

ORDINANCE NO. 05-2026-18
HANCOCK COUNTY, ILLINOIS

COMMERCIAL SOLAR ENERGY FACILITY SITING ORDINANCE

WHEREAS, Hancock County, Illinois, is a non-home rule unit of local government and may establish standards for commercial solar energy facilities under 55 ILCS 5/5-12020;

WHEREAS, the Hancock County Board finds that commercial solar energy facilities are complex projects for which the citizens of Hancock County benefit from clear siting, construction, operation, maintenance, and decommissioning standards;

WHEREAS, the Hancock County Board desires to adopt a restated ordinance governing commercial solar energy facilities in a form intended to comply with 55 ILCS 5/5-12020, as amended through Public Act 104-458, effective June 1, 2026; and

WHEREAS, this Ordinance is intended to restate and supersede prior Hancock County commercial solar siting provisions to the extent of any conflict;

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

ARTICLE I. DEFINITIONS

- A. "Applicant" means the entity that submits to the County an application for siting approval or a Special Use Permit for a Commercial Solar Energy Facility or for modification of an approved siting approval or Special Use Permit. References to Applicant include the Applicant's successors and assigns.
- B. "Commercial Operation Date" means the calendar date on which the Commercial Solar Energy Facility first produces power for commercial sale, excluding test power.
- C. "Commercial Solar Energy Facility" or "Commercial Solar Energy System" means any device or assembly of devices that is ground installed and uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property.
- D. "Commercial Solar Energy Facility Building Permit" means the single building permit that shall be required by the County for the construction, erection, or installation of an approved Commercial Solar Energy Facility and all Supporting Facilities.
- E. "Commercial Solar Energy Facility Permittee" means an Applicant that receives siting approval or a Special Use Permit under this Ordinance for the siting and operation of a Commercial Solar Energy Facility.
- F. "Financial Assurance" or "Decommission Security" means assurance from a creditworthy party in a form permitted by applicable law and the applicable Agricultural Impact Mitigation Agreement, including, by way of example, a surety bond, trust instrument, or irrevocable letter of credit.
- G. "Facility Owner" or "Owner" means the person or entity or entities with an equity interest in a Commercial Solar Energy Facility, including successors and assigns, but does not include a landowner that has no equity interest other than leasing or licensing the land, or a person holding a security interest solely to secure an extension of credit.
- H. "Nonparticipating Property" means real property that is not Participating Property.
- I. "Nonparticipating Residence" means a residence located on Nonparticipating Property that is existing and occupied on the date that an application for a permit to develop the Commercial Solar Energy Facility is filed with the County.
- J. "Notice to Proceed" means a written document stating that the Applicant intends to commence construction activities for the Commercial Solar Energy Facility and identifying the date on which the construction activities are scheduled to commence.
- K. "Occupied Community Building" means a school, place of worship, day care facility, public library, or community center that is existing and occupied on the date that the application for a permit to develop the Commercial Solar Energy Facility is filed with the County.
- L. "Operator" means the person or entity responsible for the day-to-day operation and maintenance of the Commercial Solar Energy Facility, including any third-party subcontractors.

- M. "Participating Property" means real property that is the subject of a written agreement between a Facility Owner and the owner of the real property that provides the Facility Owner an easement, option, lease, or license to use the real property for the purpose of constructing a Commercial Solar Energy Facility or Supporting Facilities, and also includes real property owned by a Facility Owner for that purpose.
- N. "Participating Residence" means a residence located on Participating Property that is existing and occupied on the date that an application for a permit to develop the Commercial Solar Energy Facility is filed with the County.
- O. "Professional Engineer" means an individual licensed as a professional engineer in any state of the United States. Where a structural engineer is specifically required, a Professional Engineer may serve in that role only if appropriately qualified and authorized.
- P. "Protected Lands" means real property that is subject to a permanent conservation right consistent with the Real Property Conservation Rights Act, or that is registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.
- Q. "Public Conservation Lands" means land owned in fee title by county, state, or federal agencies and managed specifically for conservation purposes, including parks, wildlife management areas, state scientific and natural areas, wildlife refuges, and waterfowl protection areas, but excluding private land subject only to contractual conservation relationships.
- R. "Special Use Permit" means a permit approved by the County Board after a public hearing allowing a Commercial Solar Energy Facility at a specified location subject to this Ordinance and any lawful conditions imposed by the County Board.
- S. "Substation" means the apparatus that collects and connects the electrical collection system of the Commercial Solar Energy Facility and increases voltage for connection with the utility's transmission lines.
- T. "Supporting Facilities" means the transmission lines, substations, access roads, storage containers, and equipment associated with the generation and storage of electricity by the Commercial Solar Energy Facility. Supporting Facilities includes energy storage systems capable of absorbing energy and storing it for use at a later time, including, but not limited to, batteries and other electrochemical and electromechanical technologies or systems.

ARTICLE II. APPLICABILITY AND PROHIBITION

- A. This Ordinance governs the siting, construction, operation, maintenance, and decommissioning of Commercial Solar Energy Facilities and Supporting Facilities in the unincorporated area of Hancock County to the extent authorized by 55 ILCS 5/5-12020.
- B. No Commercial Solar Energy Facility governed by this Ordinance shall be constructed, erected, installed, modified, or operated within the County unless siting approval or a Special Use Permit has been obtained in accordance with this Ordinance.

ARTICLE III. PUBLIC HEARING, APPROVAL STANDARD, AND PERMIT TERM

- A. Before the County grants siting approval or a Special Use Permit for a Commercial Solar Energy Facility, or a modification of an approved siting approval or Special Use Permit, the County Board or the zoning board of appeals, if applicable, shall hold at least one public hearing.
- B. The public hearing shall be conducted in accordance with the Open Meetings Act and shall be held not more than sixty (60) days after the filing of the application. The County shall allow interested parties an opportunity to present evidence and cross-examine witnesses, subject to reasonable restrictions including reasonable time limitations. The County shall also allow public comment in accordance with the Open Meetings Act.
- C. The County shall make its siting and permitting decision not more than thirty (30) days after the conclusion of the public hearing. Notice of the hearing shall be published in a newspaper of general circulation in the County.
- D. A Facility Owner must enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture prior to the date of the required public hearing.

- E.** A request for siting approval or a Special Use Permit, or modification of an approved siting approval or Special Use Permit, shall be approved if the request complies with the standards and conditions imposed by 55 ILCS 5/5-12020, this Ordinance, and all applicable State and federal statutes and regulations.
- F.** A siting approval or Special Use Permit shall not be subject to any deadline to start construction or obtain a building permit of less than five (5) years from the date of approval. The Applicant may request an extension for reasonable cause, and the request shall not be unreasonably withheld, conditioned, or denied.

ARTICLE IV. SPECIAL USE PERMIT APPLICATION

- A.** To obtain siting approval, the Applicant shall submit a Special Use Permit application to the County.
- B.** The Special Use Permit application shall contain or be accompanied by the following information:
 - 1.** A Commercial Solar Energy Facility summary, including, to the extent available, the facility nameplate generating capacity, potential equipment manufacturer or manufacturers, type of solar panels, cells, and modules, the number of panels, cells, and modules, the maximum height of the panels at full tilt, the number of substations, a site plan, phasing plan, construction timeline, and a description of the Applicant, Owner, and Operator and their business structures.
 - 2.** The names, addresses, and telephone numbers of the Applicant, Owner, Operator, and all known property owners, together with documentation demonstrating land ownership or legal control of the property.
 - 3.** A site plan showing the planned location of solar panels; legal descriptions; Participating and Nonparticipating Residences; Occupied Community Buildings; parcel boundary lines and adjoining properties; setback lines; public access roads and turnout locations; substations; operations and maintenance buildings; electrical cabling; ancillary equipment; third-party transmission lines; wetlands; floodplain; drainage structures, including surface ditches and subsurface drainage lines; underground mines; scenic and natural areas within one thousand five hundred (1,500) feet; and the layout of all structures within any applicable setback area.
 - 4.** A proposed decommissioning plan for the Commercial Solar Energy Facility.
 - 5.** All required studies, reports, certifications, and approvals demonstrating compliance with this Ordinance and applicable law.
 - 6.** The executed Agricultural Impact Mitigation Agreement.
 - 7.** A topographic map showing the facility site and the surrounding area.
 - 8.** The results and recommendations from consultation with the Illinois Department of Natural Resources obtained through EcoCAT or a comparable successor tool.
 - 9.** Evidence of consultation with the Illinois State Historic Preservation Office regarding potential impacts on State-registered historic sites, if required by law.
 - 10.** Information demonstrating avoidance of Protected Lands or consideration of applicable recommendations of the Illinois Department of Natural Resources.
 - 11.** A farmland drainage plan meeting the requirements of Article VII of this Ordinance.
 - 12.** Any vegetation management plan or vegetative ground cover plan required by the County under Article V of this Ordinance.
 - 13.** Any recorded setback waivers submitted by affected property owners.
 - 14.** Any additional information reasonably requested by the County or its consultants that is necessary to evaluate the application and determine compliance with this Ordinance and applicable law.
- C.** Material changes to the application are not permitted after notice of the public hearing has been published unless requested by or approved by the County.
- D.** The Applicant shall submit twelve (12) paper copies of the application and at least one electronic copy, unless the County authorizes a different format.

ARTICLE V. DESIGN, INSTALLATION, AND SITING STANDARDS

- A. Design Safety Certification.** Commercial Solar Energy Facilities shall conform to applicable industry standards, including applicable American National Standards Institute standards. The Applicant shall submit design compliance certificates obtained from Underwriters Laboratories or an equivalent third party. Solar panels, cells, modules, mounts, racking, helical piles, ground screws, ballasts, and other anchoring systems shall be new equipment commercially available unless otherwise approved by the County Board.
1. As part of the building permit application process, a structural engineer or other appropriately qualified Professional Engineer shall certify that the design of the Commercial Solar Energy Facility is within accepted professional standards given local soil, subsurface, and climate conditions.
- B. Electrical Components.** All electrical components of the Commercial Solar Energy Facility shall conform to applicable local, State, and national codes and relevant standards.
- C. Height.** No component of a solar panel shall exceed twenty (20) feet in height above the ground when the facility arrays are at full tilt.
- D. Vegetative Screening and Lighting.**
1. The County shall require vegetative screening between the Commercial Solar Energy Facility and Nonparticipating Residences. Vegetative screening requirements shall be commercially reasonable and limited in height at full maturity so as not to reduce the productive energy output of the facility. The County shall not require earthen berms or similar structures. Vegetative screening shall not exceed five (5) feet in height when first installed or prior to the Commercial Operation Date. Screening requirements shall take into account the size and location of the facility, visibility from Nonparticipating Residences, compatibility of native plant species, cost and feasibility of installation and maintenance, and industry standards and best practices for commercial solar energy facilities.
2. If lighting is provided at the Commercial Solar Energy Facility, lighting shall be shielded and downcast so that light does not spill onto adjacent property, except to the extent necessary for safety, security, or compliance with applicable law.
3. All power lines used to collect power and all communication lines shall be buried underground at a depth and in a manner consistent with the Agricultural Impact Mitigation Agreement until they reach the property line or a substation adjacent to the property line, unless otherwise permitted by applicable law.
- E. Fencing.** The perimeter of the Commercial Solar Energy Facility shall be enclosed by chain link fencing having a height of at least six (6) feet and no more than twenty-five (25) feet.
- F. Warnings and Signage.** Warning signs concerning voltage shall be placed at substations, pad-mounted transformers, and facility entrances. All signage shall be consistent with applicable ANSI standards and applicable law.
- G. Setback Requirements.** The Commercial Solar Energy Facility shall be sited with setback distances measured from the nearest edge of any above-ground component of the facility, excluding fencing, as follows:
- a. Occupied Community Buildings and Dwellings on Nonparticipating Properties: 150 feet from the nearest point on the outside wall of the structure.
- b. Boundary Lines of Participating Property: None.
- c. Public Road Rights-of-Way: 50 feet from the nearest edge of the public right-of-way.
- d. Boundary Lines of Nonparticipating Property: 50 feet to the nearest point on the property line of the Nonparticipating Property.
1. The setback requirements in this Article may be waived by written consent of the owner of each affected Nonparticipating Property. Any waiver shall run with the land and shall be recorded with the Hancock County Recorder. A seller or transferor shall disclose the existence of a recorded waiver to any buyer or transferee before any sale or transfer, as required by applicable law.
- H. Noise Levels.** Noise levels from Commercial Solar Energy Facilities shall comply with applicable Illinois Pollution Control Board regulations.

- I. **EcoCAT and Protected Lands.** The County shall require adherence to recommendations contained in an EcoCAT natural resource review report and shall require evidence of avoidance of Protected Lands or consideration of recommendations of the Illinois Department of Natural Resources relating to setbacks from Protected Lands.
- J. **Vegetative Ground Cover and Vegetation Management.** To maximize community benefits, including reduced stormwater runoff, flooding, and erosion, improved soil health, and increased pollinator habitat, the County shall require vegetative ground cover for the life of the facility and a vegetation management plan consistent with the Pollinator-Friendly Solar Site Act, applicable Illinois Department of Natural Resources guidance, the Agricultural Impact Mitigation Agreement, and the underlying landowner agreement or agreements.
- K. Nothing in this Ordinance is intended to preempt other applicable State and federal laws and regulations.

ARTICLE VI. PUBLIC ROADS, SITE ASSESSMENT, AND BUILDING PERMIT

A. Use of Public Roads.

1. An Applicant proposing to use any county, municipal, township, road district, village, or State road for transporting Commercial Solar Energy Facility parts or equipment for construction, operation, or maintenance shall identify such roads and obtain applicable weight and size permits from the relevant highway authority.
2. The Applicant shall conduct a pre-construction baseline survey, identify proposed construction routes, and coordinate with the County Engineer and affected highway authorities before construction begins.
3. The County shall require a road use agreement for construction traffic affecting county roads. Any road use agreement shall comply with 55 ILCS 5/5-12020(s). The agreement shall require the Facility Owner to pay only the reasonable cost of improving roads used to construct the facility and the reasonable cost of repairing roads used during construction so that those roads are safe for the driving public after construction is complete. The agreement shall not require costs, fees, charges, or road work that are not specifically and uniquely attributable to the construction of the facility or restoration of roads used during construction-related activities. No permit fee, fine, or other payment obligation shall be required as part of a road use agreement unless equivalent to actual expenses incurred by the governmental unit for negotiating, executing, constructing, or implementing the road use agreement.

B. Site Assessment. To ensure that subsurface conditions will provide proper support for the Commercial Solar Energy Facility and allow soil restoration, the Applicant shall provide soil and geotechnical boring reports to the County Engineer as part of the building permit application. The Applicant shall also submit grading plans for proposed substations for review and comment by the Hancock County Soil and Water Conservation District or other appropriate agency before issuance of the building permit.

C. Single Building Permit and Building Permit Fee.

1. The County shall require a single building permit for the Commercial Solar Energy Facility, which shall include all Supporting Facilities.
2. Building permit fees shall be Five Thousand Dollars (\$5,000.00) per each megawatt of nameplate capacity of the facility, not to exceed Seventy-Five Thousand Dollars (\$75,000.00). The Applicant shall also reimburse the County for reasonable expenses incurred by the County in processing the building permit in excess of the maximum fee.
3. The Applicant shall provide a written Notice to Proceed to the County before commencement of construction. Commencement of construction includes site development work such as demolition, grubbing, grading, excavation, road work, and construction of project-related structures and infrastructure improvements.

ARTICLE VII. AGRICULTURAL IMPACT MITIGATION, DRAINAGE, AND DECOMMISSIONING

- A. Agricultural Impact Mitigation.** The Applicant shall enter into and comply with an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by law. All impacted agricultural land shall, at a minimum, be remediated in accordance with that agreement.
- B. Farmland Drainage Plan.** The Applicant shall file a farmland drainage plan with the County and any impacted drainage districts outlining how surface and subsurface drainage of farmland will be restored during and following construction or deconstruction of the Commercial Solar Energy Facility. The plan shall be created independently by the facility developer and shall include the location of potentially impacted drainage district facilities to the extent publicly available from the County or the drainage district, plans to repair subsurface drainage affected during construction or deconstruction using procedures outlined in the applicable Agricultural Impact Mitigation Agreement, and procedures for repair and restoration of surface drainage affected during construction or deconstruction. All surface and subsurface damage shall be repaired as soon as reasonably practicable.
- C. Drainage Damage and Agricultural Damages.** The Facility Owner shall compensate landowners for crop losses or other agricultural damages resulting from damage to the drainage system caused by construction of the Commercial Solar Energy Facility and shall repair or pay for the repair of all damage to the subsurface drainage system and the repair and restoration of surface drainage as required by applicable law and the Agricultural Impact Mitigation Agreement.

D. Decommissioning and Site Reclamation.

As part of the siting application, the Applicant shall submit a decommissioning plan and cost estimate prepared by an Illinois-licensed professional engineer. The decommissioning plan shall describe how the Commercial Solar Energy Facility will be decommissioned and how the site will be restored at the end of the project. At a minimum, the plan shall provide for the removal and lawful disposition of all solar-related equipment and facilities located on the property, including solar panels, cells, and modules; panel mounts and racking, including helical piles, ground screws, ballasts, and other anchoring systems; foundations to a depth of five (5) feet where foundations are used; transformers, inverters, substations, and other above-ground electrical equipment and their foundations; overhead collection system components; operations and maintenance buildings; spare parts buildings; switchgear buildings; and access roads, unless the landowner requests in writing that the roads remain. Underground cable located at a depth of five (5) feet or greater may remain in place.

The decommissioning plan shall also provide for restoration of the site, including restoration of disturbed areas, decompaction where required, repair and restoration of surface drainage and subsurface drainage, reseeding, and restoration of agricultural uses where required. The Owner shall repair, or pay for the repair of, drainage damage caused by construction or decommissioning as soon as reasonably practicable.

The cost estimate shall be stated in current dollars at the time it is prepared and shall identify the estimated cost to complete decommissioning and site restoration. Salvage value may be used to reduce the estimated decommissioning cost only if accepted by the County and only if the County's interest in the salvage value is protected.

The Owner shall file with the County an updated decommissioning plan and updated decommissioning cost estimate on or before the end of the tenth (10th) year of commercial operation and every five (5) years thereafter for the life of the Facility. Each update shall be prepared by an Illinois-licensed professional engineer and shall state the current estimated cost of decommissioning and site restoration in current dollars.

The Owner shall provide and maintain financial assurance for decommissioning in accordance with the most recently approved decommissioning cost estimate as follows: on or before the first anniversary of the commercial operation date, financial assurance equal to ten percent (10%) of the estimated decommissioning cost; on or before the sixth anniversary of the commercial operation date, financial assurance equal to fifty percent (50%) of the estimated decommissioning cost; and on or before the eleventh anniversary of the commercial operation date, financial assurance equal to one hundred percent (100%) of the estimated decommissioning cost. If any updated decommissioning cost estimate shows that the amount of financial assurance must be adjusted, the Owner shall provide the adjusted financial assurance within ninety (90) days after County approval of the updated estimate. The

financial assurance shall remain in effect until decommissioning is completed and accepted by the County.

- E. Property Value Guarantee Prohibited. The County shall not condition approval of a Commercial Solar Energy Facility on a property value guarantee.

ARTICLE VIII. OPERATION AND MAINTENANCE

- A. Annual Report. On an annual basis, on the anniversary of the Special Use Permit application date unless the County approves another reporting date, the Applicant or Operator shall submit an operation and maintenance report to the County describing physical repairs, replacements, or modifications to the facility; complaints received concerning setbacks, noise, appearance, safety, lighting, and use of public roads and the resolution of those complaints; calls for emergency services; the status of liability insurance; and a general summary of service calls.
- B. Re-Certification. Any physical modification to the Commercial Solar Energy Facility that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification by an appropriately qualified Professional Engineer. Like-kind replacements and routine maintenance performed in the ordinary course of operations do not require re-certification.
- C. As-Built Maps and Plans. Within sixty (60) days after completion of construction, the Applicant or Operator shall deliver as-built maps, site plans, and engineering plans for the facility signed and stamped by a Professional Engineer and a licensed surveyor.
- D. Conformance with Approved Plans. The Applicant shall construct and operate the Commercial Solar Energy Facility in substantial conformance with the approved application, any lawful permit conditions, this Ordinance, and all applicable law.

ARTICLE IX. EMERGENCY RESPONSE, MATERIALS, AND SIGNAGE

- A. The Applicant shall submit to local emergency responders a copy of the site plan, standard operating procedures, standard operating guidelines, and any amendments thereto so that local law enforcement, fire protection districts, emergency medical providers, and emergency management providers may evaluate and coordinate emergency response.
- B. The Applicant, at its expense, shall provide reasonable training and any reasonably necessary information to the Operator and local emergency response authorities so they can properly respond to a potential emergency at the facility.
- C. The Applicant and Operator shall cooperate with local emergency responders to develop and maintain an emergency response plan that includes 24-hour contact information for the Applicant, Operator, and at least three designated facility representatives.
- D. All solid waste related to the construction, operation, and maintenance of the Commercial Solar Energy Facility shall be removed from the site promptly and disposed of in accordance with applicable law. All hazardous materials shall be handled, stored, transported, and disposed of in accordance with applicable law.
- E. The Commercial Solar Energy Facility shall comply with existing septic and well regulations as required by the County Health Department and the Illinois Department of Public Health.
- F. Facility signage shall remain consistent with applicable standards and warning signage requirements contained in this Ordinance and applicable law.

ARTICLE X. LIABILITY INSURANCE, INDEMNIFICATION, AND COUNTY COSTS

- A. Liability insurance. Upon start of construction of the Commercial Solar Energy Facility, the Applicant shall maintain liability insurance that is commercially reasonable and consistent with prevailing industry standards for similar energy facilities. The Applicant shall file certificates of insurance with the County before commencement of construction and upon renewal as reasonably requested by the County.
- B. To the fullest extent permitted by law, the Applicant shall defend, indemnify, and hold harmless the County and its officers, appointed and elected officials, employees, attorneys, engineers, and agents from and against claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses,

and liabilities arising out of the issuance of the permit or the construction, operation, maintenance, or removal of the Commercial Solar Energy Facility, except to the extent caused by the negligence or willful misconduct of an indemnified party.

- C. **Damage to Public or Private Property.** The Applicant, Facility Owner, or Operator shall be responsible for the repair, restoration, or payment of reasonable costs to repair actual physical damage to public property, County infrastructure, public roads, drainage systems, or private real or personal property to the extent such damage is caused by the construction, operation, maintenance, emergency event, fire, failure, deconstruction, or decommissioning of the Commercial Solar Energy Facility, or by the acts or omissions of the Applicant, Facility Owner, Operator, or their contractors, agents, employees, or representatives, subject to applicable law.

For purposes of this Section, damage caused by or resulting from a natural disaster, severe weather event, tornado, straight-line wind, flood, lightning, hail, fire, or other act of God shall be included only to the extent the actual physical damage is caused by, results from, or is materially contributed to by the Commercial Solar Energy Facility, including but not limited to solar panels, racking systems, fencing, wiring, equipment, structures, debris, displaced materials, or other facility components, or by the failure of the Applicant, Facility Owner, or Operator to reasonably construct, operate, maintain, secure, repair, or decommission the Commercial Solar Energy Facility.

The Applicant, Facility Owner, or Operator shall reasonably investigate any written claim of actual physical property damage associated with the Commercial Solar Energy Facility and shall provide a written response to the claimant and the County within a reasonable time. If it is determined that the damage was caused by the Commercial Solar Energy Facility, facility components, displaced facility materials, or by the acts or omissions of the Applicant, Facility Owner, Operator, or their contractors, agents, employees, or representatives, the responsible party shall repair, restore, or pay the reasonable cost of repair or restoration as soon as reasonably practicable.

Nothing in this Section shall be construed to require a property value guarantee, neighboring property devaluation escrow, or other financial assurance prohibited by 55 ILCS 5/5-12020.

- D. All siting approval or Special Use Permit application fees shall be Five Thousand Dollars (\$5,000.00) per each megawatt of nameplate capacity of the facility, not to exceed One Hundred Twenty-Five Thousand Dollars (\$125,000.00). The Applicant shall also reimburse the County for reasonable expenses incurred by the County in processing the application in excess of the maximum fee.
- E. In addition to the fees expressly allowed by this Ordinance and applicable law, the Applicant or Owner shall reimburse the County for reasonable third-party costs actually incurred by the County for processing the application, conducting inspections, and enforcing permit compliance, to the extent permitted by law.

ARTICLE XI. DEFAULT, REMEDIES, AND REVOCATION

- A. The Applicant's failure to materially comply with the Special Use Permit, any lawful condition imposed on the project, this Ordinance, or applicable law shall constitute a default and shall be grounds for enforcement action or revocation by the County Board after notice and opportunity to cure.
- B. Before pursuing revocation or other formal enforcement action, the County shall provide written notice to the Applicant and Operator setting forth the alleged default and shall provide thirty (30) calendar days to cure. If the Applicant commences cure within that period and diligently pursues cure, the Applicant shall receive an additional sixty (60) days to continue the cure before the County pursues further enforcement, unless the default relates to a life-safety issue or interference with public safety communications requiring immediate action.
- C. If a Special Use Permit has been approved, the Applicant shall apply for the building permit and any other permits required by applicable governmental agencies and commence and actively pursue construction within five (5) years after approval, unless an extension is granted for reasonable cause. Any extension request shall be considered in accordance with Article III of this Ordinance.
- D. The Special Use Permit granted to the Applicant shall bind and inure to the benefit of the Applicant and its successors and assigns.

ARTICLE XII. GENERAL PROVISIONS

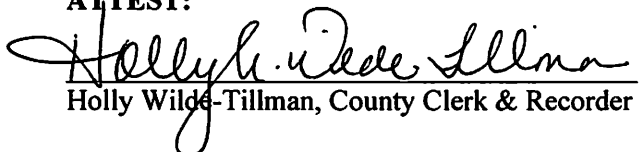
- A. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to that end the provisions of this Ordinance are severable.
- B. All ordinances or parts of ordinances in conflict with this Ordinance are repealed only to the extent of the conflict.
- C. This Ordinance is intended to restate and replace prior Hancock County Commercial Solar Energy siting provisions, including prior amendments, to the extent those prior provisions are inconsistent with this Ordinance.
- D. This Ordinance shall take effect immediately upon passage and publication as provided by law.

PASSED by the County Board of Hancock County, Illinois, this 19 day of May, 2026.

APPROVED:


Mark Merin, Chairperson Hancock County Board

ATTEST:


Holly Wilde-Tillman, County Clerk & Recorder

