

*Beverly Howard*

STATE IMPOSED RHSP:

25-08  
**AMENDED CUMBERLAND COUNTY WIND ENERGY CONVERSION SYSTEM (WECS)**  
**ORDINANCE**

**Amending Ord 25-03; Doc #2025R00915**

**Scope**

This article applies to all wind energy in unincorporated Cumberland County that convert wind into electricity for the primary purpose of wholesale sales of generated electricity. This ordinance shall not be deemed to nullify any provisions of local, state, or federal law.

**Purpose**

1. To assure the protection of health, safety, welfare, and property values for all Cumberland County residents and landowners.
2. To avoid adverse impact on important areas such as agricultural land, endangered species habitats, conservation land, and other sensitive lands.
3. To facilitate economic opportunities for local residents.

**Applicability**

This Ordinance governs the siting of WECS'S (Wind Energy Conversion System) and Substations that generate electricity to be sold to wholesale and retail markets, except those owners of WECS's with an aggregate generating capacity of 3MW or less who locate the WECS's on their own property are not subject to this ordinance.

Residential or private use towers are subject to the setback rule of 1.1 times the maximum blade tip height of the wind tower to the center point of the public road right-of-way.

**Design and Installation**

- A. The County Engineer must be notified before construction begins for one or more towers. This notification will include the GPS co-ordinates for each tower.
- B. A road use agreement with the County Engineer and the Township Highway Commissioner of each effected township must be executed and included with the construction permit fee but the Applicant at the time of construction notification.
- C. Design Safety Certification
  - a. All WECSs shall conform to applicable industry standards, including this 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), Germanisher Wind Energy (GL) or an equivalent third party. WECS shall be maintained and operated within applicable industry standards during construction and operation until their decommissioning as set out in this ordinance.
  - b. A Licensed Illinois Professional Engineer shall certify that, as part of the building permit application, the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions

D. Controls and Brakes

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

E. Electrical Components

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

F. Color

Tower and blades shall be painted white or gray or another non-reflective, unobtrusive color.

G. Compliance with the Federal Aviation Administration

- a. The Applicant for the WECS shall comply with all applicable FAA requirements.
- b. Projects shall utilize minimal lighting. No exterior tower lighting other than normal security lighting shall be permitted except as may be required by the FAA. All projects are required to use ADLS (aircraft detection lighting system) or equivalent to reduce the impact of night time lighting on nearby residents, communities, and migratory birds in accordance with the FAA Advisory circular: 70/7460-IL section 14.1 in which event lighting is required by the FAA, any outage of said lighting due to power outage or storms, must be reported to the FAA, as in a NOTAM (Notice to Airman).

H. Warning

- a. A reasonably visible warning sign concerning voltage must be replaced at the base of all pad-mounted transformers and substations.
- b. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guide wires up to a height of 15 feet from the ground.

I. Climb Protection

All WECS Towers must be un-climbable by design or protected by anti-climbing devices, such as:

- a. Fences with locking portals at least 6 feet high, or:
- b. Anti-climbing devices 12 feet vertically from the base of the WECS Tower.

J. Setbacks shall comply with all applicable local, state and federal statutes. There shall be no wind turbines within 1.5 miles of any municipality.

K. The developer of the WECS is encouraged to use American labor and materials where reasonably possible.

L. Where reasonably possible the developer of the WECS shall use recyclable components.

M. Compliance and Additional Requirements

A. Nothing in this ordinance is intended to prompt other applicable state and federal laws and regulations that would include, but not limited to, the Cumberland County Soil and Water Conservation District.

**N. Pre and Post Well Inspections**

Inspections will be done if pile driving is required, or soil stability/conditions are deemed warranted by the EPA and/or the Cumberland County Soil and Conservation District for the homeowner's water wells within one mile of a wind turbine at the expense of the owner/ operators of the WECS project.

- O. Site Plan Required along with the application fee. The fee is \$10,000.00 plus \$5,000.00 per Mega watt. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all turbines, other structures, property lines, rights of way, service roads, floodplains, wetlands, and other protected natural resources, topography, electric equipment and all other characteristics requested by Cumberland County
- P. Upon approval of a siting permit by the Board, a fee of Seventy-five dollars (\$75.00) per vertical foot, (being the measurement from the base of the wind turbine to the hub), per turbine, is due upon the commencement of construction of the WECS.
- Q. Liability Insurance required with limits of \$5,000,000 per occurrence. The County and its officers, appointed and elected officials, employees, attorneys, engineers and agents (the "County Affiliates") and all affected Road Districts and their officers, appointed and elected officials, employees, attorneys, engineers and agents (the "Road District Affiliates") shall be included as additional insureds on the insurance certificate(s), endorsements(s) and policies for all aspects of the project. The applicant shall file the original certificate of insurance with the County Board when filing the site plan.

**Coordination with the Local Fire Department and CCEMA**

Upon request by the local fire departments and CCEMA, the Owner or Operator shall cooperate with those agencies to develop a county-wide emergency response plan. In addition, at no cost to the local fire departments or CCEMA, the Owner or Operator shall provide to CCEMA any specialized and necessary rescue and firefighting equipment that was identified as necessary by the local fire department and CCEMA to be used in the event of an emergency at the project sites by the local fire departments and CCEMA. In addition, the Owner or Operator shall have the responsibility to update - at no cost to the local fire departments or CCEMA - any such equipment in possession of CCEMA.

Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

**Material Handling, Storage and Disposal**

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.

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 federal, state and local laws.

### **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, shall appropriately demonstrate compliance with the above noise requirements.

### **Shadow Flicker**

With the use of Shadow mitigation technology, there shall be a thirty (30) hours per year shadow flicker allowed on a non-participating primary structure or where Domestic animals are present. The non-participant property owners and/or participant may waive this requirement. Shadow Mitigation Technology shall be used on all non-participant areas determined as modeling dictates. After receiving a written complaint to the Cumberland County Board, the matter will be handled in accordance with the Remedies of the Ordinance.

### **Decommissioning**

- A. Financial assurance shall be secured by the WECS Owner or Operator for the purpose of adequately performing decommission in an amount equal to 100% the Professional Engineer's certified estimate of the decommissioning, not including salvage value. The Cumberland County Board shall require the posting of a bond, letter of credit or the establishment of an escrow account to ensure the proper decommissioning. This shall be required prior to the approval of the application for the facility. The Professional Engineer shall be selected by and paid for by the WECS's Owner. A Professional Engineer shall assess and certify the estimate for decommissioning every 5 years.
- B. A decommissioning plan shall be required as part of the contract with the individual landowner to ensure that facilities are properly removed after their useful life. Decommissioning shall follow the AIMA (Agricultural Impact Mitigation Agreement) and its structure and landowners' protections. This contract shall include identification of and procedures for the Land Owner to access the financial assurance.
- C. The Land Owner shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning.
- D. The decommissioning and site reclamation plan shall be binding upon all successors of title, lessees, to any operator and/or owner of an WECS.
- E. The plan shall include provisions for removal of all structure and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site.

### **Remedies**

- A. The Owner or Operator failure to materially comply with any provisions within this ordinance shall constitute a violation under this Ordinance.
- B. To accomplish the purpose of this ordinance, Cumberland County Board members, Highway Engineer, and Supervisor of Assessments shall have the right to enter upon any land which a WECS or structure related to the operation or maintenance or such WECS is situated. If entry is denied, the Cumberland County Board may seek an administrative search warrant to enter and inspect the land and structures.

- C. Prior to implementation of the existing County Procedures for the resolution of such default(s), the appropriate County body shall provide written notice to the Owner and Operator, setting forth the alleged default(s). Such written notice shall provide the Owner or Operator a reasonable time period, not to exceed 45 days, for good faith negotiations to resolve the alleged default(s), except those default(s) which implicate public safety in which case the Cumberland County States Attorney in consultation with the Cumberland County Board may issue a stop order.
- D. Any violation of this ordinance shall be an offense punishable by a fine not to exceed \$1,000 per day. Each day a violation goes un-remedied after the Owner or Operator is put on notice of the violation via letter to Applicant/Owner/Operator by registered mail to Applicant/Owner/Operator Illinois registered agent is considered a separate offense. It is the goal of this ordinance to promote safety to protect the public and the court in setting an appropriate fine shall consider the nature of the offense the degree of public safety involved, the efforts of the County and the responsible owner for applicant to quickly and safely resolve any infraction.
- E. It is understood that if the Cumberland County Board has to take action to enforce the ordinance against the Applicant/Owner/Operator, any expense necessarily hired by the County, including but not limited to Attorney's and Engineering experts, should the County prevail, said Applicant/Owner/Operator shall reimburse the County all funds paid by the County to said Attorney's, Engineers, and other experts.
- F. If any provision of the Ordinance or its application to any person or circumstances is held invalid, the invalidity of that provision or application does not affect the other provisions or applications of this ordinance that can be given effect without the invalid provisions or application.

**Use of Cumberland County Public Roads for Wind/Solar farms-**

See separate ordinance

This ordinance will be effective on the date of passage.  
Passed and adopted on this 8<sup>th</sup> day of July, 2025.

  
Floyd Holkenbrink, Board Chairman

ATTEST:   
Beverly Howard, County Clerk