

*Jersey County
Code of Ordinances*

ORDINANCE NO. 3

WHEREAS, the County of Jersey adopted the Jersey County Code of Ordinances on November 9th 2021; with the provisions to provide minimum regulations to safeguard the public safety, health and general welfare of sound building practices.

WHEREAS, the County of Jersey also deems it necessary to amend and update its regulations of Building Codes.

NOW, THEREFORE, BE IT ORDAINED BY the County Board of Jersey County, Illinois an ordinance amending the County Ordinances by adopting the 2018 Editions of the following Building Codes:

- Part 1. 2018 International Residential Code
- Part 2. 2018 International Building Code
- Part 3. 2018 International Mechanical Code
- Part 4. 2018 International Property Maintenance Code
- Part 5. 2018 International Existing Building Code
- Part 6. 2018 International Fuel Gas Code
- Part 7. Illinois Energy Conservation Code
- Part 8. 2018 International Fire Code
- Part 9. The 2017 Edition of the National Electrical Code (NFPA 70)
- Part 10. The 2017 Illinois Plumbing Code;
 and repealing all sections of the revised County Ordinances and parts of the ordinances in conflict with any of the codes adopted in Parts 1 through 11 above; and
- Part 11 Providing for Penalties for Violations of said Codes of Part 4 fines and fees contained in the Jersey County Environmental Fee Schedule shall be subject to the penalties and procedures promulgated in Part 12, Chapter 1, Section 103.5 of said Fee Schedule and;
- Part 12 Building Permit Ordinance with fees and fines contained in the County Fee Schedule in said Part 13 Section 4.

Adopted by the County Board
Of the
County of Jersey
This November 9th 2021

Published in pamphlet form by authority of the County Board of the County of Jersey, Jersey County, Illinois, this November 9th 2021 pursuant to the provisions contained in 55 ILCS 5/5 - 1063

Ordinance Number 3

An ordinance amending the Revised County Ordinances by adoption of the 2018 editions of the following Building Codes: Part 1. International Residential Code, Part 2. International Building Code, Part 3. International Mechanical Code, Part 4. International Property Maintenance Code, Part 5. International Existing Building Code, Part 6. International Fuel Gas Code, Part 7. Illinois Energy Conservation Code, Part 8. Life Safety Code (NFPA 101), Part 9. International Fire Code, Part 10. The 2017 Edition of the National Electrical Code (NFPA 70), Part 11. 2017 Illinois Plumbing Code; and Repealing all Sections of the Revised County Ordinances and Parts of the Ordinances in Conflict with Any of the Codes Adopted in Parts 1 through 11 above; and Part 12. Providing for Penalties for Violations of Said Codes and Part 13 Building Permit Ordinance.

Be it ordained by the County Board of the County of Jersey, Jerseyville, Illinois:

PART I: INTERNATIONAL RESIDENTIAL CODE

SECTION 1 - ADOPTION. That a certain document, one (1) copy of which is, and has been on file in the office of the County Clerk of the County of Jersey for more than 30 days prior to the adoption of this ordinance, being marked and designated as the **International Residential Code, 2018 edition**, with referenced standards and Appendices as published by the International Code Council, together with the additions, insertions, deletions and changes prescribed in Section 2 of Part 1, is hereby adopted by reference and made a part of this ordinance, the same as if fully set forth herein, as the standards, rules, and regulations for the design, construction, alteration, repair, use and maintenance of buildings and structural appurtenances in the county. Section 2 of Part 1 of this ordinance. All new residential construction shall include passive radon resistant radon construction as provided for by State of Illinois Public Act 97-0953.

SECTION 2. The following sections are hereby revised:

CHAPTERS 1 – 44 AMENDMENTS.

- a) The additions, insertions, deletions and changes set out in this section are hereby made to the ICC International Residential Code/2018, as adopted by the Jersey County Board.
- b) Any reference in the residential code to the "building official" shall mean the County Code Administrator and Certified Floodplain Manager.
- c) Any reference in the residential code to the "name of jurisdiction" shall mean the County of Jersey.
- d) Any reference in the residential code to the "chief appointing authority" shall mean the County Board of Jersey County, as prescribed by ordinance.
- e) Any reference in the residential code to the "department of building safety" shall mean the County Code Administrator office.
- f) Any reference in the residential code to the date or time at which the provisions of such code became applicable shall mean the adopted date, which shall be the effective date of the ordinance from which this article is derived, or as provided by law.
- g) If any provision of the residential code is in conflict with any provision of county ordinance, and any amendments thereto, the provisions of the latter shall prevail.
- h) The following sections or subsections of the residential code are amended as indicated:

CODE AMENDMENTS.

- a) **The following sections of the 2018 International Residential Code, are hereby added, amended, revised, and changed as follows:**

**Chapter 1 Part 1
Scope and Administration**

R101.1 Title. Amended: These provisions shall be known as Jersey County and *the Residential Code for One-and Two-Family Dwellings of Jersey County, Illinois*, will herein be referred to as “this code” or IRC.

a. Add the following sentence at the end of this section: In addition, when other codes, ordinances, or regulations of the county impose more rigid requirements (as determined by the County Code Administrator), such more rigid requirements shall apply, notwithstanding any conflict with provisions of this code.

R101.2 Scope Amended to read as follows:

R101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, and demolition of detached one and two family dwellings not more than 3 stories in height with a separate means of egress and townhouses not more than two stories above the grade plane in height with a separate means of egress; and accessory buildings, garages, decks, carports, gazeboes, handicap ramps, pole barns (accessory or residential), grain bins or shed and in reference to Section 105.1.

Exceptions: Modify exception #2 and adding exception #3 to read as follows:

2. Bed & Breakfast facilities providing accommodations for 5 guest rooms or less that are also occupied as the single family residence of the proprietor are permitted to comply with this code.
3. Lodge/cottages providing accommodations for 5 guest or less are permitted to comply with this code.

R102.5 Appendices amended as follows:

R102.5 Appendices. Provisions in the Appendices shall not apply unless specifically referenced in the adopting ordinance. Adopted Appendices are as follows:

- a. Appendix (F), Appendix (H), Appendix (J), Appendix (R), Appendix (S)

R102.7 Existing Structures. Amending: The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Property Maintenance Code* or the *International Fire Code*, or as deemed necessary by the County Code Administrator or the Jersey County Board for the general safety and welfare of the occupants and the public.

**Chapter 1 Part 2
Administration and Enforcement**

**SECTION R103
DEPARTMENT OF BUILDING SAFETY**

R103.1 Creation of enforcement agency. Amend: The office of the Jersey County Code Administrator is hereby created and the official in charge thereof shall be known as the Jersey County Code Administrator.

R103.2 Appointment. Amend: The Jersey County Code Administrator shall be appointed by the Jersey County Board.

Section R104

Duties and Powers of the Building Official

R104.6 Right of entry

Add R104.6.1 to read as follows: In the event of a disaster such as windstorm, tornado, flood, fire, earthquake, bomb blast, or explosion, the building official is hereby authorized to enter and inspect structures within the affected area, subject to restrictions on unreasonable searches and seizures. When in the opinion of the building official, there is imminent danger of an unsafe condition, the building official shall take emergency measures in accordance with this code. If the building official determines, after inspection, that a structure is unfit, the

building official shall declare it a public nuisance, cause a report to be prepared, and notify the affected parties in accordance with this code.

SECTION R105 PERMITS

R105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, ~~repair~~, move, demolish or ~~change the occupancy~~ of a building or structure, or to erect, ~~install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system~~ or contractor who desires to construct, enlarge, alter, move, remove, convert, or demolish of a building or structure, to erect or construct a sign or billboard of any description, to erect certain towers or solar farms, shall first make application to the County Code Administrator and obtain any required permit.

R105.2 Work exempt from permit. Amend: Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 100 square feet.
2. Retaining walls
3. Water tanks
4. Sidewalks and driveways
5. Siding, window awnings
6. Interior redecorating
7. Roof repairs
8. Decks less than 25 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling, and do not serve the exit door as required by Section 311.4.

R105.2.1. Emergency repairs. Delete in its entirety

Add R105.2.4 Damaged building repair. Buildings located in the determined floodplain of Unincorporated Jersey County that are determined by the building official to have sustained light or moderate building damage due to fire, earthquake, wind, flood or other natural disasters shall require a building permit for repairs. The building permit application will include construction drawings showing the scope of work and a report prepared, sealed, signed, and dated by an Illinois licensed design professional stating that the building damage is light with no structural damage. The 50% Rule for substantial damage or substantial improvements will apply.

R105.3.2 Time limitation of application. Amended to read as: An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the Jersey County Code Administrator is authorized to grant one or more extensions of time for additional periods not exceeding ~~180~~ 90 days each. **If a second 90 day extension is granted** a fee of one half the original cost of the permit shall be paid before work shall commence. The extension shall be requested in writing and justifiable cause demonstrated.

R105.5 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than ~~180~~ 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Exception: Carports, decks, demolition, accessory buildings, grain bins, pole barns, and detached garages must be completed within 180 days from the issuance of the permit.

R105.8 Responsibility. Amend to read as follows: It shall be the duty of every person who performs work for the installation or repair of a building, structure electrical, gas, mechanical, or plumbing systems to comply with the applicable codes adopted by Jersey County.

R105.8. It shall be the duty and responsibility of every person including the homeowner or land owner to verify the required building setbacks, subdivision restrictions if applicable, highway and property lines, and accessibility standards.

SECTION R106 CONSTRUCTION DOCUMENTS

R106.1 Submittal documents. Amended: Submittal documents consisting of auto-cad construction documents, detailed plans, and other data shall be submitted in ~~two~~ one set with each application for a permit. The Jersey County Code Administrator is authorized to require; when conditions exist, construction documents that shall be prepared by an Illinois licensed design engineer. Submittal of construction documents and other required data shall be retained by the Jersey County Code Administrator.

SECTION 108 FEES

R108.2 Schedule of Permit Fees. Amended: A permit shall not be valid until the fees prescribed by ~~law~~ *The Jersey County Fee Schedule* as adopted by the Jersey County Board have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

SECTION 109 INSPECTIONS

Add Section 109.1.2.1 "Backfill inspection" to read as follows:

R109.1.2.1 Backfill inspection. Inspection made after foundation walls are erected. Prior to backfilling the following systems or components including, but not limited to, damp/waterproofing, subsurface drainage system, exterior insulation, and anchoring shall be placed.

Add Section 109.1.2.2 "Concrete slab and under-floor inspection" to read as follows:

109.1.2.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building plumbing, electrical & mechanical systems or service equipment, conduit, piping, accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

Add Section 109.1.5.2 "Re-inspections" to read as follows:

109.1.5.2 Re-inspections. A re-inspection fee as set forth in an adopted fee schedule may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling a practice of calling inspections before the job is ready for such inspection or re-inspection. Re-inspection fees may also be assessed for the following:

1. when the approved plans are not readily available to the inspector,
2. for failure to provide access on the date for which inspection is requested,
3. for deviating from plans requiring the approval of the building official

To obtain re-inspection, the applicant shall pay the re-inspection fee in accordance with *The Jersey County Fee Schedule*. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

**SECTION R110
CERTIFICATE OF OCCUPANCY**

R110.1 Use and Occupancy. Delete Exception 2.

R110.4 Temporary occupancy. Amended as follows: The building official is authorized to issue a temporary occupancy certificate before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid. There will be a \$100.00 fee for a temporary Certificate of Occupancy and shall only be valid for 60 days. No structure or building may be occupied until the fee is paid to the building official. The fee is non-refundable.

**SECTION R112
BOARD OF APPEALS**

R112.5 Fees. Add the following: A nominal appeal fee to the Board of Appeals shall be paid as set forth in *The Jersey County Fee Schedule* as adopted by the Jersey County Board. The appeal shall be valid for 180 days and is non - refundable.

**SECTION R112
VIOLATIONS**

**CHAPTER 2
SECTION R202
DEFINITIONS**

The following section is hereby amended by adding these terms to read as follows:

R202 Definitions

(a) ACCESSORY STRUCTURE. A structure the use of which is incidental to that of the main structure and is located on the same lot.

(b) BED & BREAKFAST FACILITY. A facility providing accommodations for 5 or fewer guest that is also occupied as a single family residence by the proprietor.

(c) CABIN. A structure that contains at least one habitable room for living, sleeping, eating or cooking that is designed, arranged and intended to be occupied by one or two occupants on a temporary basis. Cabins require a sanitary sewage system approved by the Jersey County Environmental Health Department.

(d) TOWNHOUSE (DUPLEX). A single-family dwelling unit constructed of two or attached units. Each unit extends from foundation to roof, not more than 2 stories in height, with a separate means of egress, and with an open space/yard or public way on at least two sides. Each townhouse shall be considered a separate building with independent exterior walls and shall be separated by a 2-hour fire-resistance-rated wall assembly.

**CHAPTER 3
SECTION 301
BUILDING AND PLANNING**

Table R301.2 (1) to be amended as follows:

Table R301.2 (1) Climatic and Geographic Design Criteria

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards		Air Freezing Index	Mean Annual Temp
	Speed MPH	Topographic effects, Special wind region, or Wind-borne debris zone		Weathering	Frost Line Dept	Termite			NFIP	FIRM		
20	115	No	C	Severe	40"	Mod/Heavy	2	Yes	1985	4/2/2009	1000	50° F

**SECTION R309
GARAGES AND CARPORTS**

R309.5 Fire sprinklers. Amended as follows: Private garages ~~shall~~ may be protected by fire sprinklers where the garage wall has been designed based on Table R302.1 (2), Footnote a. Sprinklers in garages shall be connected to an automatic sprinkler system that complies with Section P2904. Garage sprinklers shall be residential sprinklers or quick-response sprinklers, designed to provide a density of .05 gpm/ft². Garage doors shall not be considered obstructions with respect to fire sprinkler placement.

**SECTION R313
AUTOMATIC FIRE SPRINKLER SYSTEMS**

R313.1 Townhouse automatic sprinkler systems. An automatic residential fire sprinkler system ~~shall~~ may be installed in townhouses. An automatic residential fire sprinkler shall be installed if any of the following conditions occur:

1. The townhouses are constructed in a group of more than four attached units.
2. Any individual townhouse dwelling unit of a structure with four or fewer attached townhouses has a floor area greater than 4,000 square feet on any one story or greater than 8,000 square feet of total floor area for all stories, excluding non-habitable areas separated from the rest of the building by a minimum of one-hour fire-resistive construction and containing smoke or heat detection interconnected with the dwelling unit smoke detectors.
3. Bed & Breakfast facilities providing accommodations for more than 5 guest rooms that are also occupied as the single family residence of the proprietor.
4. Lodge/cottages that are constructed less than five (5) feet apart or over 4000 square feet on any one story or greater than 8000 square feet of total floor area for all stories, excluding non-habitable areas separated from the rest of the buildings by a minimum of one-hour fire resistive construction containing smoke or heat detection interconnected with the dwelling smoke detectors.

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

R313.2 One- and two- family dwellings automatic fire systems. An automatic residential fire sprinkler system ~~shall~~ may be installed in one – and two – family dwellings. An automatic fire sprinkler system shall be required when the following conditions exist:

1. The one – or two – family dwelling has a floor area greater than 4,000 square feet on any one story or greater than 8,000 square feet of total floor area for all stories, excluding non-habitable areas separated

from the rest of the building by a minimum of one-hour fire resistive construction and containing smoke or heat detection interconnected with the dwelling smoke detectors.

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing one – and two – family dwellings that do not have automatic residential fire sprinkler system installed.

CHAPTER 10 Chimneys and Fireplaces

R1005.1 Listing and clearances. Amend to read as follows: Factory-built chimneys shall be listed and labeled and shall be installed and terminated in accordance with the manufacturer’s installation instruction. Where, upon inspection, listing specifications are not present or visible, combustible materials within 18 inches of the chimney shall be protected with 5/8 inch Type X gypsum board or equivalent.

PART 2 INTERNATIONAL BUILDING CODE

SECTION 2. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 1. That a certain document, one (1) copy of which is, and has been on file in the office of the County Clerk of the County of Jersey for more than 30 days prior to the adoption of this ordinance, being marked and designated as the **International Building Code, 2018 edition**, as published by the International Code Council, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. Each and all of the regulations, provisions, conditions and terms of said Building Code on file in the office of the Jersey County Code Administrator are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of Part 2 of this ordinance.

SECTION 2. The following sections are hereby revised:

2018 International Building Code Amendments

Section References

Section 101: General

Section 103: Department of Building Safety

Section 104: Duties and Powers of Building Official

Section 105: Permits

Section 107: Submittal Documents

Section 109: Fees

Section 110: Inspections

Section 111: Certificate of Occupancy

Section 113: Board of Appeals

Section 114: Violations

Part 1 – Scope and Application

Section 101 General

101.1 Title. These provisions shall be known as “Jersey County” and the *2018 International Building Code of Jersey County, Illinois*, will herein be referred to as “this code” or IBC.

Add Exception 2: Bed & Breakfast facilities providing accommodations for five (5) guest rooms or less that are also occupied as the single family residence of the proprietor are permitted to comply with the *2018 International Residential Code*.

Add Exception 3: Lodge/Cottages providing accommodations for three (3) guest rooms or less are permitted to comply with the *2018 International Residential Code*.

101.4.3 Plumbing. Remove all references to the *International Plumbing Code* and replace with the *2017 Illinois Plumbing Code*.

101.4.6 Energy. Remove all references to the *International Energy Conservation Code* and replace with the *2018 Illinois Energy Conservation Code with amendments* as per State Statute 20 ILCS 3125.

Section 102 Applicability

Change section 102.6 as follows:

102.6 Existing structures. The legal occupancy of any structure existing on the date of the adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the Existing Building Code, the Property Maintenance Code, or the Fire Code, or as deemed necessary by the building official for the general safety and welfare of the occupants and the public.

Part 2 - Administration and Enforcement

103.1 Creation of enforcement agency. The office of the Jersey County Code Administrator and Floodplain Manager is hereby created and the official in charge and in thereof shall be known as the County Code Administrator and Certified Floodplain Manager.

103.2 Appointment. The Jersey County Code Administrator shall be appointed by the Jersey County Board.

Section 104 Duties and Powers of Building Official

Change section 104.4 to read as follows:

104.4 Inspections. The building official is authorized to make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority. The owner shall provide such special inspections at their cost as are acquired by the building official.

Add new section as follows:

104.6.1 Disasters. In the event of a disaster such as windstorm, tornado, flood, fire, earthquake, bomb blast, or explosion, the building official is hereby authorized to enter and inspect structures within the affected area, subject to constitutional restrictions on unreasonable searches and seizures. When, in the opinion of the building official, there is imminent danger of an unsafe condition, the building official shall take emergency measures in accordance with this code. If the building official determines, after inspection, that a structure is unfit, the building official shall declare it a public nuisance, cause a report to be prepared, and notify the affected parties in accordance with this code

Section 105 Permits

105.1 Required. Amend as: Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, move, remove, convert, or demolish of a building or structure, to erect or construct a sign of any description, to erect certain towers, shall first make application to the County Code Administrator and obtain any required permit. Permits are required even though the structure may be movable. Types of permits:

1. One-Two Family Residential Dwelling/Residential Construction (new construction of dwelling, addition, attached garage, unattached garage, unfinished basement, finished basement)
2. Commercial Building (new construction, additions)
3. Demolition Permits (existing structures)
4. Limited Permits (pole barns, barns, accessory building, playhouses, containers)
5. Decks/Carports/Gazeboes/Handicap Ramps
6. Signs/Billboard Permit
7. Floodplain Development Permit (elevation, man-made change to real estate, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials)
8. Floodplain Minor Development Permit (improvements, repairs, accessory building)
9. Stormwater Development Permit (disturbance of ground over 10,000 sq. ft. over 1 acre of ground)
10. Occupancy Permit (residential, commercial, or floodplain)
11. Platted Subdivision Application
12. Cell Tower Permit
13. Solar Farm Development
14. Permits deemed necessary by the Jersey County Board

105.1.1 Annual Permit. Delete entirely

105.2 Work exempt from permit. Amend the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet.
2. Retaining walls
3. Water tanks
4. Sidewalks and driveways
5. Siding/window awnings
6. Interior redecorating
7. Roof repairs

105.3 Application for Permit. Prior to issuance of building permits, it is the joint duty of the property owner, the construction contractor, and any sub-contractor to complete and file with the building official the building permit application and any other required documentation.

105.3.2 Time, limitation, validity and expiration of application. Permits are valid for 180 days, if no request for inspection has occurred within the 180 days, the application is considered abandoned and no longer valid.

Extensions: One (1) extension of 90 days with no fee. A Second (2) extension of 90 days with fee of ½ original cost of the permit. After 12 months a new permit application will be required at full cost of fee.

SECTION 107 SUBMITTAL DOCUMENTS

107.1 General. Insert energy efficiency documents required by *2018 Illinois Energy Conservation Code* and amendments.

**SECTION 109
FEES**

109.1 Fees. Work requiring a permit, a fee for each permit shall be paid as required in accordance with the Jersey County Fee Schedule as established by the Jersey County Board. A permit shall not be valid until the fees prescribed have been paid. Nor shall an amendment to a permit be released until the additional fee has been paid. Permit fees are non-refundable.

Add new section as follows:

109.1.1 Fees other than herein prescribed. The payment of fees listed in the *Jersey County Fee Schedule* shall not relieve the applicant or holder of any permit or any certificate of occupancy from the payment of other fees which shall be prescribed by law or ordinance for inspections, plan reviews or other privileges or requirements, both within and without the jurisdiction of the building official.

109.3 Determination of value of project. Amended to read. The total value of the construction work shall be submitted in itemized detail at the time of application for permit. For the purpose of determining fees, total construction costs shall include all costs for normal site preparation including grading, excavation, and backfill; structural work; interior and exterior finishes; and plumbing, mechanical, and electrical work. If in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed construction estimates for the project to meet the approval of the building official. The building official shall be permitted to require the submittal of signed and notarized construction contracts when the total estimated cost of construction is questioned. Final building permit valuation shall be set by the building official.

Add new section as follows:

109.7 Fees waived for disaster related permits. In the event of a tornado, earthquake, or flood, or any other disaster of such magnitude to activate a Federal Disaster Declaration, the building official is authorized to waive all permit fees normally collected by the County Code Administrator for repairs or demolition to correct the damage caused by such disaster. These permit fees shall be permitted to be waived for a period not to exceed six months or as otherwise determined by the building official.

**SECTION 110
INSPECTIONS**

Add new section as follows:

110.3.5.1 Covering work. It shall be a violation of this code to cover prior to inspection any work required to be inspected under the provisions of a permit, the approved rules, or this code, regardless of any penalties for such violation. The building official shall be permitted to require the holder of the permit to uncover any such work for inspection, and the cost of uncovering such work and of replacing the cover after the work has been satisfactorily inspected, shall be borne by the holder of the permit.

**SECTION 113
BOARD OF APPEALS**

113.4 Appeal fee. Insert an administrative fee for said appeal as set by the Jersey County Board.

**SECTION 114
VIOLATIONS**

114.4 Violation of penalties. Insert a fine of not less than \$50.00 and not more than \$750.00 for each violation. Each day that such violation exists shall constitute a separate offense.

**CHAPTER 2
DEFINITIONS**

SECTION 201

201.3 Terms defined in other codes. Amend to read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the 2018 Illinois Energy Conservation Code, 2017 National Electric Code (NFPA 70), or the 2017 Illinois Plumbing Code, such terms shall have the meanings ascribed to them as in these codes.

**SECTION 202
DEFINITIONS**

Modify:

Accessible. A site, building, facility, or portion thereof that complies with Chapter 11 of this code and the Illinois Accessibility Code.

Construction cost. The cost of all construction portions of a project, generally based upon the sum of the labor and materials used in the performance of the construction contract and other direct construction cost; does not include compensation paid to the architect and consultants, the cost of the land, right-of-way, or other costs which are defined in the construction documents as being the responsibility of the owner.

Licensed Design Professional. An individual who is licensed to practice their respective design profession as defined by 225 ILCS 305/21 – Illinois General Assembly.

Project Cost. The total cost of a project including professional compensation, land cost, furnishings and equipment, financing, and other charges as well as the construction cost.

**CHAPTER 10
Means of Egress**

**SECTION 1002
MAINTENANCE AND PLANS
DELETE IN ENTIRETY**

**SECTION 1030
EMERGENCY AND RESCUE**

1030.6 Emergency Escape and Rescue to read as follows:

1030.6 Emergency escapes under decks. Emergency escape windows are allowed to be installed under decks provided the location of the deck allows the emergency escape window to be fully opened and provides a *clear* path not less than 36 inches in height to an open yard or court.

**CHAPTER 16
STRUCTURAL DESIGN**

Section 1612 Insert “County of Jersey”

Section 1612 Insert “April 2, 2009”

**CHAPTER 29
PLUMBING SYSTEMS
DELETE IN ITS ENTIRETY**

SECTION 3. That all other ordinances or parts of ordinances in conflict herewith are hereby appealed.

PART 3. INTERNATIONAL MECHANICAL CODE

SECTION 1. That a certain document, one (1) copy of which is, and has been on file in the office of the County Board of the County of Jersey for more than 30 days prior to the adoption of this ordinance, being marked and designated as the **International Mechanical Code, 2018 edition**, including Appendix Chapters A – Combustion Air Openings Chimney Connector Pass-Throughs (see International Mechanical Code Section 101.2.1, 2018 edition), as published by the International Code Council, be and is hereby adopted as such, in the State of Illinois for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; and each and all of the regulations, provisions, conditions and terms of said Mechanical Code on file in the office of the Jersey County Code Administrator are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of Part 3 of this ordinance.

SECTION 2. The following sections are hereby revised:

**2018 International Mechanical Code
Amendments**

Section References
Section 101 General
Section 106 Permits

CHAPTER 1
Scope and Administration

Section 101 – General

[A] 101.1 Title. These regulations shall be known as the Mechanical Code of Jersey County, herein after referred to as “this code”.

Part 2 – Administration and Enforcement

Delete Section 106 Permits

SECTION 3. that all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART 4. INTERNATIONAL PROPERTY MAINTENANCE CODE

SECTION 1. That a certain document, one (1) copy of which is, and has been on file in the office of the County Clerk of the County of Jersey for more than 30 days prior to the adoption of this ordinance, being marked and designated as the **International Property Maintenance Code, 2018 edition, including Appendix A** as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the County of Jersey, in the State of Illinois for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; and each and all of the regulations, provisions, conditions and terms of said Property Maintenance Code on file in the office of the Jersey County Code Administrator and are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of Part 4 of this ordinance.

SECTION 2. The following sections are hereby revised:

**2018 International Property Maintenance Code
Amendments**

Section References

Section 101-General

Section 102 Applicability

Section 103 Department of Property Maintenance Inspection

Section 106 Violations

Section 107 Notices and Orders

Section 108 Unsafe Structures and Equipment

Section 111 Means of Appeal

Section 302-Exterior of Property

Section 305-Interior Structure

Section 306-Component Serviceability

Section Light, Ventilation and Occupancy Limitations

Chapter 5 Plumbing Facilities and Fixture Requirements

Chapter 6 Mechanical and Electrical Requirements

Section 704 Fire Protection Systems

PART 1 – SCOPE AND APPLICATION

**SECTION 101
GENERAL**

101.1 Title. Insert “County of Jersey”

**SECTION 102
APPLICABILITY**

102.3 Application of other codes. Remove the following sentence:

Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

PART 2 – ADMINISTRATION AND ENFORCEMENT

**SECTION 103
DEPARTMENT OF PROPERTY
MAINTENANCE INSPECTION**

103.5 Fees. Amend to read as follows:

103.5 Fees. The fees for activities and services performed by the code official in carry out its responsibilities under this code shall be as indicated in the *Environmental Fee Schedule* as adopted by the Jersey County Board.

**SECTION 106
VIOLATIONS**

[A] 106.3 Prosecution of violation. Remove “municipality” and insert community.

**SECTION 107
NOTICES AND ORDERS**

107.5 Penalties. Amend by removing Section 106.4 to read as follows:

107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in the *Environmental Fee Schedule* as adopted by the Jersey County Board.

**SECTION 108
UNSAFE STRUCTURES AND EQUIPMENT**

Section 108. Remove all references to *condemned* or *condemnation* and replace with *imminent danger*.

**SECTION 111
MEANS OF APPEAL**

[A]111.2 Membership of board. Amend to read as follows:

[A]112.2 Membership of board. The board of appeals shall consist of not less than three members who are qualified by experience to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall not vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve until such time the member turns a written notice of resignation or can no longer fulfill their duty.

[A]111.2.5 Compensation of members. Amend as follows:

[A]111.2.5 Compensation of members. Compensation of members shall be determined by the County Board.

**SECTION 112
STOP WORK ORDER**

[A] 112.4 Failure to comply. Insert less than \$50.00 or more than \$750.00.

**SECTION 302
EXTERIOR PROPERTY AREAS**

302.3 Sidewalks and driveways. Delete

302.4 Weeds. Insert "twelve (12) inches."

**SECTION 304
EXTERIOR STRUCTURE**

Delete in its entirety.

**SECTION 305
INTERIOR STRUCTURE**

Delete in its entirety.

**CHAPTER 4
LIGHT, VENTILATION AND
OCCUPANCY LIMITATIONS**

**SECTION 404
OCCUPANCY LIMITATIONS**

404.4 Room area. Amend to read as follows:

404.4 Room area. Minimum total square footage of living space cannot contain less than 400 (26.0m²) square feet. Every bedroom shall contain not less than 70 square feet (6.5.m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6m²) of floor area for each occupant thereof.

404.4.4 Prohibited occupancy. Amend to read as follows:

404.4.4 Prohibited occupancy. Kitchens, portable sheds, accessory buildings, garages and non-habitable spaces shall not be used for sleeping, habitation, industrial, or commercial use.

Table 404.5 amended

Space	MINIMUM AREA REQUIREMENTS		
	2-4 occupants	5-7 occupants	7 or more occupants
Dining room ^{a b}	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.9299m²

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

**CHAPTER 5
PLUMBING FACILITIES AND
FIXTURE REQUIREMENTS
DELETE IN ITS ENTIRETY**

**CHAPTER 6
MECHANICAL AND ELECTRICAL REQUIREMENTS
DEETE IN ITS ENTIRETY**

**CHAPTER 7
FIRE SAFETY REQUIRMENTS**

**SECTION 704
FIRE PROTECTION SYSTEMS**

[F] 704.1.3 Fire protection systems. Amended to read as follows:

[F] 704.1.3 Fire protection systems. Fire protection systems shall be inspected, maintained and tested in accordance with the following 2018 *International Fire Code* as amended, revised, deleted or added.

SECTION 3. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART 5. INTERNATIONAL EXISTING BUILDING CODE

SECTION 1. That a certain document, one (1) copy of which is, and has been on file in the office of the County Clerk of the County of Jersey for more than 30 days prior to the adoption of this ordinance, being marked and designated as the **International Existing Building Code, 2018 edition**, as published by the International Code Council, be and is hereby adopted as the 2018 Existing Building Code of the County of Jersey, in the State of Illinois for regulating and governing the repair, alteration, change of occupancy, addition

and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions conditions and terms of said Existing Building Code on file in the office of the County Board of the county of Jersey are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of Part 5 of this ordinance.

SECTION 2. The following sections are hereby revised:

**International Existing Building Code
Amendments**

Section References

Section 101-General

Section 103-Department of Building Safety

Section 105-Permits

Section 108-Fees

Section 112-Board of Appeals

PART 1 – SCOPE AND APPLICATION

**SECTION 101
GENERAL**

[A] **101.1 Title.** Amend as follows: These regulations shall be known as the *2018 Existing Building Code of Jersey County, Illinois*, herein after referred to as “this code.”

PART 2 – ADMINISTRATION AND ENFORCEMENT

**SECTION 103
DEPARTMENT OF BUILDING SAFETY**

[A]**103.1 Creation of enforcement agency.** Amend: The office of the Jersey County Code Administrator is hereby created and the official in charge thereof shall be known as the County Code Administrator or herein after referred to as “code official”.

[A]**103.2 Appointment.** Amend: The Jersey County Code Administrator shall be appointed by the Jersey County Board.

**SECTION 105
PERMITS**

[A]**105.1 Required. Amending to read:** Any owner or owner’s authorized agent who intends to repair, add to, alter, relocate, demolish, or change the occupancy of a building ~~or to repair, install, add, alter, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation~~ which is regulated by this code, or to cause any such work to be performed, shall first make application to the code official and obtain the required permit.

[A]**105.1.1 Annual permit. Delete**

[A]**105.2 Work exempt from permit. Amending:** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet.
2. Retaining walls
3. Water tanks
4. Sidewalks and driveways
5. Siding, window awnings
6. Interior redecorating
7. Roof repairs
8. Decks not over 25 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling, and do not serve as the exit door required by Section 311.4.

[A]105.2.1. Emergency repairs. Delete in its entirety.

[A]105.3.2 Time limitation of application. Amend as: An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the Jersey County Code Administrator is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. If a second 90 day extension is granted a fee of one half the original cost of the permit shall be paid before work shall commence. The extension shall be requested in writing and justifiable cause demonstrated.

[A]105.4 Validity of permit. Amending: Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The code official is authorized to grant, in writing, ~~one or more~~ up to two extensions of time periods not more than ~~180~~90 days each. If a second 90 day extension is granted a fee of one half the original cost of the permit shall be paid before work shall commence. The extension shall be requested in writing and justifiable cause demonstrated.

[A]105.5 Expiration. Delete

**SECTION 108
FEES**

[A] 108.2 Schedule of permit fees. Amend: For any type of work as specified herein a permit fee shall be paid as required at the time of filing application in accordance with the *Jersey County Fee Schedule* as established by the Jersey County Board.

**SECTION 112
BOARD OF APPEALS**

[A]112.5 Fees. Add the following: A nominal appeal fee to the Board of Appeals shall be paid as set forth by the Jersey County Board. The appeal shall be valid for 30 days and is non-refundable.

SECTION 3. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART 6. INTERNATIONAL FUEL GAS CODE

SECTION 1. That a certain document, one (1) copy of which is, and has been on file in the office of the County Clerk of the County of Jersey for more than 30 days prior to the adoption of this ordinance, being marked and designated as the **International Fuel Gas Code, 2018 edition, and appendices B and as**

amended herein, and C as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the County of Jersey, in the State of Illinois for regulating and governing fuel gas systems and gas-fired appliances as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the Jersey County Code Administrator are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of Part 6 of this ordinance.

SECTION 2. The following section is hereby revised:

**International Fuel Gas Code
Amendments**

Section References
Section 101 General

Section 101.1 Insert “Jersey County”

SECTION 3. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART 7. ILLINOIS ENERGY CONSERVATION CODE

SECTION 1. That a certain document, one (1) copy of which is, and has been on file in the office of the County Clerk of the County of Jersey for more than 30 days prior to the adoption of this ordinance, being marked and designated as the **Illinois Energy Conservation Code, 2018 edition, with amendments**, as promulgated by the State of Illinois per 20 ILCS 3125 effective July 1, 2019, and is hereby adopted as the Illinois Energy Conservation Code of County of Jersey, in the State of Illinois for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations provisions, conditions and terms of said Energy Conservation Code on file in the office of the Jersey County Code Administrator are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in Section 2 of Part 7 of this ordinance.

SECTION 2. The following section is hereby revised:
Section 101.1 Insert “County of Jersey”

SECTION 3. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART 8. INTERNATIONAL FIRE CODE

SECTION 1. That a certain document, one (1) copy of which is, and has been on file in the office of the County Clerk of the County of Jersey for more than 30 days prior to the adoption of this ordinance, being marked and designated as the **International Fire Code, 2018 edition**, including Appendix B and Ds. (see International Fire Code Section 101.2.1, 2018 edition) as published by the International Code Council, be and is hereby adopted as the Fire Code of the County of Jersey, in the State of Illinois for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the occupancy of buildings and premises as herein provided; and each and all of the regulations, provisions, conditions and terms of said Fire Code on file in the office of the Jersey County Code Administrator are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of Part 9 of this ordinance.

SECTION 2. That the following section is hereby revised:

**International Fire Code
Amendments**

Section References

Section 101 Scope and General Requirements

Section 105 Permits

Section 106 Fees

Section 109 Board of Appeals

PART 1 – GENERAL PROVISIONS

**SECTION 101
SCOPE AND GENERAL REQUIREMENTS**

Section 101.1 Insert “County of Jersey”

**SECTION 105
PERMITS**

Delete Section 105 in its entirety.

**SECTION 106
FEES**

Delete Section 106 in its entirety.

**SECTION 109
BOARD OF APPEALS**

Delete Section 109 in its entirety.

SECTION 3. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART 9. THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE (NFPA 70)

SECTION 1. That a certain document, one (1) copy of which is, and has been on file in the office of the County Clerk of the County of Jersey for more than 30 days prior to the adoption of this ordinance, being marked and designated as the **National Electrical Code (NFPA 70), 2017 edition**, published by the National Fire Protection Association, be and is hereby adopted as the Electrical Code of the County of Jersey, in the State of Illinois for regulating and governing the construction and alteration of electrical wiring and apparatus in the construction and alteration of all buildings or other structures in the city as herein provided; and each and all of the regulations, provisions, conditions, and terms of said Electrical Code on file in the office of the Jersey County Code Administrator are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of Part 10 of this ordinance.

SECTION 2. That the following section is hereby revised:

**2017 Edition of the International Electrical Code
Amendments**

**Section References
Section 210-Branch Wiring**

**CHAPTER 2
Wiring and Protection**

Section 210 – Branch Wiring

210.8 Ground – Fault Circuit – Interrupter Protection for Personnel. Ground-fault circuit- interrupter protection for personnel shall be provided as required in 210.8(A) through (D). The ground-fault circuit – interrupter ~~shall~~ may be installed in a readily accessible location.

(A) Dwelling Units. All 125-volt, single – phase, 15 and 20 –amp receptacles installed in the locations specified in 210.8 (A) (1) through (10) shall have ground-fault circuit – interrupter protection for personnel.

Exceptions: **(9)** Bathtubs or shower stalls – where receptacles are installed within 2.8 m(6 ft) of the outside edge of the bathtub or shower stall may have protection for the installation of a ground-fault circuit-interrupter.

(10) Laundry areas may have protection for the installation of a ground-fault circuit-interrupter.

210.12 Arc-Fault Circuit-Interrupter Protection. AFCI protection shall be provided as required in 210.12 (A), (B), and (C). The AFCI ~~shall~~ may be installed in a readily accessible location.

(A) Dwelling Units. All 120-volt, single-phase, 15- and 20-ampere branch circuits supply outlets or devices installed in dwelling unit kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, laundry areas, or similar rooms or areas shall be protected by any of the means described in 210.12 (A)(1) through (6).

III Required Outlets.

210.52 (G) (1) Garages. In each attached garage and in each detached garage with electric power. The branch circuit supplying this receptacle(s) ~~shall not~~ may supply outlets outside of the garage. At least one outlet shall be installed for each car space.

SECTION 3. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART 10. THE 2017 ILLINOIS PLUMBING CODE

SECTION 1. That a certain document, three (3) copies of which are, and have been on file in the office of the County Clerk of the County of Jersey for more than 30 days prior to the adoption of this ordinance, being marked and designated as the **Illinois Plumbing Code, 2017 edition**, with Illinois amendments promulgated by the State of Illinois, pursuant to 225 ILCS 320/35, be and is hereby adopted as the Plumbing Code of the County of Jersey, in the State of Illinois, for regulating and governing the minimum standards for the design, construction, installation, and alteration of plumbing and the fixtures, materials, equipment, piping, and related apparatus in the design, construction, installation, and alteration of all buildings or other structures in the county as herein provided; and each and all of the regulations, provisions, conditions, and terms of said Plumbing Code on file in the office of the Jersey County Code Administrator are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance.

SECTION 2. No amendments

SECTION 3. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART 11. PENALTIES AND GENERAL PROVISIONS

SECTION 1. Penalties for violations of any of the provisions of the codes being adopted in Parts 1 through 11 and 13 of this ordinance shall be in accord with the Jurisdictional Fee Schedule adopted under Section 103.5

SECTION 2. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The County of Jersey hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 3. That nothing in this ordinance or in any of the Codes hereby adopted in Parts 1 through 11 of this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in all of the Section 3's of Parts 1 through 11 and 13 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 4. This Ordinance shall be published in pamphlet form pursuant to law.

SECTION 5. This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall be in full force and effect from and after its passage, approval and publication in pamphlet form, pursuant to law.

PART 12 BUILDING PERMITS AND PURPOSE

SECTION 1 In all areas of Jersey County, except in incorporated municipalities, and including any Intergovernmental Agreements on record, building permits must be obtained from the office of the County Code Administrator before beginning any new construction or alteration of any structure in accordance with this Ordinance. The purposes for obtaining permits are: to promote fair and equal taxation, to see any environmental laws or local ordinances are not violated by construction, and to ensure that state and local construction guidelines are followed.

SECTION 2 Definitions:

A. "Building" a structure that is principally above ground and is enclosed by walls and a roof, including manufactured homes, prefabricated buildings.

B. "Earth Shelter Homes" earthen homes designed to provide a means of egress available from the lowest elevation directly to the outside and whereby provisions are made to allow for natural light and ventilation. The term does not include basement homes.

C. "Manufactured Home" a structure designed for transport and are supported by a 'v-shape' chassis support with the weight load being distributed centrally and is designed to be used with or without a permanent foundation when connected to utilities.

D. "FEMA" Federal Emergency Management Agency

E. "IDNR/OWR" Illinois Department of Natural Resources/Office

of Water Resources.

F. "SFHA" Special Flood Hazard Area, and is synonymous with "Floodplain". Those lands within the jurisdiction of the County that are subject to inundation by the base flood. The floodplains of the County are generally identified as such on the Flood Insurance Rate Map of the County prepared by FEMA. SFHA shall also include those areas of known flooding identified by the community.

G. Land use for agricultural purposes, which includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquaculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land.

H. "Agricultural Exemption" a provision with respect to the erection, maintenance, repair, alterations, remodeling or extensions of buildings or structures, including one farm residence occupied by those engaged "primarily in the occupation of farming" used or intended to be used for agricultural purposes upon the land on which it is the principal activity on the land. Except that buildings or structures for agricultural purposes will be required to conform to building setback lines. Permits issued for the erection or extension of buildings or structures or other purposes described as agricultural will be issued free of charge. Agricultural buildings are not exempt from mapped floodplains.

I. "Land Use and Subdivision Committee" A standing committee of the Jersey County Board.

SECTION 3 Building set-backs as established in 55 ILCS 5/Div. 5-12:

A. All buildings open to the general public must have necessary parking spaces with ingress and egress so designed as to minimize traffic congestion.

B. All commercial buildings must set no less than 75 feet from the road right-of-way. All commercial buildings must set no less than 35 feet from property line on each side and back.

C. All residential buildings must set no less than 35 feet from road right-of-way. All residential buildings must set no closer than 15 feet from property lines on each side and back.

SECTION 4 Schedule of The Jersey County Fee Schedule as adopted by the Jersey County Board.

SECTION 5 Abrogation and greater restrictions. This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and other Ordinances, easements, covenants, deed restrictions conflict or overlap, that which imposes the more stringent restrictions shall prevail.

SECTION 6 This Ordinance shall be in full force and in effect 30 days from and after its passage and approval and publication as required by law.


This Ordinance is not to be construed as amending or rescinding of *An Ordinance Regulating Development in Floodplain Areas* adopted November 9th 2021, or the *Jersey County Sign & Billboard Ordinance* adopted January 10, 2012, or the *Ordinance Providing for the Control of Stormwater Drainage and Detention, Soil Erosion, and Sediment Control and Jersey County Ordinance Regulating Development of Commercial Solar Energy Systems within the Unincorporated Areas of Jersey County, Illinois* adopted April 9, 2019.

PASSED AND APPROVED this November 9th 2021



DONALD LITTLE - CHAIRMAN

ATTEST:



PAM WARFORD - COUNTY CLERK

STATE OF ILLINOIS)
) ss.
COUNTY OF JERSEY)

CITY CLERK'S CERTIFICATE

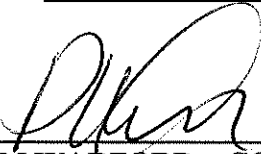
I, Pam Warford, certify that I am the duly appointed County Clerk of the County of Jersey, Illinois.

I further certify that on November 9th 2021 the County Clerk and the Chairman of the above county passed and approved; Ordinance No. 3 entitled **AN ORDINANCE AMENDING THE REVISED CODE OF ORDINANCES BY ADOPTING THE 2018 EDITIONS OF THE FOLLOWING BUILDING CODES: PART 1. INTERNATIONAL RESIDENTIAL CODE, PART 2. INTERNATIONAL BUILDING CODE, PART 3. INTERNATIONAL MECHANICAL CODE, PART 4. INTERNATIONAL PROPERTY MAINTENANCE CODE, PART 5. INTERNATIONAL EXISTING BUILDING CODE, PART 6. INTERNATIONAL FUEL GAS CODE, PART 7. ILLINOIS ENERGY CONSERVATION CODE, PART 8. LIFE SAFETY CODE (NFPA 101), PART 9. INTERNATIONAL FIRE CODE, PART 10. THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE (NFPA 70), PART 11. THE 2017 EDITION OF THE ILLINOIS PLUMBING CODE; AND REPEALING ALL SECTIONS OF THE REVISED CODE OF ANY ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT WITH ANY OF THE CODES ADOPTED IN PARTS 1 THROUGH 11 ABOVE; AND PART 12. PROVIDING FOR PENALTIES FOR VIOLATIONS OF SAID CODES; AND GENERAL PROVISIONS; PART 13. BUILDING PERMIT ORDINANCE** a true and correct copy of which is attached to this Certificate, and which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 3, including the Ordinance and a cover sheet thereof, was prepared, and a copy of the Ordinance was posted in the government building, commencing on November 9th 2021, and continuing for at least ten days thereafter. Copies of the Ordinance were also available for public inspection upon request in the office of the County Clerk.

Dated at Jersey County, Illinois, this November 9th 2021.

(SEAL)



PAM WARFORD – COUNTY CLERK
COUNTY OF JERSEY

**JERSEY COUNTY ORDINANCE REGULATING DEVELOPMENT
OF COMMERCIAL SOLAR ENERGY SYSTEMS**

ADOPTED April 9, 2019

ORD # 01-19

**AN ORDINANCE REGULATING RENEWABLE ENERGY SYSTEMS DEVELOPMENT IN JERSEY
COUNTY**

WHEREAS, the County of Jersey has adopted the Ordinance regulating renewable energy systems development in Unincorporated Jersey County on April 9, 2019;

WHEREAS, the County of Jersey also deems it necessary to adopt regulations regarding Solar Energy Systems (also known as solar parks or solar fields) development for commercial use in Jersey County. By the authority given by the Illinois State Statutes (55 ILCS 5/ Div. 5-29), and (55 ILCS 5/5-12020).

NOW, THEREFORE, BE IT ORDAINED by the County Board of Jersey County, Illinois as follows:

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

1. DEFINITIONS

- a) **Applicant.** The entity of person who submits to the county an application for the siting of any Solar Energy System (SES) including substations or any means of storage.
- b) **Active Solar Energy System.** A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.
- c) **Grid-interim Solar Energy System.** A photovoltaic solar energy system that is connected to an electric circuit served by an electrical company.
- d) **Off-grid Solar Energy System.** A photovoltaic solar energy system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.
- e) **Operator.** The entity responsible for the day-to-day operation and maintenance of the development project, including any third party subcontractors.

- f) **Owner.** The entity or entities with an equity interest in the SES(s), including their respective successors and assigns. Owner does not mean (a) the property owner from whom land is leased for locating the project (unless the property owner has an equity interest in the project); or (b) any person holding a security interest in the C or SES solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the or SES(s) at the earliest practicable date.
- g) **Photovoltaic System.** A solar energy system that converts solar energy directly into energy.
- h) **Renewable Energy Easement, Solar Energy Easement.** An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to sunlight passing over the burdened land.
- i) **Solar Farm.** A commercial facility that converts sunlight into electricity, whether by photovoltaic (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located. Utility scale solar must be bigger than 2 MW AC.
- j) **Solar Garden.** A commercial solar-electric (photovoltaic) array that provides retail electric power (or financial proxy for retail power) to multiple households or businesses residing or located off-site from the location of the solar energy system. A community solar system may be either an accessory or a principal use.
- k) **Solar Collector.** A device, structure or a part of a device for structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.
- l) **Solar Collector Surface.** Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.
- m) **Solar Energy System.** As used in this section, a Solar Energy System ("SES"), also known as a solar power, solar park, solar field, and a solar farm, means an alternative energy facility that consists of one or more ground-mounted or free-standing solar collection devices, solar energy related equipment, and other associated infrastructure with the primary intention of generating electricity or otherwise converting solar energy to a different form of energy for primarily commercial or other off-site use.
- n) **Solar Storage Unit.** A component of a solar energy device that is used to store generated electricity or heat for later use.

2. SOLAR FARM

The term "Solar Farm" shall not be construed to include, so as to prohibit, or have the effect of prohibiting, the installation of a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property.

Further, notwithstanding anything to the contrary contained herein, the term "Solar Farm" shall not be construed in such a way that would cause a person to be denied permission by Jersey County to install a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property.

As used herein, "residential property" means property where the predominant use is for residential purposes. Further, notwithstanding anything to the contrary contained herein, the term "Solar Farm" shall not be construed in such a way

as to prohibit the installation or mounting of a series of one or more solar collectors upon the roofs of residential and/or commercial structures regardless of whether the said series of one or more solar collectors collectively has a total nameplate generation of at least 15 kilowatts (kW) direct current (DC) or more when operating at maximum efficiency.

3. SOLAR ENERGY SETBACKS

A ground-mounted SES shall have a setback for all equipment, excluding fences, a minimum of seventy five (75) feet from the front property line and thirty five (35) feet from side and rear property lines. The SES shall be setback a minimum of three hundred (300) feet from the property line of a platted subdivision or other residence. Setbacks for inverters and transformers shall be no less than two hundred (200) feet from any residence that is not on the property that has acquired the Solar Development Permit from the Jersey County Code Administrator.

4. DESIGN STANDARDS

- a) Facility Equipment - Shall conform to applicable International Code Council building codes and to other industry standards including the *International Code Council Energy Provisions*. Applicants shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.
- b) Compliance with Additional Regulations - It shall be the responsibility of the applicant to coordinate with the FAA or other applicable federal or state authority to attain any additional required approval for the installation of a solar energy generation facility. The applicant shall submit with the Special Use application an approval letter from any federal or state authority requiring permit or approval.
- c) Power and Communication Lines - Power and communication lines ("lines") running between banks of solar panels shall be buried underground except from point of interconnection to existing utility-owned, above-ground electrical wires. The applicant shall submit with the Special Use application a copy of a letter from the electric utility company confirming the review of the application for interconnection has started.
- d) Minimum Acreage - No SES shall be erected in any lot less than twenty (20) acres in size.
- e) Height - Systems, equipment, and structures shall not exceed twenty (20) feet in height when ground mounted. Excluded from this height requirement, however are electric transmission lines, utility poles, and other poles and equipment used in connecting a ground-mounted piece of equipment to an electric transmission line.
- f) Floodplain - No SES shall be permitted to be located in the designated Jersey County Floodplain determined by the current FEMA FIRM maps or as determined by the Jersey County Certified Floodplain Manager.
- g) Security - Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
- h) Lighting - If lighting is provided at the site, lighting shall be shielded and downcast so that the light does not spill onto adjacent parcels.
- i) Noise - Noise levels measured at the property line shall not exceed fifty (50) decibels (not including background noise) when located adjacent to an existing residence.
- j) Glare - Solar collectors shall be placed such that concentrated solar radiation or glare does not project onto nearby structures, roadways or other areas accessible to the public. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

- k) Fire Safety - It is the responsibility of the applicant to coordinate with the local fire protection district. The applicant shall submit with the Special Use application an approval letter from the local fire protection district.
- l) Warning Signage - A visible warning sign of "High Voltage" shall be posted at all points of site ingress and egress and along the perimeter fence of the facility, at a maximum of three hundred (300) feet apart. A sign that includes the facility's 9-1-1 address and a 24-hour emergency contact number shall be posted near all entrances to the facility.
- m) Endangered Species and Wetlands - Applicant shall seek natural resource consultation with the Illinois Department of Natural Resources (IDNR). The applicant shall submit with the Special Use application the results of the IDNR EcoCAT consultation. The cost of the EcoCAT consultation shall be paid by the applicant.
- n) County Highway and Township Road Agreements - Each solar energy facility shall have written agreement with the County Engineer and respective Township Highway Commissioner(s) regarding use of county/township road, bridges and right-of-way. Performance/surety bonds or other financial assurance documents may be required to guarantee the performance of the road agreements before a Special Use permit can be issued. The applicant shall submit with the Special Use application an approval letter from the road jurisdiction(s).
- o) Foundations - A qualified Structural Engineer licensed in the State of Illinois shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
- p) Other Standards and Codes - All solar farms shall be in compliance with all applicable local, state and federal regulatory standards, including the National Electric Code, as amended.
- q) AIMA - A copy of the *Standard Agricultural Impact Mitigation Agreement* between the Landowner and The Department of Agriculture approving the development of a SES.

5. APPLICATION

The provisions of the Ordinance shall be administered and enforced by personnel of the Jersey County Code Administrator office (herein referred to as "Code Official"). The applicant must submit the following information ten (10) business days prior to the submittal of the Special Use application for a solar farm. The applicant is required to submit twenty-five (25) copies of all required documentation, including ten (10) full size copies of exhibits and fifteen (15) reduced size copies of all exhibits, with the Code Official, together with the appropriate filing fee. The application shall include the following:

- a) Site plan with existing conditions showing the following:
 - 1) Existing property lines and property lines extending one hundred (100) feet from the exterior boundaries, including the names of adjacent property owners and current use of those properties.
 - 2) Existing public and private roads, showing widths of the roads and any associated easements.
 - 3) Location and size of any abandoned wells or sewage treatment systems.
 - 4) Existing buildings and any impervious surfaces.
 - 5) A contour map showing topography at two (2) foot intervals. A contour map of surrounding properties may also be required.
 - 6) Existing vegetation (list type and percent coverage, i.e., cropland/plowed fields, grassland, wooded areas, etc.).
 - 7) Waterways, watercourses, lakes, and public water wetlands. Also any delineated wetland boundaries.

- 8) A copy of the current FEMA FIRM map that shows the subject property, the one hundred year flood elevation and any regulated flood protection elevation, if available.
 - 9) Surface water drainage patterns.
 - 10) The location of any subsurface drainage tiles.
- b) Site plan with proposed conditions showing the following:
- 1) Location and spacing of solar panels.
 - 2) Location of access roads and access points.
 - 3) Planned location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.
 - 4) New electrical equipment other than at the existing building or substation that is to be the connection point to the solar farm.
 - 5) Sketch elevation of the premises accurately depicting proposed solar energy conversion system and its relationship to structure on adjacent land.
- c) A preliminary map and plan showing the roads and right-of-ways that will be utilized for both the construction and operation of the solar farm. The applicant shall submit an executed agreement between the solar farm owner/operator and all road district authorities with infrastructure affected by the solar farm to the County. This agreement shall include, at a minimum:
- 1) A final map identifying the routes that will be used.
 - 2) A plan for repairing and/or restoring the affected roads.
 - 3) Other inclusions as specified by the County Board or affected road authority.
- d) Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.
- e) An itemized cost estimate for the entire construction of the project.
- f) A description of the method of connecting the array to a building or substation.
- g) An interconnection agreement must be completed with the electric utility in whose service territory the system is located. Off-grid systems are exempt from this requirement.
- h) Decommissioning Plan – A decommissioning plan shall be required to ensure that solar farm facilities are properly removed after their useful life.
- 1) Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months.
 - 2) The owner/operator will have six (6) months to complete the decommissioning plan after operation of a solar farm stops being operational, or the County will take the necessary decommission steps.
 - 3) The plan shall include provisions for removal of all structures (including equipment, fencing and roads) and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site.
 - 4) The Jersey County Board may require the posting of a bond, letter of credit or establishment of an escrow account to ensure the proper decommissioning. The posting of a bond may be required prior to the issuance of a solar farm permit for the facility.
 - 5) Jersey County reserves the right to require additional information or components to the plan as the county deems necessary to ensure that an adequate proposal is in place to decommission the facility in its entirety and that adequate funds are available. In the event that the State of Illinois enacts a law with regards to the decommissioning of a solar farm, the strictest requirements shall prevail.

- i) Complaint Resolution – The Applicant shall develop a process to resolve any complaints that may arise from neighboring property owners during the construction and operation of the solar farm. The process shall use an independent mediator and shall include a time limit for acting on a complaint that is received. The process shall not preclude the local government from acting on a complaint. The Applicant shall provide to the nearby residents a toll-free phone number for complaints during the construction of the facility if a problem should arise.

Applicant will respond to all complaints from persons directly affected by the solar farm project within 48 hours, will attempt to resolve all complaints in a prompt and responsible manner, will keep a log of all complaints and the method of resolution, will make the log available to the County, and will agree to participate in a non-binding mediation for complaints that are not resolved with the cost of such to be paid directly by the Applicant.

Applicable Fees & Special Use Application

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

- a) County Code Administrator Responsibilities:
 - 1) Accept and date stamp the application was filed. The date stamp should be considered the official filing date for all time purposes. Receipt and acceptance of an application by the Code Official is pro forma, and does not constitute an acknowledgment that the Applicant has complied with the County ordinance.
 - 2) The Code Official shall forward the application to the County Engineer for a determination of completeness.
 - 3) Code Official shall make available a copy of the application and public record concerning the application for public inspection during the normal business hours of the County offices. Additionally, the Code Official shall provide to any person so requesting, copies of the application or the public record, upon payment by such persons for the actual cost of reproduction.

Public Hearing.

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

- a) Notice – The Applicant must provide a complete list of all properties adjacent to a proposed solar farm. The Applicant shall have a notice issued to every owner of those properties by certified mail, registered mail, or personal service at the last known address of such owner of a property as identified by the County tax records. The notice will identify the nature of the proposed use and the date that a public hearing shall occur on the proposed use at the Subdivision and Land Use Committee, and that any person may make an appearance to participate in that hearing. Those notices must be served at least fifteen (15) days before the public hearing. The Applicant shall provide evidence of notification or evidence of a “good faith” effort to contact the property owner prior to the hearing if requested by the Code Official. The hearing notice shall also be published in a circulation of general publication at least three (3) times before the hearing commences with the first publication occurring at least thirty (30) days before the hearing and at least one publication occurring between seven (7) and fifteen (15) days before the hearing commences.

- b) Subdivision and Land Use Committee- The committee members shall preside over the public hearing; establish a record of the proceedings, make decisions concerning the admission of the evidence and the manner in which the hearing is conducted. The Chairman of the committee will make a recommendation and proposed findings to the full board at the next regular scheduled meeting. At the commencement of the public hearing people wishing to provide a public comment will be identified by a sign in sheet.
- c) Committee and County Board Action – The Subdivision and Land Use Committee will consider the following facts:
 - 1) Whether the application and proposed solar farm project substantially complies with the solar farm ordinance.
 - 2) Whether the proposed solar farm project is sufficiently protective of the public health, safety and welfare of the residents of Jersey County.
 - 3) The Subdivision and Land Use Committee shall tender its findings and recommendations to the County Board. The committee may recommend approval, approval with request for additional information or clarification, approval with conditions, or denial. Within thirty (30) days of the conclusion of the public hearing the County Board will meet in public session and render its decision. The County Board may approve, approve with conditions, or deny the application.
- d) Re-filing – Any Applicant, owner or operator whose solar farm project application is denied may not re-file a substantially similar application for one year. If the County Code Official determines an application is substantially similar to one the Applicant filed within one year it will not be forwarded to the Subdivision and Land Use Committee or the County Board for review.

Building Permit Procedure.

Building applications shall be submitted to the Code Official. The application shall be on a form approved by the Code Official and must be accompanied by two (2) copies of the following:

- a) Address of property, date of application (9-1-1 address required).
- b) Applicant’s name and address, contact information.
- c) Property owners name and address, phone number, email.
- d) Company name (if different from Applicant), contact information, mailing address, email.
- e) Site drawing that shows the proposed location and distance of the solar energy facility with reference to property lines of the parcel; right-of-way of any road; residence; business; or public building.
- f) Construction plans prepared and sealed by a structural engineer licensed In Illinois.
- g) Building permit fee payable by check to “Jersey County” (refer to the *Jersey County Fee Schedule*).
- h) The applicant shall provide standard manufacturer’s specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles and rack. Specifications for the actual equipment to be used in the SES shall be required before a building permit is issued. The Illinois Power Agency Act (20 ILCS 3855/1-1) requires that all systems (utility scale, distributed and community solar) are installed by qualified installers. This requirement is regulated by the Illinois Commerce Commission.
- i) A description of the method of connecting the SES to a building or substation.

- j) FAA requirements - For any SES to be located within five hundred (500) feet of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.
- k) Land habitat - A landscape plan shall be submitted which shall incorporate native grasses, flowers, plants which will provide wild life and pollinator habitat, soil erosion protection and/ or aid in strengthening the soil structure. This plan shall be for all other areas of the SES that will not interfere with the solar arrays.

Gates and Locks.

Perimeter chain linked fencing having a minimum height of six (6) feet shall be installed, maintained, and secured around the boundary of the SES. The fence shall contain appropriate warning signage that is posted such that it is clearly visible on the site.

- a) All gates to the fences of Solar Farms shall be at least six (6) feet in height and which shall additionally have at least three(3) strands of barbed wire run above such six feet.
- b) All gates to the fences of all Solar Farms shall be equipped with locks and shall be remain locked at all times except for those times when the owner and/or operator, or their respective agents is/are using the gate for ingress and /or egress or is/are otherwise present and monitoring the Solar Farm(s).
- c) All gates to fences of all Solar Farms shall be constructed so as to substantially lessen the likelihood of entry into a Solar Farm by unauthorized individuals.
- d) The gates and barbed wire required hereunder shall be maintained in good condition. Failure to maintain the gates required hereunder shall constitute a violation of this Ordinance.
- e) The gate, barbed wire and lock requirements specified hereunder shall continue notwithstanding the fact that a Solar Farm is no longer operational and/or falls into disuse unless and until such Solar Farm is dismantled and removed from the parcel or parcels of land upon which it was constructed.

Enforcement and Inspections.

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

Road Use Agreements.

All routes on either County or Township roads that will be used for construction or maintenance purpose shall be identified on the site plan. The routing shall be approved by the Jersey County Highway Engineer and the Township Road Commissioners. The applicant shall provide a preconstruction baseline survey for determining existing road conditions that assesses potential future road damage and provide a letter of credit or other financial security as required by the Jersey County Highway Engineer.

Decommissioning Security Costs.

The plan shall ensure financial resources equal to 125% of the entire cost of decommissioning, and approved by the Code Official and the State's Attorney, in a surety performance bond that is readily convertible into cash at face value, naming Jersey County and its officials as the insured. This surety shall be retained by the County to cover the cost of the decommissioning requirements herein. Following initial submittal of the surety, the cost calculation shall be reviewed bi-annually, and adjusted accordingly based upon an updated estimate, excluding the salvage value, by an Illinois licensed engineer under seal; provided however, any such periodic adjustment must be approved by the County Board. The County shall hire the engineer and the applicant shall be required to cover the cost. Failure to comply with any requirement of this paragraph shall result in the immediate termination and revocation of all prior approvals and permits; further, County shall be entitled to make immediate demand upon, and/or retain any proceeds of, the surety, which shall be used for decommissioning and/or removal of the Solar Energy Facility, even if still operational.

Remedial Costs.

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

Liability Insurance.

The owner or operator of the solar project shall maintain a current and general liability policy covering bodily injury and property damage with limits of at least two (2) million dollars per occurrence and twenty (20) million dollars in the aggregate. The owner or operator of the solar project shall maintain this policy for the lifetime of the solar project and submit a copy of the same to the Jersey County Board at each renewal. The County of Jersey and its officials shall be named as additional insured's.

Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

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

Public Nuisance – Any solar project declared to be unsafe by the Code Official by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, or abandonment is hereby declared a Public Nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure set forth in the Ordinance.

Effective Date.

This Ordinance is an ordinance necessary for the health and safety of the people of Jersey County, Illinois, and shall be in full force and effect from and after its passage.

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 the County of Jersey. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the County of Jersey nor conflict

with any statutes of the State of Illinois, except that these regulations shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws or regulations.

Repeal

All ordinances and regulations and amendments thereto enacted and/or adopted by the County Board that are inconsistent with the provisions of this Ordinance are hereby repealed, as of the effective date of this Ordinance. The repeal of any prior ordinance or its amendments does not affect or impair any act done, offense committed or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

Effective Date

This Ordinance is an ordinance necessary for the health and safety of the people of Jersey County, Illinois, and shall be in full force and effect from and after its passage.

PASSED BY THE JERSEY COUNTY BOARD THIS 9th DAY OF May, 2019.

BY: /s/ Donald R. Little
Jersey County Board Chairman

ATTEST:

/s/ Pam Warford
Jersey County Clerk & Recorder

Published in pamphlet form by authority of the County Board of the County of Jersey, Jersey County, Illinois this 9th day of April, 2019 pursuant to the provisions contained in 55 ILCS 5/5 – 1041 and 5/5 – 1063
