

ARTICLE I - SOLICITORS

5-1-1 **DEFINITIONS.** Whenever the following terms are used in this Article, they shall have the meanings ascribed to them in this Section.

(A) **Soliciting** shall mean and include any **one (1)** or more of the following activities: Seeking to obtain orders, leads, referrals, or applications for the purchase of goods, contracts, policies, wares, merchandise, foodstuffs, services of any kind, character or description whatever; for any kind of consideration whatever or seeking to obtain subscriptions to books, photo or record clubs, magazines, pamphlets, periodicals, newspapers, or any other type of kind product, publication, or printed material; or seeking to obtain information of a survey nature of any type, with the exception of legitimate census, or church surveys, or those polls or surveys conducted by authorized city, state or federal governmental agencies, or their designated representatives; or seeking to obtain gifts, or contributions of money, clothing, or other valuable things for the support or benefit of any charitable, or non-profit group, club, association, corporation or project, not pre-authorized in writing by the County Clerk, and must be in possession of his authorizing letter prior to commencing solicitation. These groups shall be bound by this Section and **Section 5-1-9** hereafter. These groups are exempted from **Section 5-1-10** hereof.

Residents under **sixteen (16) years** of age, are specifically exempted from **Section 5-1-10** but are required to conform to **Section 5-1-9** herein and to fulfill the same requirements of pre-authorized letter as listed in the preceding paragraph.

(B) **Residence** shall mean and include every separate living unit occupied for residential purposes by **one (1)** or more persons, contained within any type building or structure, and this shall be so construed to include commercial establishments of any size, type or description within this County.

(C) **Registered Solicitor** shall mean and include any person who has obtained a valid certificate of registration as hereinafter provided.

5-1-2 **COUNTY POLICY.** It is hereby declared to be the policy of the County Board that the occupant(s) of the residences within these County Limits, shall make the determination of whether solicitors shall be or shall not be invited into the respective residential property.

5-1-3 **REGISTRATION REQUIRED.** Every person desiring to engage in solicitation as herein defined, within residences in this County, is hereby required to annually make written application for a certificate of registration prior to any solicitation, as hereinafter provided, with the exception noted in **Section 5-1-1**, relative to those charitable or non-profit groups, clubs, associations or projects.

5-1-4 APPLICATION FOR CERTIFICATE OF REGISTRATION. Application for a Certificate of Registration shall be made upon a form provided by the County Clerk of this County, and shall be filed with that same office. The applicant shall truthfully state in full, the information requested. The form shall include name, age, address, marital status, physical description, name of employer, nature of product or services and proposed method of operation within the County, in addition to any other information deemed necessary by the Sheriff, including fingerprinting. The County Clerk's office shall cause to be maintained a complete and accurate record of each application received, together with all other information or data pertaining thereto, including denial of any application.

5-1-5 ISSUANCE AND REVOCATION OF CERTIFICATE OF REGISTRATION. The County Clerk after consideration of the application, information obtained relative thereto, and payment of the fee prescribed in **Section 5-1-10** hereof, shall issue a registration certificate card to applicant, or may deny the application. The County Clerk may upon reviewing an application provide the Sheriff a copy of same who shall investigate the business character of the applicant and submit a report to the County Clerk within **ten (10) days** of receipt. Any certificate of registration issued hereunder may be revoked by the County Clerk, if the certificate holder is convicted of a violation of any provision of this Chapter or any other ordinance of this County, or of any State or Federal law, or has made a false material statement in his application. To revoke a certificate, the County Clerk shall mail by certified or registered mail to certificate holder's last address shown in his or her application a letter stating certificate is revoked and reasons therefore. The date of mailing of this notice shall determine the date that the certificate is null and void.

5-1-6 ANNUAL EXPIRATION DATE. The annual expiration date of all certificates of registration shall be the **first (1st) day of January** of each year, regardless of when issued.

5-1-7 DUTY OF SOLICITORS. Any registered solicitor who has gained access or entrance to any residence, invited or not, shall immediately produce his certificate of registration card when so requested, and shall immediately and peacefully depart from those premises when requested to do so by any occupant(s) thereof. No solicitor shall solicit for any other purpose than that which is specifically shown on his or her application.

5-1-8 UNINVITED SOLICITING PROHIBITED. It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the door bell, to knock, or make any sounds calculated to attract the attention of the occupant(s) of such residence, for the purpose of securing an audience with the occupant(s) thereof, and engage in soliciting is herein defined in defiance of any notice visibly exhibited, posted or displayed anywhere on the residence stating in manner of wordage that soliciting is not permitted.

5-1-9 **TIME LIMIT ON SOLICITING.** No soliciting as defined herein shall be conducted within the County prior to **9:00 A.M.** or after **4:00 P.M.** of any week day, or at any time on a Sunday, or a State or National holiday.

5-1-10 **FEE REQUIRED.** Each approved registered solicitor shall pay to the County Clerk a daily fee of **Ten Dollars (\$10.00)**, or an annual fee of **Fifty Dollars (\$50.00)**; the fee being personable, not transferable, and not refundable. The stated fee shall not be reduced if less than an annual period of registration is involved.

5-1-11 **NOT APPLICABLE.** All persons soliciting inside the corporate limits of a municipality subject to the provisions of that municipality are exempt from the provisions of this Article.

ARTICLE II - PEDDLERS

5-2-1 **LICENSE REQUIRED.** It shall be unlawful for any person, firm or corporation to engage in the business of hawker or peddler of any merchandise, article or thing without having first secured a license therefore.

5-2-2 **DEFINITIONS.** "Peddler" shall mean the selling, bartering, or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the street, highways, or any public place of the County or from house to house, whether at one place thereon or from place to place, from any wagon, truck pushcart or other vehicle or from movable receptacles of any kind, but shall not include the delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his items. Nor shall peddle be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

5-2-3 **APPLICATION.** The person desiring a license may obtain the same by making application with the County Clerk and providing the following information:

- (A) Name and physical description of applicant.
- (B) Permanent home and address and local address if operating from such an address.
- (C) A brief description of the business and of the goods to be sold.
- (D) Name and address of the employer, if any.
- (E) The length of time for which the right to do business is desired.
- (F) Evidence that the agent is acting on behalf of the corporation he represents.
- (G) Statement of the applicant's criminal record, other than a traffic record.
- (H) The last **three (3)** cities, villages, and/or counties where the applicant carried on business immediately preceding date of application and the address from which such business was conducted in those municipalities or counties.

5-2-4 **INVESTIGATION OF APPLICANTS.** Upon receipt of each application, the County Clerk shall provide the Sheriff a copy of same who shall investigate the business character of the applicant and submit a report to the County Clerk within **ten (10) days** of receipt.

5-2-5 **FEES.** The fee for a license issued under this Chapter shall be a daily license of **Ten Dollars (\$10.00)** and an annual license fee of **Fifty Dollars (\$50.00)** per person for residents and an annual license of **Seventy-Five Dollars (\$75.00)** per person for non-residents, the fee being personable, not transferable, and not refundable.

5-2-6 **HOURS.** It is hereby declared to be unlawful and shall constitute a nuisance for any person whether registered under this Code or not, to go upon any premises and ring the door bell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant thereof and engage in soliciting as herein defined, prior to **9:00 A.M.** or after **4:00 P.M.** of any weekday, or at any time on a Sunday or on a State or National holiday.

5-2-7 **FRAUD.** Any licensed peddler or hawker who shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee while acting as a peddler in the County or who shall barter, sell or peddle any goods or merchandise or wares other than those specified in the application for a license shall be fined as provided in **Section 1.09A.**

5-2-8 **EXEMPTION.** All peddlers or hawkers operating only within the corporate limits of a municipality are hereby exempt from the provisions of this Article.

5-2-9 **PRODUCE FARMERS.** Illinois produce farmers are hereby excluded from the license fee provisions of this Chapter and may operate from a fixed location from dawn to dusk.

ARTICLE III - RAFFLES

5-3-1 **DEFINITIONS.** Unless the context otherwise requires, the words and phrases herein defined are used in this Chapter in the sense given them in the following definitions:

(A) **“Net Proceeds”** means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.

(B) **“Raffle”** means a form of lottery, as defined in **Section 28-2, Subparagraph (b) of the Criminal Code of 1961**, conducted by an organization licensed under this Act in which:

- (1) the player pays or agrees to pay something of value for a chance, presented and differentiated by a number or by a combination of numbers, or by some other medium, one or more of which chances is to be designated the winning chance;
- (2) the winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

5-3-2 **DUTIES.** The County Board Chairman is charged with the administration of the appropriate provisions of the Legislative Act #HB2976 of the General Assembly of Illinois and provisions of this Chapter, and may appoint persons to assist him in the exercise of the powers and the performance of the duties herein provided, including, but not limited to the State's Attorney, and Sheriff.

5-3-3 **LICENSE REQUIRED.** No person or organization shall conduct or partake in the selling of raffle chances within the limits and territory of Adams County, Illinois, without having a license to do so issued by the County Clerk, in a manner hereinafter provided and a valid license for such purpose as provided by the Legislative Act of the Illinois General Assembly, House Bill 2976. Licenses shall be issued only to bona fide religious, charitable, labor, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during that entire **five (5) year period** a bona fide membership engaged in carrying out their objectives.

5-3-4 APPLICATIONS FOR LICENSE. The County Clerk is authorized to grant and issue licenses to eligible organizations permitting them to conduct raffles and to participate in the sale of raffle tickets, within the borders of Adams County and outside the borders of any municipality, upon the conditions and in the manner provided by this Chapter and by the aforesaid Act of the General Assembly of Illinois, and not otherwise. Such license shall be in writing, signed by the County Clerk with the seal of that office affixed thereto.

Prior to the issuance of a license, the applicant must submit to the County Clerk, an application, in triplicate, in writing and under oath stating:

- (A) The name and address of the organization;
- (B) The type of organization that is conducting the raffle, i.e., religious, charitable, labor, fraternal, educational, veterans or other;
- (C) The length of time the organization has continually existed immediately before making application for a license;
- (D) The applicant shall give the aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle;
- (E) The applicant will give the maximum retail value of each prize awarded by a licensee in a single raffle;
- (F) The amount that the organization plans to charge for each raffle chance issued or sold;
- (G) The time and location where the raffle is to be held;
- (H) The purpose for which the proceeds of the raffle will be used;
- (I) The name and address of the person conducting and performing the raffle, and his relationship with the organization;
- (J) The last date which the applicant has applied for a raffle license;
- (K) The area in which the organization plans to sell or issue its raffle chances;
- (L) Whether or not the applicant has ever been convicted of a felony.

5-3-5 RULES FOR APPLICATIONS AND LICENSES.

(A) The license and application for license must specify the area or areas within the licensing authority in which raffle chances will be sold or issued, the time period during which raffle chances will be sold or issued, the time of determination in winning chances, and the location or locations with which winning chances will be determined.

(B) The application must contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization.

(C) The County shall act on a license application within **thirty (30) days** from the date of application.

5-3-6 **PROHIBITED LICENSEES.** The following are ineligible for any raffle license:

- (A) Any person who has been convicted of a felony.
- (B) Any person who is or has been a professional gambler or gambling promoter;
- (C) Any person who is not of good moral character;
- (D) Any firm or corporation in which a person defined in paragraphs (A), (B) or (C) above has a propriety, equitable or credit interest, or in which such a person is active or employed;
- (E) Any organization in which a person defined in paragraphs (A), (B), or (C) above is an officer, director or employee, whether compensated or not;
- (F) Any organization in which a person defined in paragraphs (A), (B), or (C) above is to participate in the management or operation of a raffle as defined by this Act.

5-3-7 **RESTRICTIONS ON THE CONDUCT OF RAFFLES.**

- (A) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
- (B) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle;
- (C) No person may receive any remuneration or profit for participating in the management or operation of the raffle;
- (D) A licensee may rent a premises on which to determine a winning chance or chances in a raffle only from an organization which has also been licensed under the Raffle Act;
- (E) Raffle chances may be sold or issued only within the area specified on the license, and winning chances may be determined only at those locations specified on the license;

ARTICLE IV – ADULT ORIENTED BUSINESSES

GENERALLY. As adopted in the county’s liquor ordinance (below), adult oriented activities apply to retail liquor dealer’s licenses as noted in Section 5-4-32.

5-4-1 DEFINITION. Unless the context otherwise requires the following terms as used in this ordinance shall be construed according to the definitions given below.

(A) Alcoholic liquor – any spirits, wine, beer, ale, or other liquid containing more than one-half of one per cent of alcohol by volume, which is fit for beverage purposes.

(B) Restaurant – any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

(C) Hotel – every building or other structure, kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to traveler and guests, whether transient, permanent, or residential, in which twenty-five or more rooms are used for the sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

(D) Club – a corporation organized under the laws of the State, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors which conforms to the definition of a club in Chapter 235, Section 5/1-3.24 of the Illinois Compiled Statutes.

(E) County – as referred to in this ordinance, County shall be that portion of Adams County, Illinois that lies outside the Cities, Villages, and incorporated towns, with the exception of those areas forbidding the sale of alcoholic beverages by referendum vote.

(F) County Liquor Commissioner – as provided by Chapter 235, paragraph 111 of the Illinois Revised Statutes the Chairman of the Adams County Board shall serve as the County Liquor Commissioner.

5-4-2 LICENSE REQUIRED. It shall be unlawful to sell or offer for sale at retail in the County any alcoholic liquor without having a retail liquor dealer’s license, or in violation of the terms of such license.

5-4-3 APPLICATION. Applications for such license shall be made to the County Liquor Commissioner in writing, signed by the applicant, if an individual, or by at least two members of a partnership, if the applicant is a partnership or by the president and secretary thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following information.

(A) The name, age, address and birth date of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, their names, ages, addresses and birthdates; and in the case of a corporation, the objects for which organized, the names, addresses, and birthdates of the officers and directors; and if a majority interest of the stock of such corporation is owned by one person or his nominee, the names, birth date and address of such person.

(B) The citizenship of the applicant, the place of his birth, and if a naturalized citizen, the time and place of his naturalization.

(C) The character of business of the applicant; and in case of a corporation, the objects for which it was formed.

(D) The length of time said applicant has been in business of that character; or in the case of a corporation the date when its charter was issued.

(E) The amount of goods, ware, and merchandise on hand at the time application is made.

(F) The location and description of the premises or place of business which is to be operated under such license.

(G) A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.

(H) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, laws of this state, or the ordinances of the county.

(I) Whether a previous license by any state or subdivision thereof, or by the Federal Government has been revoked, and the reasons thereof.

(J) A statement that the applicant will not violate any of the laws of the State of Illinois, or of the United States, or any ordinances of the County in the conduct of his place of business.

5-4-4 RESTRICTIONS OF LICENSES. No such license shall be issued to:

(A) A person who is not a resident of the County of Adams;

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

- (C) A person who is not a citizen of the United States;
- (D) A person who has been convicted of a felony under the laws of any state; except as specified by Illinois Revised Statutes;
- (E) A person who has been convicted of being the keeper of or is keeping a house of ill-fame;
- (F) A person who has been convicted of pandering or other crime of misdemeanor opposed to decency and morality;
- (G) A person whose license under this ordinance has been revoked for cause;
- (H) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;
- (I) A co-partnership, unless all of the members of said co-partnership shall be qualified to obtain a license;
- (J) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five per cent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the county;
- (K) A person who has been convicted of a violation of any Federal or State Law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his bond to appear in court to answer charges for any such violation;
- (L) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee;
- (M) A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued;
- (N) Any law enforcing public official, any mayor or alderman, and County Board Member or Chairman of the County Board: and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor;
- (O) Any person, firm or corporation not eligible for a State retail liquor dealer's license.

5-4-5 LICENSE REQUIRED. It shall be unlawful to sell, barter, transport, deliver, furnish, possess, keep or offer for sale at retail any alcoholic liquor; or engage in or conduct a retail liquor business, or conduct any place for the sale of alcoholic liquor within the limits of the County as defined, without having a retail liquor dealer's license, or in violation of the terms of such license.

5-4-6 **CLASSIFICATION.** Subject to the limitation, conditions and restrictions herein set forth, one class of license may be issued pursuant to the terms of this article, and it shall be designated as "Retail Liquor Dealer's License". A Retail liquor dealer's license shall authorize and entitle a licensee to sell at retail alcoholic liquor on the premises licensed for consumption on the premises as well as other sale of such liquor.

5-4-7 **FEE.** The semi-annual license fee for such license under this ordinance shall be **two hundred dollars (\$200.00)**. All licenses shall be signed by the County Liquor Commissioner and the County Clerk. No person shall in the county, engage in any business or occupation or exercise any privilege mentioned or referred to in this ordinance without first having obtained a license therefore; and a license is hereby expressly required for so engaging in any business or occupation or for the exercising of such privilege; and each person, firm, partnership, club, association, hotel, or corporation engaged in any business or occupation or exercising any privilege, for which a license is required under this ordinance, shall pay to the county for such license the semi-annual fee herein required for that particular kind of business, occupation or privilege.

5-4-8 **LICENSE YEAR.** The semi-annual license period, under this ordinance shall commence on the first day of January and the first day of July in each year and all licenses shall expire on the thirtieth day of June and thirty-first day of December than next succeeding. All fees shall be due and payable in advance of the first day of each license period; provided, however if any license under this ordinance shall be applied for, granted and issued after the beginning of any semi-annual license period, the full license fee for such period, as herein provided for, shall be required and shall be paid therefore; but is such license shall be renewed for the next succeeding semi-annual license period, such licensee shall be entitled to a credit to apply to his license fee for the next succeeding license period in proportion to the full calendar months of the preceding license period, which expired prior to the issuance of his license for such preceding period.

5-4-9 **EXEMPTIONS.** Nothing herein contained shall prevent the possession and transportation of alcoholic liquor for the personal use of his family, the possessor himself and guests, and nothing herein contained shall prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his profession, or any hospital or other institution caring for the sick and diseased, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institutions; and provided further that any drug store employing a licensed pharmacist may possess and use alcoholic liquors in the concoction of prescriptions of duly licensed physicians; and provide further, that the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious service or ceremony conducted by such church shall not be prohibited by this ordinance. But druggists and pharmacists selling alcoholic liquor other than in concoction of prescriptions of duly licensed physicians shall be deemed retailers. The possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the

consumption by a minor under the direct supervision and approval of the parents or parent of such minor in the privacy of a home, is not prohibited in this ordinance.

5-4-10 **PREMISES USED FOR DWELLINGS.** Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for selling purposes. This provision shall not prevent any connection between such premises and such other portion of the building or structure which is used only by the licensee, his family and personal guests.

5-4-11 **SALE IN PUBLIC BUILDINGS.** No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the county. No person shall furnish or suffer to be furnished any alcoholic liquors to any person confined in any jail or house of correction except upon a physician's prescription for medical purposes.

5-4-12 **TRANSPORTATION.** No person shall transport, carry, possess or have any alcoholic liquor in or about any motor vehicle except in the original package and with the seal unbroken, unless provided otherwise in the Illinois Revised Statutes.

5-4-13 **DISPOSITION OF FEES.** All such license fees shall be paid to the County Clerk at the time application is made, and shall be forthwith turned over to the county Treasurer. In the event that the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the County General Fund or in such other fund or funds as shall be designated by the County Board by proper action.

5-4-14 **RECORD OF LICENSES.** The County Clerk shall keep a complete record of all such licenses issued by the County Liquor Commissioner under this ordinance and shall furnish the County Treasurer and the Sheriff each with a copy thereof; upon the issuance of any new license or the revocation of any old license, the County Liquor Commissioner shall give written notice of such action to each of these officers within forty-eight hours of such action; and the copies of such records and the notice of such action furnished and given to the County Clerk, and shall by the County Clerk be presented at the next meeting of the County Board.

5-4-15 **TRANSFER OF LICENSE.** A license shall be purely a personal privilege, good for not to exceed six months after issuance unless sooner revoked as in this ordinance provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee

and shall not descent by the laws of testate or intestate devolution, provided that the executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such licensee, but not longer than six months after death, bankruptcy or insolvency of such licensee. The Administrator of the estate or the trustee of any insolvent or bankrupt licensee must meet requirements for license as set forth in this ordinance.

5-4-16 REFUND OF FEES. A refund may be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating in the case of entry into the Armed Forces or death of the licensee, or destruction of the premises for which the license was issued by fire or act of God. Refund shall be made only upon written application by the licensee, or by the administrator of the estate of any deceased licensee, to the County Liquor Commissioners. Upon examination of the application, and approval thereof by the County Liquor Commissioner, the County Liquor Commissioner may issue an order to the County Clerk for the refund of the unused portion of the license fee in proportion to the full calendar months remaining under the license. Such action being reported to the next meeting of the County Board by the County Liquor Commissioner.

5-4-17 CHANGE OF LOCATION. A retail liquor dealer's license shall permit the sale of alcoholic only in the premises described in the application and license. Such location may be changed only upon a written permission to make such change issued by the County Liquor Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this State and the ordinance of the County.

5-4-18 PEDDLING. It shall be unlawful to peddle alcoholic liquor in the County.

5-4-19 SANITARY CONDITIONS. All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in full compliance with the ordinances regulating the condition of premises for the storage and sale of food for human consumption.

5-4-20 EMPLOYEES. It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with or who is a carrier of any contagious, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor.

5-4-21 **LOCATION REQUIREMENTS.** No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, hospital, home for the aged or indigent persons or for veterans, their wives or children or any military or naval station; provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carried on, if such purpose prior to the taking effect of this ordinance. No person shall hereafter engage in business as a retailer of any alcoholic liquor within 100 feet of any undertaking establishment or mortuary.

5-4-22 **CLOSING HOURS.** No person or licensee hereunder shall sell or offer for sale at retail any alcoholic liquors, or furnish or give away, or allow or permit to be consumed on the licensed premises, or any other premises under the control, directly or indirectly, of the licensee, between the hours of one o'clock a.m. and five o'clock a.m. of any day, except that on January 1, of each year, said persons or licensees hereunder may sell or offer for sale at retail alcoholic liquors, and allow same to be consumed on the licensed premises, or other premises under the control, directly or indirectly, of the licensee, between the additional hours of one o'clock a.m. and 4:30 a.m. of said day.

5-4-23 **ELECTION DAYS.** No persons shall sell at retail any alcoholic liquor on the day of any national, state, county, or municipal election, including primary elections, during the hours the polls are open, within the political area in which such election is being held.

5-4-24 **DESCRIPTION OF PREMISES.** Every licensee shall state definitely and specifically the description of the premises in which the licensee shall operate under such license, and every licensee shall confine his operation strictly to such licensed premises; and no alcoholic liquor shall be sold or delivered by him or his servants or employees outside of said licensed premises.

5-4-25 **VIEW INTO PREMISES.** Except in a hotel, club, restaurant, or bowling alley, nothing shall be allowed to block a clear view from the street or road into the premises and light shall not be so dim or so arranged that all parts of the interior of the premises are not clearly visible. The County Liquor Commissioner has the right to require the filing of plans, drawings and photographs showing the existence of a clear view into the premises.

5-4-26 **POSTING.** Every licensee shall cause his license to be hung in plain view in a conspicuous place on the licensed premises.

5-4-27 SALE TO INTOXICATED PERSONS—HABITUAL DRUNKARDS. It shall be unlawful for the holder of a retail liquor dealer's license to sell, deliver or give any alcoholic liquor to any intoxicated person or to any person known to him to be an habitual drunkard, spendthrift or insane, feeble-minded or distracted person.

5-4-28 ATTENDANCE AT BAR. It shall be unlawful for any person under twenty-one years of age to attend bar or to draw, pour, or mix any alcoholic liquor in any licensed retail premises.

5-4-29 REVOCAION-SUSPENSION. The County Liquor Commissioner may revoke or suspend any retail liquor dealer's license for any violation of any provisions of this ordinance, or for any violation of any state law pertaining to the sale of alcoholic liquor.

5-4-30 SALES TO PERSONS UNDER TWENTY-ONE. It shall be unlawful for any person under twenty-one years of age to drink, purchase or possess alcoholic liquor, or to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place in the county where alcoholic liquor is sold at retail.

5-4-31 CONSUMPTION OF PERSONS UNDER TWENTY-ONE. It shall be unlawful for any Parent or guardian to permit any person under twenty-one years of age of which he or she be parent or guardian to violate any provision of this ordinance. It shall be unlawful to sell, give or deliver alcoholic liquor to any person under twenty-one years of age or to permit any person under twenty-one years of age to consume alcoholic liquor.

5-4-32 PROHIBITED CONDUCT ON LICENSED PREMISES. It shall be unlawful for any licensee to permit the following conduct on licensed premises:

(A) Performance of acts, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or other sexual acts.

(B) The actual or simulated touching, caressing or fondling of the breasts, buttocks, pubic hair, anus or genitals.

(C) The actual or simulated display of the breasts, buttocks, pubic hair, anus, vulva, or genitals.

(D) Permitting any person to remain upon licensed premises who exposes to public view any portion of his or her breast, buttocks, genitals, vulva, or anus.

5-4-33 **PENALTY.** Any person, firm or corporation violating any of the provisions of this ordinance shall be fined not less than **fifty dollars (\$50.00)** nor more than **two hundred (\$200.00)** for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

5-4-34 **CONFLICT WITH STATE STATUTES.** No portion of this ordinance shall be in conflict with the provisions of Chapter 43 of the Illinois State Statutes as revised and entitled "An Act Relating to Alcoholic Liquors", and any portion thereof in conflict shall be null and void.

5-4-35 **SPECIAL ONE DAY PERMIT.** Upon written request by officers of a State recognized not-for-profit organization, veterans organization, social or fraternal group, church and community organization, the County Liquor Commissioner is authorized to issue a county one day permit to sell beer only, at a given location in the county, the request having been submitted to the County Liquor Commissioner at least five days prior to the event, there being no charge for the issuance of such permit. A record of such applications and permits shall be kept by the County Clerk in the same manner as Retail Liquor Dealer's Licenses. Such permit is valid only when the function for which the permit is issued is a function of event not open to the general public and/or advertised as open to the general public.

(Ordinance adopted February 8, 2005)

ARTICLE V – FIREWORKS CODE

5-5-1 **DEFINITIONS.** As used in this Article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Common Fireworks: Any fireworks designed primarily to produce visual or audible effects by combustion.

- (A) The term includes:
 - (1) Ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flitter sparklers;
 - (2) Smoke devices;
 - (3) Fireworks commonly known as helicopters, aerals, spinners, roman candles, mines and shells;
 - (4) Class C explosives classified as common fireworks by the United States Department of Transportation, by regulations found in the Code of Federal Regulations.

(B) The term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets.

Dangerous Fireworks: Any fireworks not defined as a “common firework”.

Fireworks: Any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks.

Special Fireworks: Any fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes:

- (A) Fireworks commonly known as skyrockets, missile-type rockets, firecrackers, salutes, and chasers; and
- (B) Fireworks not classified as common fireworks.

5-5-2 **SALE OF FIREWORKS UNLAWFUL.** It is unlawful for any person to sell any fireworks within the County other than those fireworks designated in **Section 5-5-5** of this Article, provided that this prohibition shall not apply to duly authorized public displays.

5-5-3 POSSESSION, USE AND DISCHARGE OF DANGEROUS FIREWORKS UNLAWFUL. It is unlawful for any person to sell, possess, use, transfer, discharge or explode any dangerous firework within the County; provided that this prohibition shall not apply to duly authorized public displays.

5-5-4 PERMIT REQUIRED TO SELL OR DISPLAY FIREWORKS. It is unlawful for any person to engage in the retail sale of or to sell fireworks or to hold, conduct, or engage in a public display of fireworks within the County without first having obtained a valid permit issued pursuant to the provisions of this Article.

5-5-5—5-5-6 RESERVED.

5-5-7 PUBLIC DISPLAY PERMIT. Each public display permit issued pursuant to this Article shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is a violation of this Article and shall void the permit granted in addition to all other sanctions provided in this Article.

5-5-8 APPLICATION FOR PUBLIC DISPLAY PERMIT. Applications for a permit to conduct a public display of fireworks shall be made to the Fire Chief at least **fourteen (14) days** prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display, and as set forth in **Section 5-5-12** of this Article.

5-5-9—5-5-11 RESERVED.

5-5-12 STANDARDS FOR PUBLIC FIREWORKS DISPLAYS. All public fireworks displays shall conform to the following minimum standards and conditions:

(A) All public fireworks displays shall be planned, organized and discharged by pyrotechnician, "Pyrotechnician" means an individual who by experience and training has demonstrated the required skill and ability for safety setting up and discharging displays of special fireworks. All individuals shall have a license under the provisions of the Pyrotechnic Distributor and Operator Licensing Act. **(225 ILCS 227)**

(B) A permit must be obtained from the County and approved by the Fire Chief or designee prior to any display of public fireworks. The permit shall include the name of

the applicant and his or her address, the name of the Pyrotechnician and his or her address; the exact location, date and time of the proposed display; the number, type and class of fireworks to be displayed, the manner in which the fireworks are being stored prior to the public fireworks display; and shall include the name and address of the insurance company providing the bond required.

(C) A drawing shall be submitted to the Fire Chief showing a plan view of the fireworks discharge site and the surrounding area within a **five hundred (500) foot** radius. The drawing shall include all structures, fences, barricades, street fields, streams and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.

(D) When, in the opinion of the Fire Chief, such requirement is necessary to preserve the public health, safety and welfare, the permit may require that a Fire Department pumper and a minimum of two trained firefighters shall be on site **thirty (30) minutes** prior to and after the shooting of the event. The fire department or fire district having jurisdiction shall be reimbursed for all costs and expenses incurred as a result of the firework display (amended Ord. #2009-06-001-003).

(E) All combustible debris and trash shall be removed from the area of discharge for a distance of **three hundred (300) feet** in all directions.

(F) All unfired or "dud" fireworks shall be disposed of in a safe manner.

(G) A minimum of two 2A-rated pressurized water fire extinguishers and one fire blanket shall be required to be at the fireworks discharge site.

(H) The permit shall be immediately revoked at any time the Fire Chief or a designee deems such revocation is necessary due to noncompliance, weather conditions such as, but not limited to, extremely low humidity or high winds. The display shall also be cancelled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display.

(I) Areas of public access shall be determined by the Fire Chief or designer and maintained in an approved manner.

5-5-13 **USE OF FIREWORKS IN PUBLIC PARKS.** It shall be unlawful for any person to discharge or possess any fireworks upon public land or in any public park, owned by the County, provided, however, that such use shall be permitted under the following circumstances:

(A) This provision shall not apply to possession of fireworks in the otherwise lawful use of public rights of way such as sidewalks and planting strips. This subsection shall not be a defense to a charge of obstructing traffic or otherwise obstructing a public right of way.

(B) The Fire Chief shall designate limited areas for use during the hours permitted by the Article for the discharge of fireworks as allowed by **Section 5-5-5** of this

Article. Otherwise lawful discharge and possession of fireworks as allowed by **Section 5-5-5** in such areas shall not be a violation of this Section. In doing so, the Fire Chief shall consider:

- (1) The sensitivity of the area's environment, wildlife and wildlife habitat;
- (2) The inconvenience and nuisance to abutting property owners;
- (3) The safety and suitability of the area as a place for the discharge of fireworks; and
- (4) Danger of fire or other destruction of public property and improvements from the use of the fireworks.

(C) Upon designation of any area, it shall be signed and posted by **July 1st** of each year for use on **July 4th** between the hours of **9:00 A.M.** and **11:00 P.M.** Designation of any area may be appealed in writing to the County Board by any citizen of the County. The decision of the County Board shall be final.

(D) Nothing in this Article shall be deemed to limit the authority of the County Board to allow event display of special fireworks under a permit issued in accordance with the provisions of the Code and State statutes.

5-5-14 RESERVED.

5-5-15 NONPROHIBITED ACTS. This Code does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

5-5-16 APPLICABILITY. The provisions of this Code shall not be applicable to toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick nor to novelty device not classified as common fireworks.

5-5-17 STATUS OF STATE LAW. This Code is intended to implement applicable State law, to wit, **Chapters 225 ILCS 227 and 425 ILCS 35**, and shall be construed in connection, with that law and any and all rules or regulations issued pursuant to that law.

5-5-18 ENFORCEMENT. The Fire Chief or designee, is authorized to enforce all provisions of this Code and, in addition to criminal sanctions or civil remedies, may revoke any permit issued pursuant to this Code upon any failure or refusal of the permittee to comply with the lawful orders and directives of the Fire Chief or designee, or to comply with any provisions

of this Code or the requirements of the community development code relating to temporary structures.

5-5-19 **RECKLESS DISCHARGE OR USE PROHIBITED.** It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another.

(Ord. 2008-09-017-001)

ARTICLE VI – ADAMS COUNTY WIND ENERGY SITING CODE

5-6-1 **PURPOSE.** This Ordinance is adopted for the following purposes:

- (A) To assure that any development and production of wind-generated electricity in Adams County is safe and effective;
- (B) To facilitate economic opportunities for local residents;

5-6-2 **DEFINITIONS.**

- (A) "Applicant" means the entity or person who submits to the County, pursuant to Section V of this Ordinance, an application for the siting of any WECS or Substation.
- (B) "Fall Zone" means the area, defined as the farthest distance from the WECS Tower base, in which a WECS Tower will collapse in the event of a structural failure. This area is the total height of the structure plus length of blade.
- (C) "Feeder Line" means any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid.
- (D) "Financial Assurance" means reasonable assurance from a credit worthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit.
- (E) "Meteorological Tower" means those towers which are erected primarily to measure wind speed and direction plus other data relevant to siting a WECS Project. For purposes of this ordinance, Meteorological Towers do not include towers and equipment used by airports, the Illinois Department of Transportation, or other similar applications or government agencies, to monitor weather conditions.
- (F) "County Board" means the Adams County Board.
- (G) "Operator" means the entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors.
- (H) "Owner" means the entity or entities with an equity interest in the WECS(s), including their respective successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or (ii) any person holding a security interest in the WECS(s) 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 WECS(s) at the earliest practicable date.

(I) "Primary Structure" means, for each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structure will be on a permanent foundation, served with electricity, potable water, and sewer or septic system. Primary Structure includes structures such as residences, commercial buildings and day care facilities. Primary Structure excludes ancillary structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.

(J) "Property Line" means the boundary line of the area over which the entity applying for a WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, lease, easement, or other appropriate contractual relationship between the project developer or Owner and landowner.

(K) "Public Conservation Lands" means land owned in fee title by state or federal agencies and managed specifically for conservation purposes, including but not limited to state and federal parks, state and federal wildlife management areas, state scientific and natural areas, and federal wildlife refuges and waterfowl protection areas. Public conservation lands do not include private lands upon which conservation easements have been sold to government agencies or non-profit conservation organizations. Public conservation lands also do not include private lands for which the owners have entered into contractual relationships with government or non-profit conservation organizations for conservation purposes.

(L) "Structural Engineer" means a qualified individual who is licensed as a structural engineer in the State of Illinois.

(M) "Substation" means the apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.

(N) "Transmission Line" means those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electrical energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

(O) "Wind Energy Conversion System" ("WECS") means all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s).

(P) "WECS Project" means the collection of WECSs and Substations as specified in the siting approval application pursuant to Section V of this Ordinance.

(Q) "WECS Tower" means the support structure to which the nacelle and rotor are attached.

(R) "WECS Tower Height" means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

(S) "Wind Turbine" means any piece of electrical generating equipment that converts the kinetic energy of moving wind into electrical energy through the use of airfoils or similar devices to capture the wind.

5-6-3 APPLICABILITY.

(A) This Ordinance governs the siting of WECSs and Substations that generate electricity to be sold to wholesale or retail markets.

(B) Owners of WECSs with an aggregate generating capacity of 0.5MW or less who locate the WECS(s) on their own property are not subject to this Ordinance.

5-6-4 PROHIBITION. No WECS or Substation governed by Section III A. of this Ordinance shall be constructed, erected, installed, or located within the County, unless prior siting approval has been obtained for each individual WECS and Substation pursuant to this Ordinance.

5-6-5 SITING APPROVAL APPLICATION.

(A) To obtain siting approval, the Applicant must first submit 3 copies of a siting approval application to the County Engineer.

(B) The siting approval application shall contain or be accompanied by the following information:

- (1) A WECS Project Summary, including, to the extent available: (1) a general description of the project, including (i) its approximate overall name plate generating capacity, (ii) the potential equipment manufacturer(s), (iii) type(s) of WECS(s), (iv) number of WECS(s), and name plate generating capacity of each WECS, (v) the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s), and (vi) the general location of the project; and (2) a description of the Applicant, Owner and Operator, including their respective business structures;
- (2) The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s), if known, and documentation demonstrating land ownership or legal control of the property;
- (3) A Site Plan for the installation of WECS(s) showing the planned location of each WECS Tower, including legal descriptions for each site, guy lines and anchor bases (if any), Primary Structure(s), Property Lines (including identification of adjoining properties), setback lines, public access roads and turnout locations,

Substation(s), electrical cabling from the WECS Tower(s) to the Substation(s), ancillary equipment, third party transmission lines, the location of any wetlands, flood plain, drainage ditches, scenic and natural areas within 1,500 feet of the proposed WECS, the location of all known communications towers within 2 miles of the proposed WECS, and the layout of all structures within the geographical boundaries of any applicable setback;

- (4) A permit application filed with the Federal Aviation Administration;
- (5) A proposed Decommissioning Plan for the WECS project;
- (6) All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance; and
- (7) Any other information normally required by the County as part of its permitting requirements for siting buildings or other structures.

(C) The Applicant shall notify the County of any changes to the information provided in Section V.B. above that occur while the siting approval application is pending.

5-6-6 DESIGN AND INSTALLATION.

(A) Design Safety Certification

- (1) WECSs shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("CGL"), or an equivalent third party.
- (2) Following the granting of siting approval under this Ordinance, a Structural Engineer shall certify, as part of the building permit application, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

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

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

(D) Color – Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color.

(E) Compliance with the Federal Aviation Administration (FAA) – The Applicant for the WECS shall comply with all applicable FAA Requirements and shall provide documentation evidencing compliance to the Chairman of the County Board/filed in the County Clerk's office.

(F) Warnings

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

(G) Climb Prevention

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

(H) Setback Requirements

- (1) All WECS Towers shall be set back at least 1000 feet from any Primary Structure. The distance for the above setback shall be measured from the point of the Primary Structure foundation closest to the WECS Tower to the center of the WECS Tower foundation. The owner of the Primary Structure may waive this setback requirement; but in no case shall a WECS Tower be located closer to a Primary Structure than 1.10 times the WECS Tower Height or within the Fall Zone of the WECS Tower.
- (2) All WECS Towers shall be set back a distance of at least 1.10 times the WECS Tower Height from public roads, third party transmission lines, and communication towers. The County may waive this setback requirement.

- (3) All WECS Towers shall be set back a distance of at least 1.10 times the WECS Tower Height or the Fall Zone, whichever is greater from adjacent Property Lines. The affected adjacent property owner may waive this setback requirement.
- (4) All WECS Towers shall be set back a distance of at least 750 feet from the Property Line of any Public Conservation Lands, and a distance of at least 1500 feet from any river bluff located on public or private property.
- (5) The Applicant will need to obtain a variance from the County upon waiver by either the County or property owner of any of the above setback requirements. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property.

(I) Compliance with Additional Regulations – Nothing in this Ordinance is intended to preempt other applicable state and federal laws and regulations.

(J) Use of Public Roads

- (1) An Applicant, Owner, or Operator proposing to use any County, municipality, township or village road(s), for the purpose of transporting WECS or Substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or Substation(s), shall:
 - (a) Identify all such public roads; and
 - (b) Obtain applicable weight and size permits from relevant government agencies prior to construction.
 - (c) Adhere to any temporary postings due to weather conditions
- (2) To the extent an Applicant, Owner, or Operator must obtain a weight or size permit from the County, municipality, township or village, the Applicant, Owner, or Operator shall:
 - (a) Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and
 - (b) Secure Financial Performance Bond in the amount of \$100,000 /per mile for the purpose of repairing any damage to non-state public routes (including township, county and municipal routes/streets, storm sewers, bridges, and culverts) caused by constructing, operating,

maintaining, or decommissioning of the WECS. The County reserves the right to determine performance adequacy.

(K) Drainage Systems – The Applicant shall be responsible for repairing, in a timely fashion, any damage caused to public drainage systems [or private agricultural] drainage systems by the construction, operation or maintenance of the WECS.

(L) Height – The maximum WECS Tower Height shall not exceed 550 feet.

5-6-7 OPERATION.

(A) Maintenance

(1) The Owner or Operator of the WECS must submit, on an annual basis, a summary of the operation and maintenance reports to the County. In addition to the above annual summary, the Owner or Operator must furnish such operation and maintenance reports as the County reasonably requests.

(2) Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification under Section VI(A)(l) of this Ordinance. Like-kind replacements shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement), the Owner or Operator shall confer with a relevant third-party certifying entity identified in Section VI(A)(l) of this Ordinance to determine whether the physical modification requires re-certification.

(B) Interference

(1) The Applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves or television signals, caused by the operation of the WECS. The Applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the Project Summary and Site Plan, as set forth in Section V.B.1. and V.B.3. of this Ordinance. To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s), the Applicant shall take reasonable measures to mitigate such anticipated interference. If, after construction of the WECS, the Owner or Operator receives a written complaint related to the above-mentioned interference, the Owner or Operator shall take reasonable steps to respond to the complaint.

- (2) If, after construction of the WECS, the Owner or Operator receives a written complaint related to interference with local broadcast residential television, the Owner or Operator shall take reasonable steps to respond to the complaint.
- (C) Coordination with Local Fire Department
 - (1) The Applicant, Owner or Operator shall submit to the local fire department a copy of the Site Plan.
 - (2) Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire department's emergency response plan.
 - (3) Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.
- (D) Materials Handling, Storage and Disposal
 - (1) All solid wastes related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
 - (2) All hazardous materials related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

5-6-8 **NOISE LEVELS.** – Noise levels from each WECS or WECS Project shall be in compliance with applicable Illinois Pollution Control Board (IPCB) regulations. The Applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise requirements.

5-6-9 **BIRDS.** – A qualified professional, hired by applicant, such as an ornithologist or wildlife biologist, shall conduct an avian habitat study, as part of the siting approval application process, to determine if the installation of WECSs will have a substantial adverse impact on birds.

5-6-10 **PUBLIC PARTICIPATION.** – Nothing in the Ordinance is meant to augment or diminish existing opportunities for public participation.

5-6-11 **LIABILITY INSURANCE.** – The Owner or Operator of the WECS(s) shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$5 million per occurrence and \$5 million in the aggregate. The County and all affected Road Districts must be listed as additional insured.

5-6-12 **DECOMMISSIONING PLAN.** – Prior to receiving siting approval under this Ordinance, the County and the Applicant, Owner, and/or Operator must formulate a Decommissioning Plan to ensure that the WECS Project is properly decommissioned. The Decommissioning Plan shall include:

(A) Provisions describing the triggering events for decommissioning the WECS Project;

(B) Provisions for the removal of structures, debris and cabling, including those below the soil surface;

(C) Provisions for the restoration of the soil and vegetation;

(D) An estimate of the decommissioning costs certified by a Professional Engineer to be updated every five years.

(E) Financial Assurance, secured by the Owner or Operator, for the purpose of adequately performing decommissioning, in an amount equal to 120% of the Structural Engineer's certified estimate of the decommissioning costs;

(F) Identification of and procedures for County access to Financial Assurances;

(G) A provision that the terms of the Decommissioning Plan shall be binding upon the Owner or Operator and any of their successors, assigns, or heirs;

(H) A provision that the County shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning.

5-6-13 **REMEDIES.**

(A) The Applicant's, Owner's, or Operator's failure to materially comply with any of the above provisions shall constitute a default under this Ordinance.

(B) Prior to implementation of the applicable County procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the Owner and Operator, setting forth the alleged default(s). Such written notice shall provide the Owner and Operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).

(C) If the County determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, then applicable County ordinance provisions addressing the resolution of such default(s) shall govern.

5-6-14 FEE SCHEDULE AND PERMITTING PROCESS.

(A) Upon submittal of the application for a WECS, the Applicant shall submit a check to Adams County in the amount of \$30,000. These funds shall be placed in a guaranteed money market account and will be used to compensate the County for costs incurred during the review process for the WECS application. Should the actual costs to the County exceed \$30,000, the Applicant shall be responsible for those additional costs and shall remit additional funds to the County within 15 days of receipt of a request from the County. Any amount remaining in the money market account after the County completes the application process and pays all bills and invoices shall be refunded to the Applicant. The County will submit invoices in a timely manner.

(B) Review of Application – Review by the County Board – Upon receipt of application for a WECS and if the County Board approves the application, it shall issue a Certificate of Permit and affix the Board’s seal upon the Permit together with the signature of the County Board’s Chairman and the Adams County Clerk. If it disapproves, the County Board shall set forth its reasons in its records and provide the Applicant with a copy. These actions will take place at the next meeting after the application is received. Applications must be submitted a minimum of 3 weeks before the next County Board meeting.

(C) Terms and Limitations of Permit

- (1) Permit Effective Date – The Certificate of Permit shall become effective upon approval by the County Board.
- (2) Failure to Commence Construction or Operation – Unless otherwise stated in the conditions of the Certificate of Permit, substantial construction work on the WECS Project shall commence within twelve (12) months of the effective date of the Certificate of Permit unless such time period is extended by the County Board. If no extension of time is granted, the Certificate of Permit shall immediately terminate upon expiration of the twelve (12) month period.
- (3) Revocation of Certificate of Permit – Upon finding a material violation of the terms of the Certificate of Permit, the County Board shall have the authority to revoke the Certificate of Permit after notice to the Applicant/Permittee and after affording the Applicant/Permittee an opportunity to be heard.

5-6-15 VARIANCE AND MODIFICATION.

(A) Standards for Granting Variances

1. Where an Applicant demonstrates that a provision of this Ordinance would cause unnecessary hardship, delay or impediments to the development of a WECS Project if strictly adhered to, and where, in the opinion of the County Engineer and County Board, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provisions, the County Board may authorize a variance, if the variance complies with the following provisions:
 - (a) The requested variance is required for the development of the WECS Project, and the failure to obtain the requested variance would result in a practical difficulty or unnecessary hardship for the Applicant;
 - (b) The granting of the requested variance will not be materially detrimental or injurious to any adjacent property;
 - (c) The granting of the requested variance will not violate the general spirit and intent of this Ordinance.
- (2) Any variance thus authorized is required to be entered in the minutes of the County Board meeting, and the reasoning on which the variance was justified must be described in the minutes as well.

(B) Application for Variance

- (1) An Applicant for a variance shall file a request for a variance with the County Engineer within at least 21 days prior to the next regularly-scheduled County Board meeting. The County Board shall place the Applicant's request on the agenda for the next County Board meeting.
- (2) The burden of proof shall rest with the Applicant to clearly establish that the requested variance satisfies the criteria for granting such a variance under this Ordinance.

(C) Conditions – In granting a variance, the County Engineer and County Board may impose such conditions and restrictions upon the property benefiting from the variance as may be necessary to reduce or minimize any potentially negative impacts on any adjacent properties, and to carry out the general purpose of this Ordinance.

5-6-16 **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 County of Adams. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the County of Adams 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.

5-6-17 **SEVERABILITY.** – If any section, paragraph, clause, phrase or part of this Ordinance is for any reason held invalid by any court or competent jurisdiction, such decision shall not affect the validity of the remaining provisions of these regulations, and the application of those provisions to any persons or circumstances shall not be affected thereby.

5-6-18 **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.

5-6-19 **CERTIORARI PROCEDURE.** – In any decision by the County Board under this Ordinance, any person aggrieved may petition the Circuit Court of Adams County, Illinois, for a writ of certiorari as provided by law.

5-6-20 **EFFECTIVE DATE.** – This Ordinance is an ordinance necessary for the health and safety of the people of Adams County, Illinois, and shall be in full force and effect from and after its passage.