts, seconded by Doty to pass the ordinance as amended

AYES: Bennett, Clayton, Corray, Cox, Doty, Freezeland, Mason, Purdy, Watts (9)  
NAYS: Doughty, Jaco, Shook (3)  
ABSENT: None (0)

**APPROVAL OF BILLS - COLES COUNTY**

Motion by Bennett, seconded by Clayton to approve the payment of the Coles County bills, with the approval of the County Board.

**AYES:** Bennett, Clayton, Corray, Cox, Doty, Doughty, Freezeland,  
Jaco, Mason, Purdy, Shook, Watts (12)

**NAYS:** None (0)

**ABSENT:** None (0)

**ANNOUNCEMENT OF APPOINTMENTS**

1. One appointment to the Lincoln Fire District

**ADJOURNED**

Upon motion by Freezeland, seconded by Jaco , the Coles County Board was adjourned at 8:15 p.m. with the consent of the County Board.

**AYES:** Bennett, Clayton, Corray, Cox, Doty, Doughty, Freezeland,  
Jaco, Mason, Purdy, Shook, Watts (12)

**NAYS:** None (0)

**ABSENT:** None (0)

**ATTEST:**

\_\_\_\_\_ County Clerk

State Of Illinois        )  
                                  )SS  
County Of Coles         )

**Resolution to return ARPA Funds**

**WHEREAS**, The American Rescue Plan Act provides for State and Local Fiscal Recovery Funds, a definition which includes Coles County, Illinois, and

**WHEREAS**, The United States Treasury Department was tasked with administration of the American Rescue Plan Act and in July 2021 issued instructions, criteria, and limitations for the use of funds provided by the American Rescue Plan Act compiled titled U.S. TREASURY INTERIM FINAL RULE & GUIDANCE FOR STATE AND LOCAL FISCAL RECOVERY FUNDS (31 CFR Part 35 / RIN 1505-AC77) henceforth U.S. TREASURY INTERIM FINAL RULE, and

**WHEREAS**, in January 2022, the U.S. TREASURY issued U.S. TREASURY FINAL RULE AND GUIDANCE FOR STATE AND LOCAL FISCAL RECOVERY FUNDS (31 CFR Part 35 RIN 1505-AC77) henceforth U.S. TREASURY FINAL RULE

**WHEREAS**, Coles County elected the Standard Allowance method of calculating Lost Revenue as allowed by the U.S. TREASURY FINAL RULE, thus enabling Coles County to use available ARPA STATE AND LOCAL FISCAL RECOVERY FUNDS for *"a broad range of government services, programs, and projects outside of typical eligible used of recovery funds under the final rule"* and in accordance with cited restrictions defined in the U.S. TREASURY FINAL RULE.

**WHEREAS**, an amount of \$ 64,000.00 was awarded to EMA for the purchase of outdoor warning sirens on October 11, 2022. At the completion of this project, \$ 59,390.00 was expended.

**NOW THEREFORE BE IT RESOLVED**, by the County Board of Coles County, Illinois shall return unused funds to the American Rescue Plan Act, State and Local Fiscal Recovery fund and shall authorize the Coles County Treasurer to properly record such return.

The unexpended amount of \$4,610.00 shall be returned to the ARPA fund from the EMA Warning Sirens account.

DATED THIS 9thth day of May, 2023

ATTEST:

\_\_\_\_\_  
County Clerk & Recorder

\_\_\_\_\_  
County Board Chairman

State Of Illinois        )  
                                  )SS  
County Of Coles        )

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**WHEREAS**, an amount of \$ 21,101.00 was awarded to Habitat for Humanity for a HVAC system on November 9, 2022. At the completion of this project, \$ 20,325.00 was expended.

**NOW THEREFORE BE IT RESOLVED**, by the County Board of Coles County, Illinois shall return unused funds to the American Rescue Plan Act, State and Local Fiscal Recovery fund and shall authorize the Coles County Treasurer to properly record such return.

The unexpended amount of \$ 776.00 shall be returned to the ARPA fund from the Habitat for Humanity-HVAC account.

DATED THIS 9th day of May, 2023

ATTEST:

\_\_\_\_\_  
County Clerk & Recorder

\_\_\_\_\_  
County Board Chairman

State of Illinois        )  
                                  )ss.  
County of Coles        )

**RESOLUTION FOR EXTENSION OF THE  
AUDIT OF THE CIRCUIT CLERK**

WHEREAS, Illinois Compiled Statutes requires an audit of the Circuit Clerk within six (6) months of year end; and

WHEREAS, the Circuit Clerk's fiscal year end is November 30, 2023 and the audit is due May 31, 2023; and

WHEREAS, the audit fieldwork is scheduled after that date; and

WHEREAS, a six month extension may be granted by the County Board.

NOW, THEREFORE BE IT RESOLVED that the County Board of Coles County, Illinois grant a six month extension of time to file the annual audit of the Circuit Clerk.

DATED this \_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_ Clerk



## RESOLUTION FOR INCREASING LAND RECORD FEES

*WHEREAS, State laws and county ordinances set fee prices for services provided by County offices; and*

*WHEREAS, the opportunity exists in the certain sections of the Illinois compiled statutes to increase fees for certain services provided by the County Clerk and Recorder's Office if a cost study finds that the existing price is not sufficient to cover all costs, and*

*WHEREAS, Legislators have recently passed HB3878 which increases the Rental Housing Support Fee by an additional \$9.00. The increase affects recording fees in all 102 counties throughout the State of Illinois and will take effect July 1, 2023*

*WHEREAS, the Finance Committee reviewed the proposed fee increases FOR LAND RECORDS ONLY and*

*Recommends that the fees for the following services provided by the County Clerk and Recorder's Office be increased to reflect the actual cost to provide these services:*

**ALL RECORDING FEES WHICH COLLECT RENTAL HOUSING SUPPORT FEES ARE INCREASING FROM \$60 TO \$70**

**NOW, THEREFORE BE IT RESOLVED** by the County Board of Coles County, Illinois to adopt the proposed fees as stated above effective July 1, 2023

*Adopted by roll call vote this \_\_\_\_\_ day of \_\_\_\_\_, 2023*

**ATTEST:**

\_\_\_\_\_  
**COUNTY CLERK**

\_\_\_\_\_  
**COUNTY BOARD CHAIRMAN**



WHEREAS, The County of Coles, 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 Coles, as Trustee for the Taxing Districts therein, has acquired an interest in the following described real estate:

MATTOON TOWNSHIP

PERMANENT PARCEL NUMBER: 07-1-03325-000

As described in certificates(s) : 201100264 sold October 2012

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

WHEREAS, Washington Savings Bank Land Trust #1934, has bid \$810.00 for the County's interest, such bid having been presented to the Finance Committee at the same time it having been determined by the Finance Committee and the Agent for the County, that the County shall receive from such bid \$203.13 as a return for its certificate(s) of purchase. The County Clerk shall receive \$0.00 for cancellation of Certificate(s), the Tax Revolving Account Fund shall receive \$96.87 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 \$60.00 for recording. The remainder is the amount due the Agent under his contract for services. The total paid by purchaser is \$810.00.

WHEREAS, your Finance Committee recommends the adoption of the following resolution:

BE IT RESOLVED BY THE COUNTY BOARD OF COLES COUNTY, ILLINOIS, that the Chairman of the Board of Coles County, Illinois, be hereby authorized to execute a deed of conveyance of the County's interest on the above described real estate for the sum of \$203.13 to be paid to the Treasurer of Coles 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 \_\_\_\_\_ day of \_\_\_\_\_,

ATTEST:

\_\_\_\_\_  
CLERK

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

BE IT RESOLVED BY THE COUNTY BOARD OF COLES COUNTY, ILLINOIS that the following Liquor Control Ordinance be adopted as amended:

## LIQUOR CONTROL ORDINANCE

WHEREAS, it is necessary to provide modern guidelines for the sale of alcoholic beverages/ liquor in the unincorporated areas of Coles County, and

WHEREAS, Section 9-2 of the Liquor Control Act of 1934 (235 ILCS 511-1 et- seq. 1994) does not allow entire counties to prohibit the sale of alcoholic beverages, and

WHEREAS, this Ordinance will not negate any acts, laws, resolutions or ordinances of any political subdivision in Coles County that has voted or that may vote to prohibit the sale of alcoholic liquor/ beverages, and

WHEREAS, this ordinance rescinds and supersedes all previously approved Coles County Board resolutions and amendments thereto.

BE IT THEREFORE RESOLVED, that the following ordinance will constitute the Coles County Policy for the regulation and control of the sale of alcoholic liquor/ beverages and will be adopted by the Board as written:

### Coles County Alcoholic Liquor/ Beverage Policy

#### ARTICLE I DEFINITIONS

Section 1.1 The following definitions shall apply to the words when used within this ordinance.  
Alcoholic Liquor/ Alcoholic Beverages - Spirits, wine, beer, ale, whiskey, gin, brandy, rum or any distilled or fermented liquid containing more than one-half of one percent (1/2%) alcohol by volume, but for human consumption.

Beer - A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

Completely Enclosed Building - A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior or party walls, pierced only by windows and normal entrance or exit doors.

Full Service Restaurant - A place where full course meals ( i.e. appetizers, soups, salads, entrees and desserts) are served.

Hours - Shall mean either Central Standard Time or Central Daylight Time, whichever is in effect in Coles County.

Peddling - To travel about selling alcoholic beverages, liquors and beer.

Premises - The land and buildings whereon the sale and consumption of alcoholic beverages by license occurs.

Retail Sale - Sale for use or consumption and not for resale.

**Sale** - Transfer, exchange or barter for consideration, including any sale made by any person including principal, proprietor, agent,- servant or employee, and includes, but is not limited to, all of the following acts when done for consideration.

- (A) the selling of alcoholic beverages;
- (B) the giving away of alcoholic beverages;
- (C) the dispensing of alcoholic beverages;
- (D) the providing of mix, ice, water, containers, cups, glasses or soft drinks for the purpose of mixing drinks containing alcoholic beverages for consumption on the premises;
- (E) the pouring of alcoholic beverages;
- (F) the providing of "set up establishments";
- (G) the storage of any alcoholic beverage.

**Set Up Establishment** - means any public or private place that

(a) Does not hold a liquor license pursuant to this Ordinance but which sells, gives away, provides, pours, stores, or otherwise dispenses alcoholic beverages and/or mix, ice, water, containers, cups, glasses, and soft drinks for the purpose of consumption of alcoholic beverages on the premises, or

(b) Holds a liquor license and after the hours which it is permitted to be in operation, engages in any of the activities in the immediately preceding subsection.

**Sell** - The act of making a sale, or keeping with the intent to make a sale.

**Wine** - Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as defined above.

## ARTICLE 2 LIQUOR CONTROL COMMISSIONER AND COMMISSION

### Section 2.1 LIQUOR CONTROL COMMISSIONER

The Chairman of the County Board of Coles County, Illinois shall be the Liquor Control Commissioner and shall head the Liquor Control Commission. The Chairman shall appoint two (2) members of the Coles County Board, with the advice and consent of the County Board, to serve as deputy commissioners. After the appointments are made, the Chairman of the County Board shall designate one as the Chief Deputy Liquor Control Commissioner who shall have the powers and duties of the Commissioner in his absence.

### Section 2.2 ACTION AT CONVENED MEETING.

The Commission by majority vote at a convened meeting may issue, revoke or suspend any retail dealer's license in accordance with the provisions of this Ordinance or on the basis of provisions of any law of the State of Illinois pertaining to the sale of alcoholic beverage. The Commission is authorized to make reasonable requests for information necessary for making an informed decision on an submitted application before acting upon said application.

### Section 2.3 RECORDS AND NOTIFICATION.

The Commission shall keep, or cause to be kept, a complete record of any licenses issued, revoked or suspended by said Commission. Within 48 hours after such issuance, revocation or suspension, the Commission shall notify the County Clerk, County Treasurer, State's Attorney and Sheriff thereof.

**ARTICLE 3  
LICENSES**

**Section 3.1 LICENSE REQUIRED.**

It shall be unlawful to sell or offer for retail sale in the territory in the County outside of the limits of any incorporated city, town or village, any alcoholic beverage without having a Liquor License, or in violation of the terms of such license.

**Section 3.2 CLASSES OF LICENSE.**

(A) *Class A license.* A class A license shall authorize the sale at retail, on the premises described in the application, of all alcoholic liquor as herein defined, for consumption on or off the premises described in the application. The fee for such Class A license for each fiscal year shall be \$1,000.

(B) *Class B license.* A Class B license shall authorize the sale at retail, on the premises described in the application, of all alcoholic liquor as herein defined, but only if sealed in its original package and not for consumption on the premises described in the application. The fee for such Class B license for each fiscal year shall be \$1,000.

(C) *Class C license.* A Class C license, which shall be issued to a club, as herein defined, shall authorize the sale at retail, on the premises described in the application, of all alcoholic liquors as herein defined, only for the consumption on the premises described in the application, and such sale shall be restricted to members of said club and the bona fide guests of members of such club. The fee for such Class C license for each fiscal year is \$1,000.

(D) *Class D license.* A Class D license, which shall be issued only to a restaurant as herein defined, shall authorize the sale at retail, on the premises described in the application, of all alcoholic liquors as herein defined, only for consumption on the premises described in the application, and each sale must be accompanied by the sale of a meal. The fee for such Class D license for each fiscal year is \$1,000.

(E) *Class E license.* A Class E license, which shall be issued only for temporary stands, booths, and counters such as used at picnics, celebrations and the like, shall authorize the sale of retail on the premises described in the application, of beer and wine only for consumption only on the premises described in the application and starting no earlier than 10:00 A.M. and not to exceed 12:00 A.M. (Midnight) The fee for such Class E license shall be \$100 per day.

Any of the following Classes in combination with others, are \$1,000. with the exception of Class E.

**Section 3.3 SET UP ESTABLISHMENTS.**

Set up establishments as defined in this Ordinance are prohibited in Coles County outside the limits of any incorporated city, town or village, and it shall be unlawful for any person acting as a principal, proprietor, agent, servant or employee to operate a set up establishment.

**Section 3.4 LICENSE PRIVILEGES.**

A Liquor License shall allow the Licensee to sell or offer for sale alcoholic beverages, at retail only and not for resale in any form, on the premises in accordance with the classification of said license as hereinafter provided.

**Section 3.5 PEDDLING PROHIBITED.**

It shall be unlawful for any person, partnership or corporation to peddle alcoholic liquor in the County outside of the corporate limits of any city, town or village.

**Section 3.6 LOCATION CHANGE.** A location may be changed only upon written permit to

make such changes issued by the Commission.

**Section 3.7 LOCATION RESTRICTIONS.** No license shall be issued for sale at retail of any alcoholic beverage at a location prohibited by 23 5 ILCS 5/6-11, 1994.

**Section 3.8 NATURE OF LICENSE AS PROPERTY.**

Any license granted shall not be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered for the subject matter in lien. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that the executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic beverages, may continue the business of the sale of alcoholic beverages under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license but no longer than six months after the death, insolvency or bankruptcy of such licensee.

**Section 3.9 LICENSE EXPIRATION.** Liquor licenses shall expire at midnight on the 31st day of December, next following its issuance.

**Section 3.10. PERSONS INELIGIBLE TO BE LICENSED.** No license under the terms of this Ordinance shall be issued to:

(A) A person who is not of good character and reputation in the community in which he resides.

(B) A person whose license to sell alcoholic beverages in this County has been revoked for cause.

(C) A person who at the time of application for renewal of any license issued thereunder would not be eligible for such license upon a first application.

(D) A partnership, unless all of the members of such partnership shall be qualified to obtain a license, under the provisions of (A) through (C) of this Section.

(E) A corporation, if any officer, manager or director thereof, or any holder or owner of 51 percent of the stock or other securities of the corporation, would not be eligible to receive a license thereunder the provisions of (A) through (G) of this Section for any reason other than citizenship and residence with this County.

(F) A person, partnership or corporation whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications as required of the licensee.

(G) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, or who has forfeited his bond to appear in Court to answer charges for any such violation.

(H) A person, partnership or corporation who does not own the premises for which a license is sought or who does not have a lease thereon for the premises for which the license is to be issued.

(I) Any person, partnership or corporation if the applicant, or any partner, director or officer is a law enforcing public official or member of the County Board.

(J) Any person, partnership, or corporation not eligible for a State retail liquor dealer's license.

(K) Any person who has been convicted of manufacture, delivery, possession with intent to deliver, or trafficking in cannabis or controlled substances; or convicted of conspiracy to

commit one of the above.

(L) Any person who has been convicted of a felony offense in the State of Illinois or any other jurisdiction.

(M) Any person who has not been a resident of Coles County, State of Illinois for at least one year immediately prior to the date of the Application.

#### Section 3.11 CLASS OF LICENSE FEE.

(A) The license granted by this ordinance authorizes the licensee to engage in the retail sale of alcoholic beverages.

(B) The fee for any one, or combination, of Liquor License(s) shall be one-thousand dollars. (\$1,000) annually. *With the exception of Class E license.*

(C) Such fees shall be payable at the time the application is filed and shall be returned to the applicant by the Commissioner in the event that the application is denied.

(D) Fees for licenses issued for a term of less than a full year shall be reduced in proportion to the full calendar months which have expired in the license year.

#### Section 3.11 FILING OF APPLICATION.

All fees for licenses required by this ordinance shall be paid to the County Board Administrative Office at the time application is made for the license and shall be forthwith turned over to the County Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant minus five percent (5%) to cover administrative costs; if the license is granted, then the fee shall be deposited in the general corporate fund. Renewal applications shall be submitted to the County no later than 30 days prior to the expiration of the license to be renewed. Application forms shall be provided by the County Board Administrative Assistant. Completed applications and facts must be sworn to by the applicant before a notary public.

#### Section 3.12 APPLICATION CONTENTS - INSURANCE.

Applications for a liquor license under the terms of this ordinance shall be signed by the applicant, if an individual; or partners, if a partnership or by a duly authorized agent of the corporation, if a corporation; and all signatures thereon shall be verified. The application shall contain the following:

(A) The statement whether applicant has made application for a liquor license on the same or other premises which has been either denied, suspended or revoked and the date and place of such revocation, suspension or denial with reasons thereof.

(B) The date and place of any conviction of any crime of the applicant or, if a corporation, the date and place of any conviction of any crime of any agent or shareholder of said corporation owning a majority of the stock.

(C) A statement that the applicant is completely familiar with the terms and provisions of this Ordinance; and also with the Coles County Food Sanitation Ordinance adopted Sept. 13, 1977 and as amended Feb. 14, 1994.

(D) A statement that the applicant is not disqualified from receiving a liquor license by reason of any provisions of the laws of the State of Illinois.

(E) Certification of insurance issued by an insurance carrier authorized to do business with the State of Illinois insuring the business under the Dram Shop laws of the State of Illinois, said certificate reflecting Dram Shop insurance coverage in amounts of not less than \$20,000 per person and \$50,000 per occurrence or minimum amounts as from time to time set by Illinois Statute regarding liability of Dram Shop owners or operators for the serving of liquors. Such insurance coverage shall be for the full term of the license for which application is made.

(F) The names of the persons or person who will manage the business or be the agent of the applicant in supervising the business operation.

(G) The names of any public office held by the applicant; and partner, if a partnership; officers, directors and majority stockholders, if a corporation.

**Section 3.13 BOND REQUIRED.**

Each applicant for a liquor license thereunder shall execute a penal bond to the County of Coles and the State of Illinois in the sum of five thousand dollars (\$5,000) with two sureties thereon who are residents of Coles County, Illinois, and who are acceptable to the Commission, or with a surety company licensed to do business in the State of Illinois. Such bond shall be for the full term of the license for which application is made. The Commission shall consider the bond and shall have the right to disapprove the bond.

**Section 3.14 FILING OF BOND.**

Said bond shall be filed with the County Board Office of Coles County at the same time application is presented and shall be referred by the County Board Administrative Assistant to the Commission with the application.

**Section 3.15 BOND CONDITIONS.**

Said bond shall be conditioned upon the faithful observance by the licensee of the Ordinance and provisions of all liquor laws of the State of Illinois and all laws of the United States of America applying to the sale, transportation and possession of alcoholic beverages. Said bond shall be further conditioned upon the payment by the persons entitled to damages as a result of any sale, occurrence, transaction or injury which arises from the operation of the business for which the license hereto applies.

**Section 3.16 NEW BOND YEARLY.** A new bond shall be presented yearly at the time of application for a renewal of any license under the terms of this ordinance.

**Section 3.17 NOTIFICATION.**

The County Board Administrative Assistant, upon receipt of an application for a liquor license, shall send notice of the filing of such application to the Coles County Health Department. Upon receipt of said notice, the Coles County Health Department shall inspect the premises or construction plans for the premises sought to be licensed and report its findings to the Liquor Control Commission. A copy of the report shall be submitted to the Coles County Board Office.

**Section 3.18 ALLOCATION/NUMBER OF LICENSES.**

There shall be issued in the unincorporated arm of Coles County not more than five (5) liquor licenses at any one time.

**ARTICLE 4  
OPERATION OF LICENSE ESTABLISHMENTS**

**Section 4.1 CONSUMPTION.** It shall be unlawful for any licensee to permit any person to consume alcoholic beverage on a licensed premises at any time except during the hours when the license permits the sale of alcoholic beverages on such premises.

**Section 4.2 HOURS OF OPERATION.**

(A) It shall be unlawful to sell or offer for sale any alcoholic beverage/ liquor of any kind in the unincorporated areas of Coles County between the hours of midnight and 10:00am of any weekday, between the hours of midnight Saturday and 10:00a.m. Sunday, and between the hours of 9:00pm Sunday night and 10:00am Monday morning, local time.



(B) It is further provided that because the licensee will engage in the sale of food on the premises and the sale of alcoholic liquor is secondary to such business, then the licensee may remain open at any time, but no alcoholic liquor shall be sold or consumed by the public during the hours when such sale is prohibited.

**Section 4.3 DISPLAY OF LICENSE.** Every licensee shall cause his license to be trained and displayed in plain view in a conspicuous place on the licensed premises.

**Section 4.4 SANITARY CONDITIONS.**

All premises used for the retail sale of alcoholic beverages shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the laws of the State of Illinois and the applicable ordinances of this county regulating the condition of premises used for the storage or sale of food for human consumption, as provided in the Coles County Food Sanitation Ordinance adopted September 13, 1977, as amended.

**Section 4.5 EMPLOYEES.** All employees shall meet any applicable requirements of the Food Ordinance referred to in Section 4.4 herein.

**Section 4.6 RESTRICTION ON SALES.**

No licensee shall sell, give or deliver alcoholic beverages to any person under the age provided by the law of the State of Illinois for purchasing or possessing alcoholic beverages, or to any intoxicated or disorderly person, or to any person known to him to be a habitual drunkard.

**Section 4.7 LAW ENFORCEMENT COOPERATION.**

Each licensee and each of his agents, servants, and employees shall promptly report to the Coles County Sheriff's Department any outbreak of any fight, riots, or disturbances of the peace occurring on or about the premises which in the licensee's knowledge or opinion constitutes the commission of a crime as prohibited by the laws of the State of Illinois, and/or the United States and/or this Ordinance and shall truthfully and fully answer all questions and fully cooperate in any investigation by any member of the Coles County Sheriff's Department who makes inquiry of any persons on or about the premises.

**Section 4.8 ENTERTAINMENT REGULATIONS**

It shall be unlawful for any licensee or person acting as agent, servant, or employee of such licensee to provide, suffer, or permit any act, conduct, or entertainment on the premises in such a manner as to expose to public view:

(A) Male or female genitals, pubic hair, buttocks, perineum, anal region, or pubic hair region;

(B) Any portion of the female breast at or below the areola thereof.

(C) Any device, film, costume, or covering which gives the appearance of or simulates the above listed body parts.

(D) The use of tassels, pasties, stars, or transparent material for coverage of the above listed body parts.

(E) Sexual intercourse, masturbation, sodomy, bestiality, cunnilingus, anilingus, fellatio, flagellation, sadomasochism or any other sexual acts prohibited by law.

(F) The touching, caressing, or fondling of the breast, buttocks, anus, genitals, perineum or pubic hair region;

(G) Excretory functions as part of or in connection with any activities set forth above.

## ARTICLE 5 VIOLATIONS, ENFORCEMENT AND PENALTIES

**Section 5.1 OWNER OF PREMISES PERMITTING VIOLATION.**

If the owner of the licensed premises or any person from whom the license derives the right to possession of such premises, or the agent of such owner or persons, shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Ordinance, said owner, agent or other person shall be deemed guilty of any violation of this Ordinance to the same extent as said licensee and be subject to the same punishment.

**Section 5.2 ACTS OF AGENT OF EMPLOYEE.**

Every act or omission constituting a violation of any of the provisions of this Ordinance made with the authorization, knowledge, or approval of the licensee, expressed or implied, shall be deemed the act of the licensee, and said licensee shall be punishable in the same manner as if said act or omission has been done or omitted by him personally.

**Section 5.3 PENALTIES.**

Any person, partnership or corporation violating any provisions of this Ordinance shall be fined not less than \$100 nor more than \$500 for each offense and for the second or subsequent offense fined not less than \$250 nor more than \$1,000, and a separate offense shall be deemed committed each day during or on which the violation occurs or continues.

**Section 5.4 ENTRY UPON PREMISES.**

The Commissioner and/or Commission and/or the Coles County Sheriff's Department or any authorized law enforcement officer shall have the authority to enter at any time upon any premises licensed thereunder to determine whether any of the provisions of this Ordinance or any rules or regulations adopted by it, or State Liquor Regulations have been or are violated, and at such time to examine said premises of said licensee in connection therewith.

**Section 5.5 COMPLAINTS.**

Any person shall have the right to file a complaint with the Commission stating that any licensee, subject to the jurisdiction of the Commission, has been or is violating the provisions of this Ordinance or any rules or regulations pursuant hereto. Any law enforcement officer or other person who desires to file a complaint with the Coles County Liquor Control Commission charging a violation of the Coles County Liquor Control Ordinance shall present his allegations to the Coles County State's Attorney for review of their factual and legal sufficiency. If the State's Attorney determines that the evidence is sufficient to justify the filing of a formal complaint, he shall prepare and submit said complaint to the Liquor Control Commissioner and shall cause a copy of said complaint to be mailed by registered mail, to the accused licensee at the official address listed on the liquor license application. Said complaint shall be in writing and shall be signed and sworn to by the complaining party or the State's Attorney. It shall state the particulars of the alleged violations, including the date and place of the violation, the nature of the violation, and the particular sections of the Ordinance or statute violated.

**ARTICLE 6**

**SUSPENSION OR REVOCATION OF LICENSE FORFEIT OF FEE AND BOND**

**Section 6.1 SUSPENSION OR REVOCATION BY COMMISSION**

The Commission may suspend for not more than thirty days or may revoke any license issued by it and require the forfeiture of the license fee and the licensee's bond:

- (A) If the Commission determines that the licensee has violated any of the provisions of

the Illinois Liquor Control Act or any of the provisions of this Ordinance.

(B) Whenever any licensee shall be convicted of any violation of this Ordinance.

(C) Whenever any officer, director, manager or other employee in a position of authority of a licensee under this Ordinance shall be convicted of any violation of this Ordinance while engaged in the course of his employment or while upon the premises described by said license.

(D) Upon the licensee maintaining or operating a drum shop on any premises registered as a place of business when activities are carried on which make the person or persons so carrying on subject to any tax on wagering.

(E) Upon the licensee permitting illegal gambling of any kind to be conducted on the premises where the licensee carries on his business.

(F) Should the licensee become ineligible to be licensed as defined by this Ordinance.

#### Section 6.2 HEARINGS BY THE COMMISSION.

All hearings and actions by the Commission with regard to the suspension or revocation of any license shall be conducted according to the applicable provisions of the Illinois Liquor Control Act and according to the procedures set forth herein.

##### Section 6.2-1 Pre Hearing Procedures

(A) After receiving a complaint from the State's Attorney, the Liquor Control Commissioner shall set the matter for hearing no less than 10 days and no more than 90 days from the date of receipt of such complaint. The Commissioner shall cause notice to be served on the accused party by delivery at the official address listed on the liquor license application by any first class mail at the same location, which notice shall include: a) statement of the time, date and place of the hearing and a reference to the complaint upon which the hearing is based; b) a copy of the procedures for the conduct of hearings.

(B) At the request of the accused party, the State's Attorney shall, prior to the hearing, furnish the accused or his attorney a copy of all police reports or other written reports concerning the violations alleged in the complaint.

(C) Continuances. At his discretion and for good cause shown, the Liquor Control Commissioner may grant a continuance of a scheduled hearing to any party. Except in legitimate emergencies, motions for continuances shall be submitted to the Commissioner in writing as soon as possible after the reason for the request for continuance is known. A copy of the motion shall be served on the opposing party. In situations where time is too short to present a written motion for continuance, the party shall contact the Commissioner directly by any reasonable means and shall notify the opposing party likewise. The Commissioner may grant or hearing, and a decision by default may be entered against any party not appearing.

##### Section 6.2-2 Hearing Procedures

(A) Any party to a hearing who desires such may be represented by legal counsel. The accused party shall be afforded the opportunity to respond and present evidence and argument, to call witnesses, and to compel the attendance of witnesses by subpoena.

(B) If the complaint alleging violations of the Liquor Control Ordinance was reviewed by the State's Attorney, the complaining party shall be represented by the State's Attorney who shall call witnesses and present the evidence against the accused party.

(C) All witnesses who testify shall do so under oath.

(D) The commissioner shall cause a record of the hearing to be preserved, which shall include the following: All pleadings, notices, motions, rulings, etc.; all documentary or physical

evidence received; offers of proof, objections and rulings thereon; and any decision, opinion or report by the Commissioner; and an electronic recording of the hearing proceedings.

**(E) Rules of Evidence**

(1) Irrelevant, immaterial and unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in the Circuit Courts of the State of Illinois shall be as followed. However, evidence not admissible under such rules of evidence may be admitted except where prohibited by statute, if it is of a type commonly relied upon by reasonable prudent men in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when the cause of a hearing will be expedited and the interest of the parties will not be prejudice, any part of the evidence may be received in written form or by stipulation.

(2) Parties shall have the right to conduct cross examination of witnesses to the extent necessary for a full and fair disclosure of the facts. Notice may be taken of matters which the Circuit Courts of this State may take judicial notice. In addition, notice may be taken of generally recognized technical or scientific facts within the agencies within the Commission's specialized knowledge. Such notice shall be recorded in the record. The Commission's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

**(F) DECISION.** Violations of the Liquor Control Ordinance shall be proved by a preponderance of the evidence. The decision or decisions made by the Commission shall be final and may not be appealed to the Coles County Board or any other Board committee. Said final decision or order in a case shall be in writing or stated in the record. Findings of fact shall be based exclusively on the evidence and on matters officially noticed. Parties to the case shall be notified in writing, personally or by registered or certified mail, of any decision or order.

**(G)** Unless precluded by law, disposition may be made of any case by stipulation, agreed settlement, consent order, or default, at any stage in the proceedings. If the Commission does not concur with any proposed disposition by stipulation or settlement, the hearing shall proceed to completion.

**Section 6.2-3 Miscellaneous**

**(A)** Hearings under the Liquor Control Ordinance are subject to the provisions of the Illinois Open Meetings Act.

**(B)** Compliance with any or all of the provisions for hearings may be waived by written stipulation of all the parties, subject to the approval of the Commission.

**(C)** The Commissioner may, with the consent of the State's Attorney, employ or otherwise acquire the services of legal counsel to advise the Commission during hearings in which the State's Attorney is representing the complaining party.

**ARTICLE 7**

**SEVERABILITY - REPEALER - EFFECTIVE DATE**

**Section 7.1 SEVERABILITY.**

The clauses, sentences, paragraphs, sections, articles or parts of this Ordinance are severable. If any clause, sentence, paragraph, section, article or part of this Ordinance shall for any reason be adjudged invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such

judgment shall have been rendered.

**Section 7.2 REPEAL.**

**All past Coles County Board Liquor and Beer Ordinances and all past Liquor and Beer Resolutions as adopted and amended to date are hereby repealed.**

**Section 7.3 EFFECTIVE DATE. This Ordinance shall take effect and be in full force from and after its passage as provided by law.**

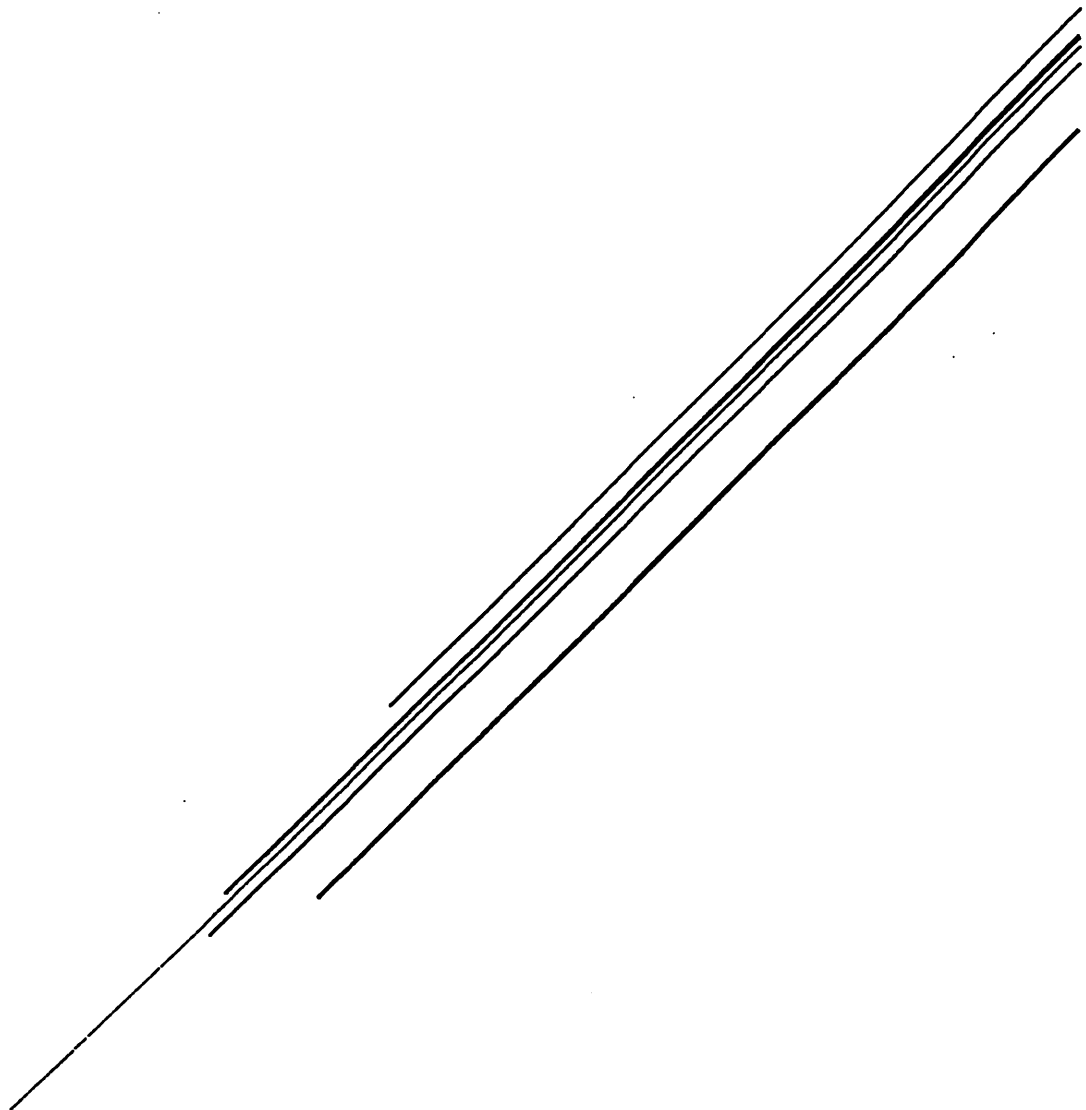
DATED this \_\_\_ day of May, 2023.

\_\_\_\_\_ CLERK

# COLES COUNTY AMENDED ORDINANCE

Standards for Wind Energy Conversion Systems  
Over 500kW

May 9, 2023



## **WIND ENERGY CONVERSION SYSTEMS SITING ORDINANCE**

### **DEFINITIONS**

- A. "Applicant" means the entity who submits to the County an application for the siting and operation of any WECS or Substation. All references to Applicant in this Ordinance shall include Applicant's successors-in-interest and assigns, which includes a WECS Permittee (as defined below).
- B. "Commercial Operation Date" means the calendar date on which the WECS Project produces power for commercial sale, not including test power.
- C. "Commercial Wind Energy Facility" means a wind energy conversion facility of equal or greater than 500 kilowatts in total nameplate generating capacity. Also referred to herein as "Wind Energy Conversion System" or "WECS" or "WECS Project".
- D. "Financial Assurance" or "Financial Security" or "Decommission Security" means assurance from a credit worthy party, examples of which include a surety bond (e.g., performance and payment bond), trust instrument, cash escrow, or irrevocable letter of credit.
- E. "Meteorological Tower" means those towers which are erected primarily to measure wind speed and direction plus other data relevant to siting and operation of a WECS Project. For purposes of this ordinance, Meteorological Towers do not include towers and equipment used by airports, the Illinois Department of Transportation, or other similar applications or government agencies, to monitor weather conditions.
- F. "Notice to Proceed" means a written document, named as such, stating that the Applicant expresses an intent to commence construction activities on a WECS Project and identifying the date on which the construction activities are scheduled to commence.
- G. "Nonparticipating property" means real property that is not a participating property.
- H. "Nonparticipating residence" means a residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the WECS Project is filed with the county.
- I. "Occupied community building" means any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the WECS Project is filed with the county: a school, place of worship, day care facility, public library, or community center.
- J. "Operator" means the person or entity responsible for the day-to-day operation and maintenance of a wind energy conversion system, including any third-party subcontractors. The Operator must be a qualified wind power professional. All references to Operator in the Ordinance shall include Operator's successors-in-interest and assigns.
- K. "Owner" means the person or entity or entities with an equity interest in a wind energy conversion system, including their respective successors-in-interest and assigns. The Owner does not mean (i) the property owner from whom land is leased for locating a wind energy conversion system (unless the property owner has an equity interest in a wind energy conversion system); or (ii) any person holding a security interest in a wind energy

conversion system solely to secure an extension of credit, or a person foreclosing on such security interest, provided that after foreclosure, such person seeks to sell a wind energy conversion system at the earliest practicable date. This definition includes the definition of Facility Owner as defined in 55 ILCS 5/5-12020.

- L. "Participating property" means real property that is the subject of a written agreement between a facility owner and the owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing a WECS Project or supporting facilities. "Participating property" also includes real property that is owned by a facility owner for the purpose of constructing WECS Project or supporting facilities.
- M. "Participating residence" means a residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the WECS Project is filed with the county.
- N. "Professional Engineer" means a qualified individual who is licensed as a professional engineer in any state in the United States. Where a structural engineer is required to take some action under terms of this Ordinance, a Professional Engineer may serve as the structural engineer if he or she has the appropriate structural engineering certification.
- O. "Protected lands" means real property that is subject to a permanent conservation right consistent with the Real Property Conservation Rights Act, or registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.
- P. "Public Conservation Lands" means land owned in fee title by County, state or federal agencies and managed specifically for conservation purposes, including but not limited to County, state and federal parks, state and federal wildlife management areas, state scientific and natural areas, and federal wildliferefuges and waterfowl protection areas. Public conservation lands do not include private lands upon which conservation easements have been sold to government agencies or non-profit conservation organizations. Public conservation lands also do not include private lands for which the owners have entered into contractual relationships with government or non-profit conservation organizations for conservation purposes.
- Q. "Special Use Permit" means a permit approved by the County Board, after a public hearing, allowing a particular use at a specified location subject to compliance with certain specified special conditions as may be required by the County Board.
- R. "Substation" means the apparatus that collects and connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.
- S. "Supporting Facilities" means the transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the WECS.
- T. "WECS Permittee" means an Applicant who applies for and receives a Special Use Permit under this Ordinance for the siting and operation of any WECS or Substation. All references to a WECS Permittee in this Ordinance shall include a WECS Permittee's successors-in-interest and assigns.



- U. "WECS Tower" or "Wind Tower" means and includes wind turbine tower, nacelle, and blades.
- V. "WECS Tower Height" means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.
- W. "WECS Building Permit" means a permit necessary for the commencement of work performed toward the construction, erection or installation of an approved WECS, Substation or operations and maintenance building in connection with a WECS Project. A WECS Building Permit may be issued by the county after a WECS Project has obtained a Special Use Permit from the County Board and the Planning and Development Committee determines that all conditions, if any, have been satisfied that are imposed by the Special Use Permit. The WECS Building Permit shall require the Applicant (WECS Permittee) to deliver a written "Notice to Proceed" for the WECS Project to the county prior to commencement of construction of the WECS Project. The term "commencement of construction", as used in this Ordinance, includes any site development work (e.g., demolition, grubbing, grading, excavation, road work, construction of Project-related structures and infrastructure improvements, etc.) regarding the WECS Project.
- X. "Wind Turbine" means any piece of electrical generating equipment that converts the kinetic energy of moving wind into electrical energy through the use of airfoils or similar devices to capture the wind.

#### APPLICABILITY

- A. This Ordinance governs the siting of WECS and Substations that generate electricity to be sold to wholesale or retail markets.
- B. Owners of WECS with an aggregate generating capacity of 0.5MW or less who locate the WECS(s) on their own property are not subject to this Ordinance.

#### PROHIBITION

- A. No WECS Project, WECS or Substation governed by this Ordinance shall be constructed, erected, installed, or located within the county, unless prior siting approval has been obtained for each individual WECS Project, WECS and Substation or for a group of WECS Projects and Substations under a joint siting application pursuant to this Ordinance.

#### SPECIAL USE PERMIT APPLICATION

- A. To obtain siting approval, the Applicant must first submit a Special Use Permit application to the County.
- B. The Special Use Permit application shall contain or be accompanied by the following information:
  1. A WECS Project Summary, including, to the extent available: (a) a general description of the project, including (i) its approximate overall name plate generating capacity, (ii) the potential equipment manufacturer(s), (iii) type(s) of WECS(s), (iv) the number of WECS, and name plate generating capacity of each WECS, (v) the maximum height of the WECS Tower(s) and maximum

diameter of the WECS(s) rotor(s), (vi) the number of Substations, (vii) a project site plan, project phasing plan and project construction timeline plan, and (viii) the general location of the project; and (b) a description of the Applicant, Owner and Operator, including their respective business structures;

2. The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s), if known, and documentation demonstrating land ownership or legal control of the property;
3. A site plan for the WECS Project showing the planned location of each WECS Tower, including legal descriptions for each site, guy lines and anchor bases (if any), Participating and Non-participating Residences, Occupied Community Buildings parcel boundary lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), operations and maintenance buildings, and permanent Meteorological Towers, electrical cabling from the WECS Tower to the Substation(s), ancillary equipment, third party transmission lines, the location of any wetlands, flood plain, drainage structures including surface ditches and subsurface drainage lines, underground mines, scenic and natural areas within one thousand five hundred (1,500) feet of the proposed WECS, the location of all known communications towers within two (2) miles of the proposed WECS, and the layout of all structures within the geographical boundaries of any applicable setback;
4. The Applicant for the WECS shall comply with all applicable FAA requirements.
5. A proposed Decommissioning Plan for the WECS Project including cost estimations;
6. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance;
7. Pursuant to 505 ILCS 147/15(a), the Applicant, at its expense, shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture prior to any public hearing required before a siting decision on the WECS Project application. All impacted agricultural land, whether impacted during construction, operation, or decommissioning activities, must, at a minimum, be remediated by the Applicant pursuant to the terms of the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture. The Applicant shall submit the executed Agricultural Impact Mitigation Agreement to the County as part of the Special Use Permit application.
8. The topographic map shall include the WECS Project site and the surrounding area;
9. Waivers from the setback requirements executed by the occupied community building owners and/or the non-participating property owners bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against title to the affected real property.

10. **Waivers from the shadow flicker mitigation requirements executed by the occupied community building owners and/or the non-participating property owners bearing a file stamp from the County Recorder of Deeds Office confirming that the waiver was recorded against title to the affected real property.**
  11. **Results and recommendations from the Illinois Dept. of Natural Resources obtained through the Ecological Compliance Assessment Tool or a comparable successor tool.**
  12. **Results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with the United States Fish and Wildlife Service's Land-Based Wind Energy Guidelines.**
  13. **Information demonstrating that the WECS Project will avoid protected lands.**
  14. **Any other information requested by the County or the County consultants that is necessary to evaluate the siting application and operation of the WECS Project and to demonstrate that the WECS Project meets each of the regulations in this Ordinance, including the Special Use Permit standards set forth below.**
- C. **Material changes to the application are not permitted once the notice of the public hearing has been published, unless requested or permitted by the County. ; and**
- D. **The Applicant shall submit twelve (12) copies of the Special Use Permit application to the County, and at least one (1) copy in electronic format.**

## **DESIGN AND INSTALLATION**

### **A Design Safety Certification**

1. **WECSs shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("CGL"), or an equivalent third party. All turbines shall be new equipment commercially available; no used or experimental equipment shall be used in the WECS Project without the approval of a variance by the County Board.**
2. **Following the granting of siting approval under this Ordinance, a structural engineer shall certify, as part of the WECS Building Permit application process, that the foundation and tower design of the WECS is within accepted professional standards, given local soil, subsurface and climate conditions.**

### **B. Controls and Brakes**

**All WECSs shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, tilt, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.**

**C. Electrical Components**

All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g. ANSI and International Electrical Commission).

**D. Aesthetics and Lighting**

The following items are standards to mitigate visual impact:

1. **Coatings and Coloring:** Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color.
2. **Turbine Consistency:** To the extent feasible, the WECS Project shall consist of turbines of similar design and size, including tower height. Further, all turbines shall rotate in the same direction. Turbines shall also be consistent in color and direction with nearby facilities.
3. **Lighting:** WECS Projects shall utilize minimal lighting that is compliant with the applicable FAA regulations, as amended by the FAA. To the extent that such tower lighting is available, and is approved by the FAA for a WECS Project, the Applicant shall install Aircraft Detection Lighting Systems ("ADLS") or other similar technology to reduce light pollution and visual impacts caused by the WECS Towers.
4. **Intra-project Power and Communication Lines:** All power lines used to collect power from individual turbines and all communication lines shall be buried underground at a depth in accordance with the Agricultural Impact Mitigation Agreement until same reach the property line or a substation adjacent to the property line.

**E. Warnings**

1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations, and at all entrances to the Wind Towers.
2. Visible, reflective, colored objects, such as flags, plastic sleeves, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.

**F. Climb Prevention**

1. All WECS Towers must be unclimbable by design or protected by anti-climbing devices such as:
  - a. Fences with locking portals at least six (6) feet high; or
  - b. Anti-climbing devices twelve (12) feet vertically from the base of the WECS Tower.

**G. Setback Requirements**

**WECS Towers shall be sited as follows, with setback distances measured from the center of the base of the WECS Tower;**

- a. **Occupied Community Buildings: 2.1 times the maximum blade tip height of the WECS Tower to the nearest point on the outside wall of the structure.**
- b. **Participating Residences: 1.1 times the maximum blade tip height of the WECS Tower to the nearest point on the outside wall of the structure;**
- c. **Nonparticipating Residences: 2.1 times the maximum blade tip height of the WECS Tower to the nearest point on the outside wall of the structure;**
- d. **Boundary Lines of Participating Property: None.**
- e. **Boundary Lines of Nonparticipating Property: 1.1 times the maximum blade tip height of the WECS Tower to the nearest point on the property line of the nonparticipating property.**
- f. **Public Road Rights-of-Way: 1.1 times the maximum blade tip height of the WECS Tower to the center point of the public road right-of-way.**
- g. **Overhead Communication and Electric Transmission and Distribution Facilities (Not Including Overhead Utility Service Lines to Individual Houses or Outbuildings): 1.1 times the maximum blade tip height of the WECS Tower to the nearest edge of the property line, easement, or right of way containing the overhead line.**
- h. **Overhead Utility Service Lines to Individual Houses or Outbuildings: None.**
- i. **Fish and Wildlife Areas and Illinois Nature Preserve Commission Protected Lands: 2.1 times the maximum blade tip height of the WECS Tower to the nearest point on the property line of the fish and wildlife area or protected land.**

**The setback requirements may be waived by the written consent of the owner(s) of each affected property. The Applicant does not need obtain a variance from the County upon waiver by the property owner of the setback requirement. Any waiver of any of the above setback requirements shall run with the land and be recorded with the Recorder of Deeds of the County.**

**H. Compliance with Additional Regulations**

**Nothing in this Ordinance is intended to preempt other applicable state and federal laws and regulations.**

**I. Use of Public Roads**

1. **An Applicant proposing to use any County, municipality, township or village road(s), for the purpose of transporting WECS or Substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or Substation(s), shall:**

- a. **Identify all such public roads; and**

- b. Obtain applicable weight and size permits from relevant government agencies prior to construction.
  2. To the extent an Applicant must obtain a weight or size permit from the County, municipality, township or village, the Applicant shall:
    - a. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and
    - b. Any proposed public roads that will be used for construction purposes shall be identified and approved in writing by the respective Road District Commissioner and the County Engineer prior to the granting of the Special Use Permit. Traffic for construction purposes shall be limited to these roads. All overweight and/or oversized loads to be transported on public roads may require a permit from the respective highway authority. Any road damage caused by the transport of the facility's equipment, the installation, maintenance, or removal, must be completely repaired to the reasonable satisfaction of the Road District Commissioner and the County Engineer. The Road District Commissioner and County Engineer may choose to require either remediation of road repair upon completion of the WECS Project or are authorized to collect fees for overweight and/or oversized load permits. Further, financial assurance in an amount to be fixed by the Road District Commissioner to ensure the Road District or the County that future repairs are completed to their reasonable satisfaction shall be provided. Applicant shall submit a draft form of said financial assurance with application for Special Use Permit.
    - c. Enter into a road use agreement with the County and each affected Road District that includes the following provisions, at a minimum:
      - i. Project layout map;
      - ii. Transportation impact analysis;
      - iii. Pre-construction plans'
      - iv. Project traffic map;
      - v. Project scope of repairs;
      - vi. Post-construction repairs;
      - vii. Insurance;
      - viii. Financial Security in forms and amounts acceptable to the County;

The road use agreement shall require Applicant to be responsible for the reasonable cost of improving roads used to construct WECS and the reasonable cost of repairing roads used by the facility owner during construction of the WECS so that those roads are in a condition that is safe for the driving public after the completion of the WECS construction. Roadways improved in preparation for and during the construction of the WECS shall be repaired and restored to the improved condition at the reasonable cost of the developer if the roadways have degraded or were damaged as a result of construction-related activities.

3. All repairs and improvements to County public roads and roadway

appurtenances shall be subject to the prior approval of the County before being made and shall also be subject to inspection and acceptance by the County after such repairs and improvements are completed. The County's road use agreement, and any further agreements contemplated therein, regarding the maintenance and repair of County public roads and highways, must be approved by the County Board prior to the Board's approval of any WECS Building Permit applications related to the construction of the proposed WECS Project.

**J. Site Assessment**

To ensure that the subsurface conditions of the site will provide proper support for the WECS Towers and soil restoration, the Applicant, at its expense, shall provide soil and geotechnical boring reports to the County Engineer with respect to each WECS Tower location, as part of its WECS Building Permit. The Applicant shall follow the guidelines for Conservation Practices Impact Mitigation submitted by the County Soil and Water Conservation District (or equivalent regulatory agency). The Applicant shall submit grading plans for the proposed Substations for review and comment by the County Soil and Water Conservation District prior to the issuance of any WECS Building Permit for the construction of said substations.

**K. Communications Analysis; Interference**

1. The Applicant, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience) conduct an appropriate analysis of the television reception documenting the television stations that are received within one and one-half (1 ½) miles of the footprint of the WECS Project. The results of said study shall be public record and will serve as a baseline reading for television reception conditions prior to the construction of the WECS Project and shall be submitted as part of the Special Use Permit application.
2. The Applicant, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience), conduct a communications analysis that indicates that the E9-1-1 communications, emergency communications or official County and local municipal communications reception shall not be negatively impacted or influenced by the proposed wind power facility. Said communication analysis shall be a public record and shall be submitted as part of the Special Use Permit application.
3. The Applicant and the Operator, at the Applicant's expense, shall take immediate actions to minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves or television signals and to eliminate any such interference that impacts local government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, caused by the operation of the WECS. The Applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the WECS Project Summary and Site Plan, as set forth in Section V(B)(1) and V(B)(3) of this Ordinance. To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s), the Applicant and the Operator, at Applicant's expense, shall take

reasonable measures to minimize and mitigate such anticipated interference and with regard to interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, the Applicant and the Operator, at Applicant's expense, shall take all necessary and available commercial measures to eliminate any such interference. If, after construction of the WECS, the Applicant (WECS Permittee) or Operator receives a written complaint related to the above-mentioned interference, the Applicant (WECS Permittee) shall take commercially reasonable steps to respond to the complaint, except in the case of a complaint of interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications. In the case of local, government public safety communications, the Applicant (WECS Permittee) and the Operator, at the Applicant's expense, shall immediately take all necessary and available commercial measures to eliminate any such interference.

4. If, after construction of the WECS, the Applicant (WECS Permittee) or Operator receives a written complaint related to interference with local broadcast residential television, the Applicant (WECS Permittee) shall take commercially reasonable steps to respond to the complaint. A summary of complaint and subsequent response from Applicant shall be forwarded to the Coles County Board for review. Once the construction is complete and a television reception complaint is received by the Coles County Board, who will have thirty (30) calendar days to verify the complaint, the Applicant (WECS Permittee) will be given fifteen (15) calendar days to respond, in writing (validation date). Said response shall be addressed and forwarded to both the Coles County Board and the complainant. Such response shall include but not be limited to the following: an acknowledgment that a complaint was made and evaluated by the Applicant (WECS Permittee). If considered valid by the Applicant (WECS Permittee): an explanation, including a timeline, as to what the Applicant (WECS Permittee) intends to do about the complaint. The Applicant (WECS Permittee) of the wind power facility will be given an additional fifteen (15) calendar days from the validation date to resolve said TV reception issue. If considered invalid by the Applicant (WECS Permittee), an explanation, including supporting documentation and expert opinions, as to why the Applicant (WECS Permittee) believes the complaint is not valid. Television reception complaints must be filed within six (6) months from the date each wind turbine generator goes online.

**L. Noise Levels**

Noise levels from each WECS or WECS Project shall be in compliance with applicable Illinois Pollution Control Board (IPCB) regulations. The Applicant shall submit manufacturer's wind turbine sound power level characteristics and other relevant data regarding wind turbine noise characteristics necessary for a competent noise analysis. The Applicant, through the use of a qualified professional, shall appropriately demonstrate compliance with the applicable noise requirements in its Special Use Permit application.

**M. Agricultural Impact Mitigation**

Pursuant to 505 ILCS 147/15(a), the Applicant, at its expense, shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture prior to any public hearing required before a siting decision on the WECS Project application. All impacted agricultural land, whether impacted during construction, operation, or decommissioning activities, must, at a minimum, be remediated by the



require re-certification. Prior to making any physical modification (other than a like-kind replacement or other modifications made in the ordinary course of operations), the Applicant shall confer with a relevant third-party certifying entity identified in Design and Safety Certification section, paragraph 1, of this Ordinance to determine whether the physical modification requires re-certification.

**B. Coordination with Emergency Responders:**

- 1. The Applicant shall submit to the local emergency responders a copy of the Site Plan, Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs), and any amendments to such documents, for the wind power facility so that the local law enforcement, fire protection district and rescue units, emergency medical service providers and emergency management service providers that have jurisdiction over each tower site may evaluate and coordinate their emergency response plans with the Applicant of the WECS Project.**
- 2. The Applicant, at its expense, shall provide annual training for, and the necessary equipment to, the Operator and local emergency response authorities and their personnel so that they can properly respond to a potential emergency at the WECS Project. Special equipment to be provided includes, but is not limited to, permanently installed rescue equipment such as winches, pulleys, harnesses, etc.**
- 3. The Applicant and the Operator shall cooperate with all local emergency responders to develop an emergency response plan. The plan shall include, at a minimum, 24 hour contact information (names, titles, email addresses, cell phone numbers) for the Applicant and the Operator and at least three (3) designated WECS Project representatives (a primary representative with two (2) alternate representatives, each of whom are on-call "24 hours per day / 7 days per week / 365 days per year"). Any change in the designated WECS Project representative or his/her contact information shall be promptly communicated to the County. The content of the emergency response plan, including the 24-hour contact information, shall be reviewed and updated on an annually basis.**
- 4. The owner of a wind energy device shall, at his or her own expense, use an Illinois registered land surveyor to prepare a plat showing the metes and bounds description, including access routes, of the area immediately surrounding the wind energy device over which that owner has exclusive control; provided that such platting does not constitute a subdivision of land subject to the provisions of the Plat Act (765 ILCS 205/). Within 60 days after completion of construction of the wind energy device, the owner of the wind energy device shall record the plat and deliver a copy of it to the chief county assessment officer and to the owner of the land surrounding the newly platted area. Upon receiving a copy of the plat, the chief county assessment officer shall issue a separate parcel identification number or numbers for the property containing the wind energy device or devices. Pursuant to 35 ILCS 200/10-620**
- 5. Prior to the issuance of Building Permits, the applicant shall provide in a GIS shape file format, the turbine locations and access roads to the Coles County Regional Planning Commission. This information will be used for E-911 addresses for each of the wind turbines. New 911 addresses will be issued by the Coles County GIS located in the Coles County Regional Planning & Development Commission.**
- 6. Nothing in this section shall alleviate the need to comply with all other applicable life safety, fire / emergency laws and regulations.**

**C. Water, Sewer, Materials Handling, Storage and Disposal**

1. All solid wastes related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
2. All hazardous materials related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.
3. The WECS Project shall comply with existing septic and well regulations as required by the County Health Department and the State of Illinois Department of Public Health.

**D. Shadow Flicker**

The Applicant must present to the County Board a model study on potential shadow flicker. The Applicant shall appropriately demonstrate to the County Board through industry standard modeling that no occupied community building or non-participating residence will experience an expected duration of 30 hours or more per year. An occupied community building owner or a non-participating participating residence owner may waive this shadow flicker mitigation requirement. Each waiver of the above shadow flicker mitigation requirement shall be set forth in a written waiver executed by the occupied community building owner or non-participating residence owner and filed with the County Recorder of Deeds Office against title to the affected real property.

**E. Signage**

Signage regulations are to be consistent with ANSI and AWEA standards. A reasonably visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations, and at all entrances to Wind Towers.

**F. Drainage Systems**

The Applicant, at its expense, will repair, in a prompt and timely manner, all waterways, drainage ditches, agricultural drainage systems, field tiles, or any other private and public infrastructure improvements damaged during construction, maintenance and operation phases of the WECS Project in accordance with the Agricultural Impact Mitigation Agreement.

**G. Complaint Resolution**

The Applicant shall, at its expense and in coordination with the County, develop a system for logging and investigating complaints related to the WECS Project. The Applicant shall resolve such non-emergency complaints on a case-by-case basis and shall provide written confirmation to the County. All costs and fees incurred by the County in attempting to or resolving complaints shall be reimbursed by the Applicant of the WECS Project. The Applicant shall also designate and maintain for the duration of the WECS Project either a local telephone number or a toll-free telephone number and an email address as its public information / inquiry / and complaint "hotline" which shall be answered by a customer service representative 24/7 basis. The Applicant shall post the telephone number(s) and email address(es) for the customer service representative(s) in a prominent, easy to find location on their websites and at the WECS Project site on signage.

**LIABILITY INSURANCE AND INDEMNIFICATION**

Commencing with the issuance of a WECS Building Permit, the Applicant shall maintain a current general comprehensive liability policy and automobile liability coverage covering bodily injury, death and illness, and property damage with limits of at least Five Million Dollars (\$5,000,000.00) per occurrence and in the aggregate; and, shall further maintain the above-stated lines of insurance from delivery of the "Notice to Proceed by the Applicant under the turbine supply and/or balance of plant construction contract(s) for the WECS Project, in coverage amounts of at least Five Million Dollars (\$5,000,000.00) per occurrence and Twenty Million Dollars (\$20,000,000.00) in the aggregate during the life of the WECS Project. The Applicant shall file the original certificate of insurance upon commencement of project construction prior to the issuance of a WECS Building Permit, corresponding policies and endorsements to be provided within sixty (60) days of issuance, and at each subsequent renewal, at least annually thereafter.

The Applicant (WECS Permittee) shall defend, indemnify and hold harmless the County and its officers, appointed and elected officials, employees, attorneys, engineers and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees relating to or arising out of the issuance of the Special Use Permit or the construction, operation, maintenance and removal of the WECS and affiliated equipment including, without limitation, liability for property damage or personal injury (including death or illness), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence) or any acts or omissions of the Applicant (WECS Permittee), the Owner or the Operator under this Ordinance or the Special Use Permit, except to the extent any such claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities arise from the negligence or intentional acts of such Indemnified Parties. This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law.

#### V. DECOMMISSIONING AND SITE RECLAMATION PLAN REQUIRED

Applicant (or Owner, if different from Applicant) must submit a Decommissioning Plan with cost estimation to the County as part of the siting application and provide testimony supporting the calculation of costs provided in said plan during the public hearing on the application. Prior to receiving any building permit for the Commercial Wind Energy Facility, the Applicant or Owner shall provide a Decommissioning Agreement and post the required Financial Assurances for the benefit of the County. The Decommissioning Agreement and Financial Assurances shall comply with 55 ILCS 5/5-12020. Periodically, and as required by the Agricultural Impact Mitigation Agreement, the Owner must update the Decommissioning Plan, cost estimations, and provide updated Financial Assurances to the benefit of the County.

#### REMEDIES

- A. The Applicant's failure to materially comply with any of the provisions under the Special Use Permit, any conditions imposed on the project, and/ or failure to comply with any law or regulation shall be a default and shall be grounds for revocation of the Special Use Permit by the County Board.
- B. Prior to implementation of the applicable County procedures for the resolution of default(s), the County Board must first provide written notice to the Applicant and Operator, setting forth the alleged default(s) and provide an opportunity for the Applicant or the Operator to cure the default(s) within a thirty (30) calendar day period from the date of the notice. Should the Applicant commence the cure within that 30-day cure period, and diligently pursues a cure, then the Applicant shall receive an additional sixty (60) days to continue to pursue the cure before the County pursues procedures for the resolution of default. If

the default relates to a life safety issue or interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, the Applicant or the Operator shall take all necessary and available commercial measures to immediately cure the default. If the Applicant or Operator cannot cure the default(s) or resolve the alleged default(s) within the cure period, then applicable County ordinance provisions addressing the resolution of such default(s) shall govern.

## **FEE SCHEDULE AND PERMITTING PROCESSES**

### **1. Application Fees**

- a. Prior to processing any Application for a Commercial Wind Energy Facility, the Applicant must submit a certified check to the County for the Application Fee equal to \$500.00 per megawatt (mW) of proposed nameplate capacity, up to a maximum fee of \$150,000.00. These funds shall be placed in an FDIC insured account and will be used to cover the county's cost incurred in processing the Application.
- b. Should the actual costs to the County exceed the submitted Application Fee, the Applicant shall be responsible for those additional costs and shall remit additional funds, in increments of \$50,000.00, to the County within 15 days of receipt of a request from the County. No hearings on an Application shall be conducted nor final decisions rendered on an Application if there are Application fees due to the County.
- c. Any unused amounts of the Application Fee shall be refunded to the Applicant within six months of the County Board rendering a final decision on the matter, unless any pending litigation, disputes or negotiations involving the County exists regarding the Commercial Wind Energy Facility, in which case any amounts owed to the Applicant shall be refunded within six months of the conclusion of the litigation, disputes or negotiations. An Applicant may request any unused Application Fee be applied toward the Building Permit Fees for the Facility.

### **2. Building Permit Fees**

- a. Prior to the issuance of building permits, the Building Permit Applicant must deposit a Building Permit Fee equating to \$25.00 per tower hub height, or the distance from the center of the rotor hub to the top surface of the WECS tower foundation.

### **3. All Costs to be Paid by Applicant or Owner**

- a. In addition to all fees noted above, the Applicant or Owner shall pay all costs incurred by the County, including but not limited to, those costs associated with all offices, boards and commissions of the County, and third-party costs incurred by the County. This includes, but is not limited to, the direct or indirect costs associated with the hearing, permitting, operations, inspections, decommissioning, litigation, disputes, and/ or negotiations.

## **HEARING FACILITATOR**

The County may engage the services of a hearing facilitator. The hearing facilitator shall be an independent contractor who shall conduct a hearing in accordance with all applicable rules of the board and the county but has no adjudicatory responsibility other than ruling on requests for continuances, procedural matters, admissibility of evidence and the propriety of any arguments.

The hearing facilitator shall be an attorney, licensed to practice in the State of Illinois. The Applicant shall reimburse the county for the fees and costs charged by the facilitator.

## HEARING FACTORS

The County Board may approve a Commercial Wind Energy Facility Special Use Permit application if it finds the evidence complies with state, federal and local law and regulations, and with the standards of this zoning code including the factors listed below. The factors below are applied as a balancing test, not individual requirements to be met.

- a. The establishment, maintenance or operation of the WECS Project will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
  - b. The WECS Project will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values of surrounding properties;
  - c. The establishment of the WECS Project will not impede the normal and orderly development and improvement of the surrounding properties;
  - d. Adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;
  - e. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
  - f. The proposed WECS Project is not contrary to the objectives of the current comprehensive plan of the County (if any); and
  - g. The WECS Project shall, in all other respects, conform to the applicable regulations of this Ordinance and the zoning district in which it is located (if a zoning ordinance is in effect), except as such regulations may, in each instance, be modified pursuant to the recommendations of and approved by the County Board.
1. **Special Use Permit Conditions and Restrictions.** The County Board may stipulate conditions, guarantees and restrictions, upon the establishment, location, construction, maintenance, and operation of the WECS Project as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of this Ordinance.
  2. **Revocation.**
    - a. In any case where a Special Use Permit has been approved for a WECS Project, the Applicant shall apply for a WECS Building Permit from the County and all other permits required by other government or regulatory agencies to commence construction, and commence and actively pursue construction of the Project within thirty-six (36) months from the date of the granting of the Special Use Permit. If the Applicant fails to apply for a WECS Building Permit from the County and all other permits required by other government or regulatory agencies prior to construction and/or fails to commence and actively pursue construction of the Project within the thirty-six (36) month period, then without further action by the County Board, the Special Use Permit authorizing the construction and operation of the WECS Project shall be automatically revoked and void. Upon written request supported by evidence that the Applicant has diligently pursued issuance of all necessary government and regulatory permits for the

Project required to commence construction and that any delay in commencement of construction of the Project is due to conditions out of his/her/its control, the County Board, in its sole discretion, may extend the above thirty-six (36) month period by passage of an ordinance that amends the Special Use Permit.

- b. The Special Use Permit shall be subject to revocation if the Applicant dissolves or ceases to do business, abandons the WECS Project or the WECS ceases to operate for more than twelve (12) consecutive months for any reason.
  - c. Subject to the provisions of Article XI (Remedies), a Special Use Permit may be revoked by the County Board if the WECS Project is not constructed, installed and/or operated in substantial conformance with the County-approved Project plans, the regulations of this Ordinance and the stipulated Special Use Permit conditions and restrictions.
3. **Transferability; Owner or WECS Permittee.** The Applicant shall provide written notification to the County Board at least thirty (30) days prior to any change in ownership of a WECS Project of any such change in ownership. The phrase "change in ownership of a WECS Project" includes any kind of assignment, sale; lease, transfer or other conveyance of ownership or operating control of the Applicant, the WECS Project or any portion thereof. The Applicant or successors-in-interest or assignees of the Special Use Permit, as applicable, shall remain liable for compliance with all conditions, restrictions and obligations contained in the Special Use Permit, the provisions of this Ordinance and applicable County, state and federal laws.
4. **Modification.** Any modification of a WECS Project that alters or changes the essential character or operation of the WECS Project in a way not intended at the time the Special Use Permit was granted, or as subsequently amended, shall require a new Special Use Permit. The Applicant or authorized representative, shall apply for an amended Special Use Permit prior to any modification of the WECS Project.
5. **Permit Effective Date:** The Special Use Permit shall become effective upon approval of the ordinance by the County Board.

**VI. INTERPRETATION**

The provisions of these regulations shall be held to the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare of Coles County. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the Coles County nor conflict with any statutes of the State of Illinois.

**VII. SEVERABILITY**

If any section, paragraph, clause, phrase or part of this Ordinance is for any reason held invalid by any court or competent jurisdiction, such decision shall not affect the validity of the remaining provisions of these regulations.

**VIII. EFFECTIVE DATE**

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