DIVISION 15 - TELECOMMUNICATION ANTENNA REGULATIONS

SEC. 15.15-1 TITLE. This Division shall be known, cited and referred to as: The Town of Normal Telecommunication Antenna Code (hereinafter referred to as "Code").

SEC. 15.15-2 INTENT. The purpose of the regulations set forth in the Town of Normal Telecommunication Antenna Code is to further an overall plan for the enhancement of public safety, consistent community development, preservation of property values and the general welfare of the Town of Normal. In order to accommodate the communication needs of the residents and businesses while protecting the public health, safety and general welfare of the Town, the regulations are further intended to: facilitate the provision of wireless telecommunication services to the residents and businesses of the Town; nonetheless preserve and protect property values; avoid potential damage to adjacent properties from tower failure; lessen congestion of land and air space; provide against undue concentrations of telecommunication antennas and antenna facilities which may create adverse visual effects and detraction from a neighborhood's character; establish reasonable standards for private and commercial use of telecommunications antennas; preserve the attractive character of the Town; and to recognize that the general welfare of the public includes a community plan that provides for a community that shall be beautiful as well as healthful, spacious as well as clean, and well balanced in its growth and development.

The promotion of public health and safety is to be accomplished by reducing the distractive characteristics of telecommunications antenna facilities or towers and ensuring that unless otherwise necessary telecommunication towers or antenna facilities shall not be located in an established residential neighborhood.

The regulations in the Town of Normal Telecommunication Antenna Code expressly distinguish between direct satellite dishes, amateur radio operator antennas, and commercial antennas. This distinction is necessary in order to ensure compliance with the Federal Aviation Authority (FAA) and Federal Communication Commission (FCC) policies and requirements as they affect the telecommunication industry.

SEC. 15.15-3 GENERAL PROHIBITION. Any Telecommunication Antenna not expressly permitted by this Code is prohibited in the Town of Normal. All telecommunications antennas must comply with all applicable provisions of the Building, Electrical and Municipal Codes of the Town of Normal , rules promulgated by the Federal Aviation Authority (FAA) the Federal Communications Commission (FCC), the Bloomington Normal Airport Hazard Zoning Regulations and the standards and regulations of any other agency of the State, Federal or local unit of government with authority to regulate antennas.

SEC.15.15-4 RULES AND DEFINITIONS.

A. Rules of Construction.

The language set forth in the text of this Code shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural the singular;

2. The present tense includes the past and future tenses, and the future tense includes the present;

3. The word "shall" is mandatory, while the word "may" is permissive;

4. The masculine gender includes the feminine and the neuter genders;

5. Whenever a word or term defined hereinafter appears in the text of this Code, its meaning shall be construed as set forth in the Definitions hereof; and,

6. All measured distances shall be to the nearest integral foot. If a fraction is one-half (1/2) foot or more, the integral foot next above shall be taken.

B. Definitions. Where a definition is not specifically set forth herein, the term shall be defined as set forth in the Zoning Code.

1. Commercial Mobile Services. Mobile services that are for-profit, are available to the public or a substantial portion of the public and provide subscribers with the ability to access or receive calls from the public switched telephone network – examples are personal communication services (PCS), cellular radio mobile service and paging.

2. Height. The vertical measurement from the ground to the vertical apex of the telecommunication antenna facility.

3. Personal Communication Services. A digital, radio-based service that transmits and receives low-powered electronic signals through networks of linked transmitter/receiver sites with each transmitter/receiver or base station covering smaller areas.

4. Personal Wireless Facilities. Transmitters, receivers, antenna facilities and other types of installation used for the provision of personal wireless services.

5. Personal Wireless Services. Commercial mobile services, cellular telephone services, specialized mobile radio services (SMR), unlicensed wireless services, and common carrier wireless exchange access services, as now or hereafter defined in Title 47 United States Code, Section 323(C)(7)(c).

6. Radio Broadcast. Traditional AM and FM radio broadcasts and amateur radio broadcasts (HAM Radio).

7. Satellite Dish Antenna. A telecommunication antenna shaped like a bowl or

dish and used to receive wireless transmission of radio, data, or video from a satellite orbiting the earth.

8. Telecommunication Antenna. A device affixed to the ground, a building or other structure which device is capable of transmitting or receiving radio waves. Telecommunication antenna includes but is not limited to devices capable of transmitting or receiving radio waves supporting the following types of communication:

   a. Television broadcast, multichannel multipoint distribution (wireless cable), direct broadcast satellites (DBS),

   b. Radio broadcast (including AM, FM, and amateur radio antennas)

   c. Wireless telecommunications, personal wireless services, commercial mobile services, cellular telephone services, specialized mobile radio services (SMR), unlicensed wireless services and common carrier wireless exchange access services.

9. Telecommunication Antenna Facility. The antenna, mast, pole, lattice work, structure, tower, building, equipment and other supporting material used to mount and operate an antenna.

10. Unlicensed Wireless Service. The offering of telecommunication services using duly authorized devices which do not require individual licenses by FCC but does not mean the provision of direct-to-home satellite services.

SEC. 15.15-5 REGULATIONS FOR TELECOMMUNICATIONS ANTENNAS PERMITTED IN SPECIFIC ZONING DISTRICTS.

A. Within the R-1AA, R-1A, R-1B, R-2, R-3A, R-3B and R-4 Residence Districts telecommunication antennas are permitted as follows:

   1. Accessory use satellite dish receiving antennas exceeding one meter in diameter shall be permitted on the following conditions:

      a. such antennas shall be located only on a roof or in rear yards and no closer than five (5) feet from a side or rear lot line and outside of easements of record; and

      b. the vertical apex of the telecommunication antenna facility shall not exceed fifteen (15) feet in height from ground level for ground mounted, and fifteen (15) feet in height from roof line for roof mounted.

   2. Satellite dish receiving antennas, one meter or less in diameter, television

broadcast receiving antennas, multichannel multipoint distribution receiving antennas, radio broadcast receiving antennas, and amateur radio antennas (receiving and transmitting), provided all such antennas are accessory use antennas, shall be permitted on the following conditions:

a. such antennas shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal. In such case such antennas may be placed anywhere on the lot except within an easement of record. Proof of inability to receive an acceptable quality signal shall be provided to the Zoning Administrator upon request; and

b. the vertical apex of the telecommunication antenna facility shall not exceed the greater of the District Height Limit or seventy (70) feet in height from ground level.

3. Other telecommunication antennas are prohibited, unless the same are located on Town right-of-way or Town easement pursuant to an agreement with the Town of Normal.

B. Within the A-Agricultural, S-1 University District, and S-2 Public Lands and Institutions Districts telecommunication antennas are permitted subject to the bulk requirements applicable to such district, and subject to site plan review procedures of Division 8 and SEC. 15.4-5 of this Code.

C. Within the C-1 Office District, C-2 Neighborhood Shopping District, C-3 Community Regional Shopping District, B-1 General Business District, B-2 Central Business District, M-1 Restricted Manufacturing District, and M-2 General Manufacturing District telecommunication antennas are permitted as follows:

1. Accessory use satellite dish receiving antennas exceeding two meters in diameter, and accessory use mobile radio antennas shall be permitted on the following conditions:

a. such antennas shall be permitted only on the roof or in the rear or side yards;

b. such antennas shall not be placed on an easement of record or within five (5) feet of a property line; and

c. the vertical apex of the telecommunication antenna facility shall not exceed the greater of the Zoning District Height regulations, or fifteen (15') feet in height above the building roof line for roof mounted.

2. Satellite dish receiving antennas less than two meters in diameter, television

broadcast receiving antennas, multichannel multipoint distribution receiving antennas, and radio broadcast receiving antennas and amateur radio antennas (receiving and transmitting) provided all such antennas are accessory use antennas, shall be permitted on the following conditions:

a. such antennas shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal. In such case such antennas may be placed anywhere on the lot except within an easement of record. Proof of inability to receive an acceptable quality signal shall be provided to the Zoning Administrator upon request; and

b. the vertical apex of the telecommunication antenna facility shall not exceed the greater of the District Height Limit or seventy (70) feet in height from ground level.

3. Accessory use mobile radio antennas not meeting the conditions of SEC. 15. 15(B)(1) above and all other telecommunication antennas shall be permitted only as a Special Use pursuant to the procedures of Division 10 and the standards of SEC. 15.15-6.

D. Within the S-3 Historic and Cultural District telecommunication antennas shall be permitted in accordance with the above regulations for the applicable underlying zoning district and in accordance with the procedures set forth in SEC. 15.6-13 and the standards of SEC. 15.15-6.

SEC.15.15-6 SPECIAL USE STANDARDS FOR TELECOMMUNICATION ANTENNAS. The purpose of this Section is to specify standards that shall be required to be met before the issuance of a Special Use Permit.

A. Application Requirements.

1. Submission of a Site Plan drawn to scale, showing the location and dimensions of existing and proposed buildings or structures, natural or manmade features, topography, elevations and location of landscaping and lighting.

2. Description of the proposed telecommunication antenna facility including certification by an engineer regarding the structural integrity of the facilities, and evidence of compliance with FCC emission standards.

3. Siting needs and sharing capabilities. An inventory of the existing telecommunication antenna facilities including but not limited to existing antenna facilities, silos, water tanks, buildings. Notification by way of certified mail as proof of exhausting possible avenues for sharing space.

4. Maintenance plan. A description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs, and traffic, noise and safety impacts on such maintenance.

5. Proof of approval or compliance with FAA standards.

6. Proof of liability insurance in the minimum single limit amount of two hundred thousand dollars with the Town of Normal named as an additional insured.

B. Bulk Regulations.

1. Lot Size Requirements. Minimum lot size for the district in which the facilities are located.

2. Setback. A setback from adjoining property lines is required in order to minimize the adverse affects of falling ice or damage due to antenna collapse. A setback of fifty percent (50%) of the telecommunication antenna facility height shall be maintained except a setback of five hundred feet (500') shall be maintained from all residential zoning districts and from buildings used for residential dwelling, day care, elementary or secondary schools.

3. Separation from other antenna facilities. In order to encourage co-location of antennas on a common facility, all new antenna facilities exceeding seventy feet (70') in height, shall not be located within one quarter mile (1,320 feet) of another antenna facility which exceeds seventy feet (70') in height.

4. Height. Antenna facilities shall not exceed one hundred and five feet (105') in height.

C. Screening and Landscape Requirements.

1. The facility and every element thereof shall be aesthetically and architecturally compatible with the architecture of surrounding area.

2. The proposed buildings, structures and use will be in harmony with the general character of the neighborhood.

3. Screening and landscaping shall comply with Division 14 of this Code. (Added 1/20/04 by Ord. No. 4926)

D. Lighting. Shall be consistent with FAA guidelines and have minimal spill over effect on adjoining property. Lighting not controlled by FAA guidelines shall comply with Division 14 of this Code. (Amended 1/20/04 by Ord. No. 4926)

E. Interference. The proposed facility shall not cause unreasonable interference with existing radio, television, telephone or DBS reception or services.

F. Effect on Adjoining Properties. The proposed facility will cause no objectionable noise, fumes, odors, glare, physical activity or effect that would impair the peaceful enjoyment of neighboring properties.

G. Adequate Public Facilities. The proposed facility will be served by adequate public services and facilities, including police and fire protection, water and sanitary sewer, storm drainage, public roads and other public improvements.

H. FCC Compliance. The proposed facility meets FCC requirements.

I. Other Codes. The proposed facility complies with the building, electrical, plumbing, mechanical and fire codes for the Town of Normal, other divisions of this Zoning Code and other codes of applicable State, Federal and local agencies with jurisdiction over such facility.

J. Abandonment. Facilities that remain unused for more than one year shall be demolished at the owners cost.

K. Co-location or shared use. Applicants shall be required to exhaust all possible avenues for sharing space on existing antenna facilities. Evidence shall be submitted showing the following:

1. The availability of space on existing telecommunication antenna facilities;

2. The willingness of the telecommunication antenna facility owner to execute a lease with the applicant and whether or not the terms of such lease are agreeable to applicant;

3. The ability of applicant to reasonably meet its geographic service area requirements by locating on existing telecommunication antenna facilities;

4. Any radio, mechanical or electrical incompatibilities, conflicts, or interference caused by using an existing telecommunication antenna facility;

5. The comparative costs of new construction and co-location;

6. Any FCC or other governmental restrictions on co-location.

L. Signs. No signs shall be permitted on antenna facilities other than warning or equipment signs, however the antenna may be located on an existing sign structure.

M. Waivers. The President and Town Council may modify or waive any of the

foregoing Special Use Standards where such waiver or modification is in the public interest or necessary to comply with Federal Law.

N. General Conditions. Standards applicable to all Special Uses include the following:

1. Ingress and egress to property and proposed structures shall be located and designed in a manner which will maximize automotive and pedestrian safety and convenience, facilitate traffic flow and control and provide easy and adequate access in case of fire or other catastrophe.

2. Off-street parking and loading areas where required or provided, shall be located and designed in a manner which will maximize the items referred to in Paragraph (A) above and will minimize any adverse economic, noise, glare or odor effects of the special use on adjoining or nearby properties.

3. Refuse and service areas, if provided, shall be located and designed in a manner so as to accomplish the objectives specified in Paragraphs (A) and (B) above.

4. Utilities provided in connection with the Special Use shall be designed and located so as to encourage the efficient and economic utilization, extension and expansion of the public utility system.

5. Screening and buffering materials shall be sufficient to ensure that the proposed Special Use will have no greater impact on surrounding land uses than other uses authorized as a matter of right.

6. Proposed exterior lighting shall be located and designed to maximize traffic safety and compatibility and harmony with adjoining or nearby properties and so as to minimize glare, noise and adverse economic impact on surrounding properties or authorized land uses.

7. Required yards and open spaces shall be sufficient to ensure that the proposed Special Use will have no greater impact on surrounding land uses than other uses authorized as a matter of right.

8. The site on which the Special Use is located shall be designed to make the proposed use generally compatible with adjoining or nearby properties.

9. The Special Use shall in all other respects conform to the applicable regulations of the district in which it is located and of the entire Municipal Code, except as such regulations may in each instance be modified by the President and Town Council pursuant to the recommendations of the Zoning Board of Appeals or as allowed for a Planned Unit Development.

SEC. 15.15-7 SPECIAL USE PROCESS FOR TELECOMMUNICATION ANTENNAS.

A. Application. Application for a Special Use Permit shall be submitted in the office of the Town Clerk on forms approved by the Town Clerk. No application shall be processed unless accompanied by the appropriate filing fee.

B. Hearing on Application. Upon receipt in proper form of an application and supporting material, the Zoning Board of Appeals shall hold at least one (1) administrative public hearing on the application for a Special Use Permit, in the manner provided in SEC. 15.12-1(C)(3)(b).

C. Action by the Zoning Board of Appeals.

1. Findings of Fact. No Special Use Permit shall be recommended by the Zoning Board of Appeals until written Findings of Fact are made indicating:

a. The extent to which the Special Use Standards specified in SEC. 15.15-6 are met;

b. Recommendations, if any, of conditions deemed reasonably necessary to meet any or all of such general or specific Special Use Permit Standards.

D. Action by Town Council. The President and Town Council must grant or deny any application for a Special Use Permit after receiving the report of findings and recommendation of the Zoning Board of Appeals including the recommended stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest. All decisions of the President and Town Council shall be in writing and based on written findings of fact.

E. Protest. In case a written protest against any proposed Special Use Permit signed and acknowledged by the owners of twenty (20) percent of the frontage to be altered; the owners of twenty (20) percent of the frontage directly opposite the frontage to be altered; or by the owners of twenty (20) percent of the frontage immediately adjoining or across the alley therefrom is filed with the Town Clerk, the Special Use Permit cannot be passed except on the favorable vote of two-thirds (2/3) of all members of the Town Council.

F. Refiling Period. No application for a Special Use which has been denied wholly or in part by the President and Town Council shall be resubmitted for a period of one year from the date of said denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the President and Town Council.

G. Minor Changes. Minor changes in the location, siting, and height of structures may be authorized by the Building Commissioner, however, no such change may involve

a change in the character of the development, or a substantial increase in the intensity of use, reduction of parking spaces, or landscaping requirements.

H. Non-Minor Changes. Decisions concerning non-minor changes in the location, siting and height of structures, any change in the character of the development or a substantial increase in the intensity of use, reduction of parking spaces, or landscaping shall be made by the Town Council, after the Zoning Board of Appeals conducts an additional administrative public hearing and submits a recommendation on such proposed changes or deviations. In all non-minor changes, the Zoning Board of Appeals and the Town Council shall apply the standards set forth in this Division for special uses.

SEC. 15.15-8 VARIATIONS. In the event the standards and requirements of this Division impair the receipt or transmission of an acceptable signal quality for an accessory use antenna (except accessory use mobile radio antennas), the Zoning Board of Appeals may grant a variance in the strict application of this Division in accordance with SEC. 15.12-4 of this Code. Such variance shall be no greater than reasonably necessary to receive or transmit an acceptable quality signal and shall be conditioned where necessary to protect public safety.

SEC. 15.15-9 CO-LOCATION INCENTIVE. In order to encourage the co-location of antennas on existing antenna facilities, the Building Commissioner has the authority to permit the placement of antennas on antenna facilities which have been approved pursuant to the Special Use process provided there is no increase in the height of the approved antenna facility.

SEC. 15.15-10 FEDERAL POLICY. In considering any Special Use Permit and Variation requests the following Federal Policy Directives shall be followed:

A. All requests shall be processed within ninety (90) days after the application is properly filed with the Town Clerk. The ninety (90) daytime limit may be extended by agreement.

B. The substantive decision made by the appropriate body shall not unreasonably discriminate among providers of functionally equivalent services and shall not prohibit or have the effect of prohibiting the provisions of the particular telecommunication technology in the Town of Normal.

SEC. 15.15-11 NON-CONFORMITIES. Non-conforming telecommunication antennas and antenna facilities which are lawful at the effective date of adoption or amendment of this Division that could not be built under the terms of this Code, may continue so long as the same remains otherwise lawful subject to the following:

A. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

B. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its fair cash market value prior to the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code.

C. Should such non-conforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. Repairs and maintenance. Ordinary repairs may be made to an extent not exceeding fifty (50) percent of the fair cash market value of the non-conforming structure.

(Entire Division 15 Added 6/16/97 by Ord. No. 4456)

DIVISION 15.1 – SOLAR ENERGY CODE

SEC. 15-15.1-1. SHORT TITLE. This division may be cited as the Solar Energy Code.

SEC. 15-15.1-2. PURPOSE. The purpose of this division is to facilitate the construction, installation, and operation of solar energy systems in the Town of Normal in a manner that promotes economic development and ensures the health, safety, and welfare of the public while also avoiding adverse impacts on adjoining property owners or the environment.

SEC. 15-15.1-3. APPLICABILITY. This division does not apply to any solar energy system with solar panels that, in the aggregate, do not exceed four square feet.

SEC. 15-15.1-4. DEFINITIONS. As used in this division:

A. Accessory Structure. A structure or use that is on the same lot with, incidental to, and subordinate to the main or principal structure or use, and that is used for purposes customarily incidental to the main or principal structure or use.

B. Building Integrated Solar Energy System. A solar energy system that integrates photovoltaic modules into the building structure, such as the roof or façade, and that does not alter the relief of the roof.

C. Commercial Solar Energy System. A solar energy system that is not a private solar energy system.

D. Director. The Director of Inspections.

E. Ground Mounted Solar Energy System. A Solar energy system that is directly installed onto the ground and is not attached or affixed to any existing structure.

F. Owner. The owner of the property on which the solar energy system is located.

G. Private Solar Energy System. A solar energy system that is an accessory structure and that is designed to serve through the electric meter only the occupants of the parcel on which it is located, and not for selling generated electricity.

H. Qualified Solar Installer. A trained and qualified electrical professional who has the skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved.

I. Roof Mount Solar Energy System. A solar energy system in which solar panels are mounted on top of a building roof as either a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

J. Solar Energy System. Has the meaning set forth in section 10 of the Homeowner's Energy Policy Statement Act (765 ILCS 165-10).

K. Zoning Code. Chapter 15 of the Town of Normal Municipal Code, 1969.

SEC. 15-15.1-5. INSTALLATIONS ALLOWED AS A PERMITTED USE.

A. A private, roof mounted solar-energy system is allowed as a permitted use in the following zoning districts:

1. A (Agricultural).

2. R-1 (Single Family Residence), R-2 (Mixed Residence), R-3A (Medium Density Multifamily, R-3B (High Density Multifamily), and R-4 (Mobile Home Residence).

3. S-1 (University) and S-2 (Public Lands and Institutions).

4. C-1 (Office), C-2 (Neighborhood Shopping), and C-3 (Regional Shopping).

5. B-1 (General Business), B-2 (Central Business District).

6. M-1 (Restricted Manufacturing) and M-2 (General Manufacturing).

7. Properties with S-3 overlay when the panels are in a location that would not require approval by the Historic Preservation Commission.

B. A private, ground-mount solar-energy-system is allowed as a permitted use in the following zoning districts:

1. S-1 (University).

2. R-1A (Single Family Residential), R-1B (Single Family Residential), and R-2 (Mixed Residential).

3. M-2 (General Manufacturing).

4. Properties with S-3 overlay when the panels are in a location that would not require approval by the Historic Preservation Commission.

C. Private, building integrated solar systems are permitted in all zoning districts as a permitted use other than S-3 (Historic and Cultural).

SEC. 15-15.1-6. INSTALLATIONS ALLOWED AS A SPECIAL USE.

A. A private, roof mount solar energy system is allowed as a special use in S-3 (Historic and Cultural) zoning districts.

B. A private, ground mount solar energy system is allowed as a special use in the following zoning districts:

1. A (Agricultural).

2. R-3A (Medium Density Multifamily, R-3B (High Density Multifamily), and R-4 (Mobile Home Residence).

3. S-2 (Public Lands and Institutions).

4. C-1 (Office), C-2 (Neighborhood Shopping), and C-3 (Regional Shopping).

5. B-1 (General Business).

6. M-1 (Restricted Manufacturing).

C. A commercial ground mount or roof mount solar energy system is allowed as a special use in the following districts:

1. A (Agricultural).

2. S-2 (Public Lands and Institutions).

3. M-1 (Limited Manufacturing) and M-2 (General Manufacturing).

SEC. 15-15.1-7. PROHIBITED INSTALLATIONS. Any solar energy system that is not allowed as a permitted use under section 15-15.1-5 or as a special use under SEC.15-15.1-5 is prohibited.

SEC. 15-15.1-8. NO RESTRICTION ON OTHER PROPERTIES. The allowance of a solar energy system under this division will not be construed to restrict the use or improvement of any adjoining or other property owner from any allowed building, landscaping, or other accessory improvements, even if such improvements may diminish the function of said solar energy system.

SEC. 15-15.1-9. REQUIREMENTS FOR ALL SOLAR ENERGY SYSTEMS.

A. Regulatory Compliance. Each solar energy system requires a permit from the Director. Each solar energy system must comply with all federal, state, and local laws, rules, and regulations, including, without limitation, all building codes, electrical codes, health and safety rules and regulations, environmental rules and regulations, and aviation rules and regulations.

B. Reflection Angles. Reflection angles for solar collectors must be oriented in such a manner that they do not project glare onto adjacent properties or roadways.

C. Visibility. Solar energy systems must be located in a manner to reasonably minimize view blockage to surrounding properties and to minimize shading of property to the north while still providing adequate solar access for collectors.

D. Wiring Concealment. All wiring associated with the system must be underground, within the structure, or contained within a raceway that complements the site or the building materials of the principal structure.

E. Installation. All solar energy systems must be installed by a qualified solar installer.

F. Maintenance. All solar energy systems must be maintained and kept in good working order. If it is determined by the Director that a solar energy system is not being maintained, kept in good working order, or is no longer being utilized to perform its intended purpose for six consecutive months, the property owner will be given 90-day written notice to remedy or to remove the unit and all equipment.

SEC. 15-15.1-10. REQUIREMENTS FOR PRIVATE SOLAR ENERGY SYSTEMS.

A. Height requirements for roof mount solar energy systems.

1. The height of a roof mount solar energy system is measured from the roof surface on which the system is mounted to the highest edge of the system.

2. A roof mount solar energy system may not cause a building to exceed the maximum allowed building height for the zoning district in which the system is located.

3. Solar energy systems mounted on a pitched roof may not extend beyond six inches parallel to the roof surface of the pitched roof.

4. In R-1 and R-2 zoning districts, solar energy systems mounted on a flat roof must be concealed by a parapet. In all other districts, solar energy systems mounted on a flat roof may not extend beyond four feet parallel to the roof surface of the flat roof.

B. Height Requirements for Ground Mount Solar Energy Systems.

1. The height of a ground mount solar energy system is measured from the grade at the base of the pole or other mounting structure to the highest edge of the system at maximum tilt.

2. Ground mount systems may not exceed four feet if they are located (i) within R-1A, R-1B, and R-2 zoning districts or (ii) within 100 feet from the property line of any single or multiple-family residence.

3. Ground mount systems other than those limited under SEC. 15-15.1-10(b)(2) may not exceed 15 feet.

C. Size and Setback Requirements.

1. For roof mount solar energy systems, the total square footage of the system panels may not exceed the total area of the roof surface of the structure to which the system is attached. The panels and mounting devices may not extend beyond the perimeter of the building on which the system is mounted, but roofing tiles and shingles may extend to the edge of the roof eaves.

2. System panels mounted on the sides of building and serving as awnings are considered to be building integrated systems and will be regulated as awnings.

3. The aggregate size of the solar panels of any ground mount solar energy systems in any residential zoning district may not exceed 100 square feet.

4. Ground mount solar energy systems must meet the accessory structure setbacks for the zoning district in which the system is located.

5. Ground mount solar energy systems may not extend into a setback at any design tilt.

6. Ground mount solar energy systems in any residential district may be located in a rear yard only.

SEC. 15-15.1-11. REQUIREMENTS FOR COMMERCIAL SOLAR ENERGY SYSTEMS.

A. Site Plan Required. A permit application for a commercial solar energy system must include a site plan with existing conditions showing all of the following:

1. Existing property lines and property lines extending 100 feet from the exterior boundaries, including the names of adjacent property owners and the current uses of those properties. All commercial solar energy systems must be located on a recorded lot of record.

2. All ingress and egress routes that will be used for the construction and maintenance purposes.

3. The location and size of any abandoned wells or sewage treatment systems.

4. Existing buildings and impervious surfaces.

5. A contour map showing topography at two-foot intervals. A contour map of surrounding properties may also be required.

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

7. Any delineated wetland boundaries.

8. A copy of the current FEMA FIRM maps that shows the subject property including the 100-year flood elevation and any regulated flood protection elevation, if available.

9. Surface water drainage patterns.

10. Storm water detention, erosion control, and storm sewer drainage accommodations in accordance with Town Code. Ground areas covered by solar panels and equipment will be considered impervious areas, and the runoff coefficient ("C" value) for storm-water design will be 0.95, regardless of the ground-surface under the solar panel and equipment.

11. The location of any subsurface drainage tiles.

12. Location and spacing of the solar collector.

13. Location of underground and overhead electric lines connecting the solar farm to a building, substation or other electric load.

14. New electrical equipment other than at the existing building or substations that is to be the connection point for the solar farm.

B. Manufacturers' Specifications. A permit application for a commercial solar energy system must include all manufacturer's specifications and recommended installation methods for all major equipment, including solar collectors, mounting systems and foundations for poles and racks.

C. Connection and Interconnection. A permit application for a commercial solar energy system must include all of the following:

1. A description of the method of connecting the solar array to a building or substation.

2. Utility interconnection details and a copy of written notification to the utility company requesting the proposed interconnection.

D. A permit application for a commercial solar energy system must include a fire-protection plan for the construction and the operation of the facility, and emergency access to the site.

E. Landscape Maintenance Plan; Fencing Requirements.

1. The Community Design Standards, as set forth in Division 14 of the Zoning Code apply to all commercial solar energy systems.

2 A permit application for a commercial solar energy system must include a landscape maintenance plan setting forth a plan for controlling weeds and

grass on property inside and outside the fenced area for the entire property. This provision shall not prohibit pollinator-friendly projects with an appropriate maintenance plan.

3. If perimeter fencing is installed around the boundary of the solar farm, then the fence may not exceed a maximum height of eight feet.

4. The applicant shall maintain the fence in good condition and adhere to the landscape-maintenance plan.

F. Setbacks. District setbacks apply.

G. Height. Commercial solar energy panels may not exceed a height of 20 feet.

SEC. 15-15.1-12. DECOMMISSIONING A COMMERCIAL SOLAR ENERGY SYSTEM.

A. If a solar energy system is out of service or not producing electrical energy for a period of 12 months, then it will be deemed to be nonoperational. A nonoperational commercial solar energy system is hereby deemed to be a public nuisance.

B. A permit application for a commercial solar energy system must include a decommissioning plan for the anticipated service life of the commercial solar energy system or in the event the system is abandoned or has reached its life expectancy. If the system is out of service or not producing electrical energy for a period of 12 months, then it will be deemed to be nonoperational, and the decommissioning and removal of that system will commence according to the decommissioning plan as provided and approved. A cost estimate for the decommissioning of the system must be prepared by a professional engineer or contractor who has expertise in the removal of the solar energy system. The decommissioning cost estimate must explicitly detail the cost before considering any projected salvage value of the out of service solar farm. A restoration plan must also be provided for the site with the application. The decommissioning plan must include the removal of the following within six months after the system became non-operational:

1. All solar collectors and components, above ground improvements and outside storage.

2. Foundations, pads and underground electrical wires at reclaim site to a depth of four feet below ground surface.

3. Hazardous material from the property and dispose in accordance with federal and state law.

C. Prior to any installation, the owner shall provide to the Town a surety instrument in the amount of the cost estimate set forth under SEC. 15-15.1-12(b). The surety instrument must be in the form of a surety bond, letter of credit, or cash bond and be in a form and manner acceptable to the director. The surety instrument must provide the security to the Town if the owner fails to decommission the system in accordance with the decommissioning plan.

D. If the owner fails to decommission the system as required under the decommissioning plan, then, upon reasonable notice, the Town or its agents may enter the property to complete the decommissioning.

SEC. 15-15.1-13. LIABILITY INSURANCE.

A. The owner of a commercial solar energy system shall, at all times the system is located at the site, maintain a general liability policy covering bodily injury and property damage with limits of at least $1 million per occurrence and $5 million in the aggregate.

B. All policies, except policies for professional liability, must be written on an occurrence basis. All policies must be written with insurance carriers who are qualified to do business in the State of Illinois and who are rated A-VII or better in the latest Best's Key Rating Guide. All policies must be written on the most current Insurance Service Office (ISO) or National Council on Compensation Insurance (NCCI) form or a manuscript form if coverage is broader than the ISO or NCCI form.

C. The Town of Normal and its officers and employees must be named as an additional insured party on the general-liability policy. The Town's interest as an additional insured party must be on a primary and non-contributory basis on all policies and be noted as such on the insurance certificates.

D. The policy must give the Town at least 30 days' notice prior to any change, cancellation, or non-renewal except in the case of cancellation for non-payment of premium, in which case the notice must be made 10 days before the cancellation. Any renewal certificate of insurance must be automatically provided to the Town at least 30 days prior to the policy expiration. If a self-insured retention or a deductible is maintained on any of the policies, then the amount of the retention or deductible is subject to approval by the Town; the Town may not unreasonably withhold the approval.

E. Prior to any work at the site, the owner shall provide the Town with certificates of insurance showing evidence that the insurance policies required under this section are in full force and effect.

(Entire Division 15.1 added 04/18/22 by ORD. No. 5908)

DIVISION 15.2 – WIND ENERGY CODE

SEC. 15-15.2-1 TITLE. This division may be cited as the Wind Energy Code.

SEC. 15-15.2-2. PURPOSE & INTENT. The purpose of this code is to establish regulations for the location, installation, and operation of Wind-Energy Facilities. Among other goals, the regulations in this division are intended:

A. To promote the safe, effective, and efficient use of Wind-Energy Facilities to produce electricity.

B. To preserve and protect public health, safety, welfare and quality of life by minimizing the potential adverse impacts of Wind-Energy Facilities.

C. To establish standards and quantifiable procedures to direct the site location, engineering, installation, maintenance, and decommissioning of Wind-Energy Facilities.

D. To define and delineate between various types of Wind-Energy Facilities in order to properly regulate the different Wind-Energy Facilities technologies.

SEC. 15.15.2-3. DEFINITIONS. As used in this division:

A. Decommissioning. The process of terminating the operation of a Wind Energy Facility by completely removing the entire Wind Energy Facility

B. Director. The Director of Inspections or his or her designee.

C. Facility Owner. Any person who has an equity interest in the Wind-Energy Facility.

D. Hub Height. The distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

E. Landowner. The Person who owns the property on which the Wind Energy Facility is located.

F. Large Wind Energy Facility. A Wind Energy Facility that includes one or more Wind Turbines with a Turbine Height of greater than 120 feet but not exceeding 510 feet.

G. Nameplate Capacity. The maximum output rating of a wind generator. Nonparticipating Landowner Any landowner except those on whose property all or a portion of a Wind-Energy Facility is located under an agreement with the Facility Owner or Operator.

H. Occupied Building. A building (i) that is used by or that houses residents, customers, workers, or visitors and (ii) that is in use as such when the special-use permit is submitted.

I. Operator. The person responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

J. Owner. Collectively, the Landowner, Facility Owner, and Operator sharing joint responsibility.

K. Person. An individual, partnership, or entity.

L. Shadow Flicker. The moving shadow created by the sun shining through the rotating blades of a WEF. The amount of Shadow Flicker created by a WEF is calculated by a computer model that measures WEF location, elevation, tree cover, location of adjacent structures, wind activity and sunlight angle.

M. Small Wind Energy Facility. A wind Energy Facility that includes a Wind Turbine with a Turbine Height of 120 feet or less.

N. Small Roof Mounted Wind Energy Facility. A Small Wind Energy Facility that is attached to a structure's roof.

O. Small Tower Mounted Wind Energy Facility. A Small Wind Energy Facility that is mounted on a tower.

P. Turbine Height. The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

Q. Upwind Turbine. A turbine that has the rotor blades facing into the wind source direction.

R. Wind Turbine. A wind-energy-conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer.

S. Wind-Energy Facility (WEF). An electric-generating facility, the purpose of which is to supply electricity, that consists of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

SEC. 15-15.2-4. APPLICABILITY.

A. This division applies to all Wind-Energy Facilities proposed to be constructed after the effective date of this amendatory ordinance.

B. Wind-Energy Facilities constructed before the effective date of this amendatory ordinance will not be required to meet the requirements of this division. But any physical modification to an existing Wind-Energy Facility that materially alters the size, type, and number of Wind Turbines and other equipment will be required to meet the requirements of this division.

SEC. 15.2-5. SMALL WIND ENERGY FACILITIES.

A. Installation Allowed as a Permitted Use:

1. Subject to the requirements of this SEC. 15-15.2-5, Small Wind Energy Facilities are a permitted use in the following zoning districts:

a. B-1 (General Business).

b. C-1 (Office) and C-3 (Regional Shopping).

c. M-1 (Restricted Manufacturing) and M-2 (General Manufacturing).

d. S-1 (University) and S-2 (Public Lands and Institutions).

2. Nothing in this SEC. 15-15.2-5 will be deemed to relieve any obligation for obtaining site-plan review as required under the Zoning Code.

B. Capacity Restrictions.

1. A Small Tower Mounted WEF may not have a nameplate capacity that exceeds 30 kilowatts.

2. A Small Roof Mounted WEF may not have a nameplate capacity that exceeds 10 kilowatts.

C. Building Permit Required; Site Plan

1. No person may construct, install, modify, or relocate a Small WEF without first obtaining a building permit.

2. In addition to any other requirement under this section, any person constructing a Small WEF with a turbine located within 500 feet of the property line of a residential district must first obtain site plan approval in

accordance with the procedures set forth under division 8 of this Zoning Code.

D. Upwind Turbines Required. Upwind Turbines are required unless otherwise approved by the Director, based on technical specifications and site-specific information.

E. Visual Appearance. All of the following minimum requirements apply:

1. Each Small WEF, including accessory buildings and related structures, must be a non-reflective, non-obtrusive color, such as white, gray or black.

2. The appearance of the Small WEF and all accessory structures must be maintained throughout the life of the unit.

3. Exterior lighting of a tower, rotor blades, and nacelle of a Small WEF will be allowed only if required to meet FAA mandatory requirements.

4. A Small WEF may not contain commercial signage, banners, flags, or advertising logos, except for the identification of the turbine manufacturer and unit specifications for regulatory purposes.

F. Ground Clearance. The lowest extension of any rotor blade or other exposed moving component of a Small WEF must be at least 15 feet above the ground, as measured from the highest point of grade within 30 feet of the base of the WEF. In addition, the lowest extension of any rotor blade or other exposed moving component of a Small WEF must be at least 15 feet above any outdoor areas intended for human use that are located below the WEF, including balconies, roof gardens, and similar structures.

G. Noise Control.

1. If an adjacent parcel contains a residential use, then the noise produced by a Small WEF may not exceed the lowest ambient sound level that exists between the hours of 9:00 p.m. and 9:00 a.m. along any adjacent property line used for residential purposes.

2. If no adjacent parcel contains a residential use, then the noise produced by a Small WEF may not exceed the lowest ambient sound level that exists between the hours of 9:00 p.m. and 9:00 a.m. on the parcel, plus 5 Decibels dB(A).

H. Vibration. A Small WEF may not produce vibrations that are perceptible to humans beyond any property line upon which the WEF is located.

I. Signal Interference. A Small WEF may not interfere with communication

systems, such as (but not limited to) radio, telephone, television, satellite, or emergency services communications systems.

J. Wire Supports. Guy wires or similar apparatus are prohibited as part of a Small WEF installation.

K. Height Requirements.

1. A Small Roof Mounted WEF may not exceed the lesser of (i) 10 feet above the highest point of the adjacent roof or structure and (ii) 10 feet above the maximum permitted height of the zoning district.

2. A Small Tower Mounted WEF may not exceed 120 feet in a Manufacturing District or 60 feet in any other zoning district permitted under SEC. 15- 15.2-5(A). The distance is measured from the grade at the base of the tower to the highest edge of the system.

L. Setbacks, Location, and Separation Requirements.

1. A Small Roof Mounted WEF must be affixed to the roof deck of a flat roof or to the ridge or slope of a fixed roof, and it may not be affixed to the parapet or chimney of any structure.

2. For a Small Roof Mounted WEF, no more than one turbine is allowed for every 750 square feet of the combined roof area of all structures on the parcel. For a pitched roof, each surface of the roof will be included in the roof-area calculation. A distance equal to the mounted height of the adjacent WEF must be maintained between the bases of each Small Roof Mounted WEF.

3. A Small Roof Mounted WEF must be set back a minimum of 15 feet from any property line, public right-of-way, public easement, or overhead utility line.

4. A Small Tower Mounted WEF may not be located in any public right-of-way or public easement and must be set back a distance equal to at least 1.1 times the system height from the base to all property lines, public rights-of-way, public easements, or overhead utility lines.

5. A Small Tower Mounted WEF must be set back a minimum of 20 feet from all Occupied Buildings on the subject property, measured from the base of the tower.

6. If more than one Small Tower Mounted WEF is installed on a property, then a distance equal to the height of the tallest WEF must be maintained between the bases of each WEF.

M. Safety Requirements.

1. If the Small WEF is connected to a public-utility system, then it must meet the requirements for interconnection and operation as set forth in the public utility's current service regulations that meet federal, state and industry standards applicable to wind power generation facilities. Any such connection must be inspected and approved by the appropriate utility company.

2. The Small WEF must be equipped with an automatic braking, governing, or feathering system in order to prevent uncontrolled rotation, over-speeding, or excessive pressure on the WEF.

3. A clearly visible waring sign regarding voltage must be placed at the base of the WEF.

4. The structural integrity of the Small WEF must conform to the design standards of the International Electrical Commission; specifically, IEC 61400-1 "Wind Turbine Safety and Design," IEC 61400-2 "Small Wind Turbine Safety," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," as amended or succeeded.

N. Building Permit Application. An application for a building permit under this section 5 must be accompanied by at least all of the following:

1. A scaled site plan drawing, clearly illustrating the proposed WEF and all accessory structures and equipment in relation to all onsite and adjacent buildings, property lines, rights-of-way, public easements, and overhead utility lines. Setbacks as required in this section must be shown to scale on the site plan.

2. A scaled site plan that clearly displays property dimensions, existing buildings on the subject property and on adjacent properties, sidewalks, non-motorized pathways, and streets.

3. A scaled site plan that includes existing and proposed onsite grading/topography at two-foot contour intervals.

4. Product-specific technical information from the WEF manufacturer, including the proposed total height and type of WEF, maximum noise output in Decibels, total rated generating capacity, product dimensions, rotor-blade diameter, and a detail of accessory structures.

5. Documented compliance with applicable local, state, and federal regulations, including public-safety, construction, environmental,

electrical, communications, and FAA requirements.

6. Documented evidence that the utility company has been informed of and approved the installation of the interconnected, customer-owned generator. Off-grid systems are exempt from this requirement.

7. A narrative explaining the proposed methods that will be used to perform maintenance on the WEF in compliance with the manufacturer's recommendations and requirements.

8. A narrative that explains how the WEF will be tested after installation for compliance with the noise and vibration requirements of this SEC. 15-15.2-5.

O. Decommissioning.

1. If a Wind Turbine is out of service or not producing electrical energy for a period of 12 months, then it will be deemed to be nonoperational.

2. The Facility Owner shall complete the Decommissioning of a Small WEF within three months of it becoming nonoperational. The Director may grant an extension for the decommissioning. Any extension may not exceed six months.

3. A WEF for which the Decommissioning as required under this section has not been completed is hereby declared to be a public nuisance. The Town may abate the nuisance in any manner as provided by law.

SEC. 15-15.2-6. LARGE WIND ENERGY FACILITIES.

A. Special Use.

1. A Large WEF may be permitted as a special use in the following zoning districts:

a. M-2 (General Manufacturing).

b. S-1 (University) and S-2 (Public Lands and Institutions).

2. An application for a special use permit for a Wind-Energy Facility must be accompanied by all of the following:

a. A narrative describing the proposed WEF, including an overview of the project; the project location; the approximate generating capacity of the WEF; the approximate number of representative types and height or range of heights of Wind Turbines to be

constructed, including their generating capacity, dimensions, and respective manufactures; and a description of ancillary facilities.

b. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.

c. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substations, ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and the layout of all structures within the geographical boundaries of any applicable setback.

d. Any executed setback waiver under SEC. 15-15.2-6(d).

B. Design and Installation.

1. Design Safety Certification. The design of the Large WEF must conform to applicable industry standards, including those of the American National Standards Institute. The applicant must submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.

2. Regulatory Compliance. Each Large WEF must comply with all federal, State, and local laws, rules, and regulations, including all building codes, electrical codes, health and safety rules and regulations, environmental rules and regulations, and aviation rules and regulations.

3. Quantity of Wind Turbines.

a. No more than one Wind Turbine may be installed for every 75 acres of land included in the subject parcel.

b. In addition to the limitation in SEC. 15-15.2-6(B)(3)(a), the number of Wind Turbines authorized on the subject parcel will be determined based on the setbacks and separation distances as required in this division.

4. Controls and Brakes. All Large WEFs must be equipped with a redundant braking system. This requirement includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes must be operated in a fail-safe

mode. Stall regulation will not be considered to be a sufficient braking system for overspeed protection.

5. Electrical Components. All electrical components of the Large WEF must conform to relevant and applicable local, State, and national codes.

6. Wire Supports. Guy wires or similar apparatus are not allowed as part of a Large-WEF installation.

7. Visual Appearance.

   a. Wind Turbines must be a non-obtrusive color, such as white, off-white, or gray.

   b. Large WEFs may not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority regulating air safety.

   c. Wind Turbines may not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner, and Operator. This identification may not exceed two square feet in total and may not be visible on the blades or tower.

   d. On-site transmission and power lines must, to the extent practical, be placed underground.

8. Warnings. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

9. Crime Prevention Locks. Wind Turbines may not be climbable up to 15 feet above ground surface. All access doors to Wind Turbines and electrical equipment must be locked or fenced, as appropriate, to prevent entry by nonauthorized individuals.

C. Setbacks.

1. Occupied Buildings.

   a. Wind Turbines must be set back from the nearest Occupied Building a distance of not less than the normal setback requirements for that zoning classification or 1.5 times the Turbine Height, whichever is greater.

   e. Wind Turbines must be set back from the nearest Occupied Building located on a Nonparticipating Landowner's property a distance of no less than 5 times the Hub Height.

c. The setback distance will be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

2. Property Lines. All Wind Turbines must be set back from the nearest property line a distance of not less than the normal set back requirements for that zoning classification or 1.1 times the Turbine Height, whichever is greater.

3. Public Roads. All Wind Turbines must be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height. The setback distance will be measured from the center of the Wind Turbine base to the right-of-way line.

4. Tower Separation. Wind Turbine separation must comply with industry standards and manufacturer's recommendations.

D. Setback Waiver.

1. A Landowner may waive the setback requirements in SEC. 15-15.2-6(C)(1) and SEC. 15-15.2-6(C)(2). But in no event may the Wind Turbine be located closer to an Occupied Building than 1.1 times the Turbine Height.

2. The waiver must be executed in writing in recordable form and must notify the waiving property owner of the setback required by this division, must describe how the proposed Wind-Energy Facility is not in compliance with the setback, and must state that consent is granted for the WEF to not comply with the setback required under this division.

3. The Facility Owner must record the waiver in the Recorder of Deeds Office of the County of McLean. The waiver must describe the properties benefited and burdened and advise all subsequent purchasers of the burdened property that the waiver of setback will run with the land and may forever burden the subject property.

4. The Town or other public body with jurisdiction over the public road may waive the setback requirement under SEC. 15-15.2-6(C)(3).

E. Use of Public Roads.

1. Prior to initiating construction or transporting materials to a proposed site, a road assessment shall be performed documenting existing road conditions, establishing structure and pavement weight limits, and verifying roadway and intersection geometry for all movements of

equipment and materials. The road assessment shall be performed by an Illinois Licensed Professional Engineer meeting the approval of the Town. The final road assessment shall be reviewed and approved by the Town prior to construction. All roads utilized to transport equipment and materials shall be subject to approval by the Town and no load which exceeds the weight or size limits established by the approved road assessment shall be allowed. The facility owner shall be responsible for the costs of the road assessment, any pavement, structure or geometric upgrades required by the road assessment prior to construction, and all damages to publicly owned roads caused by the transport of equipment and materials to a proposed site regardless of the weight limits or parameters established by the road assessment. The Town shall make the final determination of any required road repairs and shall approve all repair work for final acceptance. All road work shall be subject to Town approval, including but not limited to the construction limits, repair methods, and contractors.

2. Each Large WEF must be accessible from an access road in order to offer an adequate means by which public safety vehicles may readily access the site in the event of an emergency. All access roads must be constructed to standards approved by the Town Engineer, Police Chief and Fire Chief.

E. Noise, Vibration, and Shadow Flicker.

1. Audible sound from a Large WEF must comply with Illinois Pollution Control Board regulations.

2. A Large WEF may not produce vibrations that are perceptible to humans beyond any property line upon which the WEF is located.

3. The Facility Owner shall conduct an analysis of potential Shadow Flicker onto any Occupied Building of a Nonparticipating Landowner with direct line-of sight to the Wind Turbine. The analysis must identify the locations of Shadow Flicker that may be caused by the Wind Turbine and the expected durations of the Shadow Flicker at these locations from sunrise to sunset over the course of a year. The analysis must identify situations where Shadow Flicker may affect the occupants of the buildings for more than 30 hours per year and describe measures that will be taken to eliminate or mitigate the problems. Shadow Flicker on an Occupied Building a Nonparticipating Landowner may not exceed 30 hours per year.

G. Signal Interference. A Large WEF may not create an interference issue with communication systems, such as (but not limited to) radio, telephone, television, satellite, or emergency-services communications systems, unless the issue is able to be resolved with the consent of the impacted property owner.

H. Decommissioning.

1. If a Wind Turbine is out of service or not producing electrical energy for a period of 12 months, then it will be deemed to be nonoperational. A nonoperational Wind Turbine is hereby declared to be a public nuisance.

2. A permit application for a Large WEF must include a Decommissioning plan for the Decommissioning of nonoperational anticipated service life of the Wind Turbine or in the event the Wind Turbine is abandoned or has reached its life expectancy. If the system is out of service or not producing electrical energy for a period of 12 months, then it will be deemed to be nonoperational, and the Decommissioning and removal of that system will commence according to the Decommissioning plan as provided and approved. A cost estimate for the decommissioning of the system must be prepared by a professional engineer or contractor who has expertise in the removal of the Wind Turbine. The Decommissioning cost estimate must explicitly detail the cost before considering any projected salvage value of the out of service Wind Turbine. A restoration plan must also be provided for the site with the application. The decommissioning plan must include the following within six months after the Wind Turbine becomes non-operational:

   a. The removal and disposal of the Wind Turbine and all accessory structures, electrical components, and all foundations to a minimum depth of 60 inches.

   b. All access drives to the Wind Turbine must be removed, cleared, and graded by the Facility Owner, unless the Landowner requests in writing a desire to maintain the access drives. All such maintained access drives will remain private, and the Town will have no duty to undertake any maintenance or repair of those drives.

   c. The Wind Turbine site and any disturbed earth must be stabilized, graded, and cleared of any debris. If the site is not to be used for agricultural purposes, then the site must be seeded to prevent soil erosion.

   d. Hazardous material must be removed from the site and dispose in accordance with federal and state law.

3. Prior to any installation, the owner shall provide to the Town a surety instrument in the amount of the cost estimate set forth under SEC. 15-15.2- 6(H)(2). The surety instrument must be in the form of a surety bond or letter of credit and be in a form and manner acceptable to the director.

The surety instrument must provide the security to the Town if the owner fails to decommission the Wind Turbine in accordance with the Decommissioning plan.

4. If the Owner fails to decommission the Wind Turbine as required under the Decommissioning plan, then, upon reasonable notice, the Town or its agents may enter the property to complete the decommissioning. The Owner will be responsible for all costs incurred by the Town to complete the Decommissioning.

5. The City Engineer may grant an extension of the Decommission period based upon a reasonable and explanatory request by the Owner. Any such extension period may not exceed one calendar year.

I. Liability Insurance.

1. The Owner shall, at all times the facility is located at the site, maintain a general liability policy covering bodily injury and property damage with limits of at least $1 million per occurrence and $5 million in the aggregate.

2. All policies, except policies for professional liability, must be written on an occurrence basis. All policies must be written with insurance carriers who are qualified to do business in the State of Illinois and who are rated A-VII or better in the latest Best's Key Rating Guide. All policies must be written on the most current Insurance Service Office (ISO) or National Council on Compensation Insurance (NCCI) form or a manuscript form if coverage is broader than the ISO or NCCI form.

3. The policy must give the Town at least 30 days' notice prior to any change, cancellation, or non-renewal except in the case of cancellation for nonpayment of premium, in which case the notice must be made 10 days before the cancellation. Any renewal certificate of insurance must be automatically provided to the Town at least 30 days prior to the policy expiration. If a self-insured retention or a deductible is maintained on any of the policies, then the amount of the retention or deductible is subject to approval by the Town; the Town may not unreasonably withhold the approval.

4. Prior to any work at the site, the owner shall provide the Town with certificates of insurance showing evidence that the insurance policies required under this SEC. 15-15.2-6(I) are in full force and effect.

J. Certification and Compliance.

1. The Owner shall notify the Town of a change in ownership of the WEF or a change in ownership of the property on which the WEF is located within

60 days after the transfer.

2. The Town reserves the right to inspect any Wind Energy System, in order to ensure compliance with this division.

3. A sound pressure level analysis must be conducted from a reasonable number of sampled locations at the perimeter and in the interior of the property containing any Wind Turbines to demonstrate compliance with the requirements of this division. Proof of compliance with the noise standards is required within 90 days after the date the Wind Turbine becomes operational. Sound must be measured by a third-party, qualified professional, with the associated fees being paid by the Owner.

SEC. 15-15.2-7 Public Complaints.

A. Noise. If any aggrieved person alleges that a Wind Turbine is not in compliance with the noise requirements of SEC. 15-15.2-5(G) or SEC. 15-15.2-6(F), then the administrative procedure will be as follows:

1. The complainant must notify the Director in writing of the alleged noise violation.

2. The Director shall coordinate with the Police Department to test the decibel level for compliance with the standards of this division.

3. If the test under SEC. 15-15.2-7(A)(2) indicates that the noise levels are in compliance with this division, and the complainant is dissatisfied with the results of that test, then the complainant may request a noise-level test by a certified acoustic technician. The complainant must submit a cash deposit with the Town in an amount sufficient to pay for the noise level test. If the noise-level test indicates that the noise level complies with the standards of this division, then the Town will use the deposit to pay for the test. If the noise-level test indicates that the noise levels are not in compliance with the standards of this division, then the Town will reimburse the deposit to the complainant, and the Owner shall reimburse the Town for the cost of the test.

4. If a test under SEC. 15-15.2-7(a)(2) or SEC. 15-15.2-7(a)(3) indicates that the noise levels are not in compliance with this division, then the Owner shall take immediate action to bring the Wind Turbine into compliance. The Town may require that the Wind Turbine be shut down until compliance can be achieved.

B. Shadow Flicker. If any aggrieved person alleges that a Wind Turbine is not in compliance with the Shadow Flicker requirements of SEC. 15-15.2-6(F), then the administrative procedure will be as follows:

1. The complainant must notify the Director in writing of the alleged Shadow Flicker violation.

2. The Director of Inspections or his or her designee shall examine the Shadow Flicker complaint on the site.

3. If the examination under SEC. 15-15.2-7(B)(2) indicates that the Shadow Flicker levels are in compliance with this division, and the complainant is dissatisfied with the results of that examination, then the complainant may request a Shadow Flicker level test by a certified technician. The complainant must submit a cash deposit with the Town in an amount sufficient to pay for the test. If the test indicates that the Shadow-Flicker level complies with the standards of this division, then the Town will use the deposit to pay for the test. If the test indicates that the Shadow-Flicker levels are not in compliance with the standards of this division, then the Town will reimburse the deposit to the complainant, and the Owner shall reimburse the Town for the cost of the test.

4. If the examination under SEC. 15-15.2-7(B)(2) or the test under SEC. 15-15.2-7(B)(3) indicates that the Shadow-Flicker levels are not in compliance with this division, then the Owner shall take immediate action to bring the Wind Turbine into compliance. The Town may require that the Wind Turbine be shut down until compliance can be achieved.

(Entire Division 15.2 added 04/18/22 by ORD No. 5909)