

WASHINGTON COUNTY, ILLINOIS

RESOLUTION NO. 2026- 126

RESOLUTION APPROVING A TEXT AMENDMENT TO THE WASHINGTON COUNTY ZONING CODE
REGARDING ENERGY STORAGE SYSTEMS

WHEREAS, the County previously adopted as part of its zoning code an ordinance regulating the siting and development of battery energy storage systems within the County; and

WHEREAS, on October 30, 2025, the Illinois General Assembly passed legislation establishing Section 5-12024 of the Illinois Counties Code (55 ILCS 5/5-12024), which governs local regulation of energy storage systems (including battery energy storage systems) by Illinois counties, and on January 8, 2026, Governor Pritzker signed said legislation into law; and

WHEREAS, the County has an interest in complying with statutory law and ensuring the continued protection of the health, safety, and welfare of its citizens; and

WHEREAS, following public hearing, the Zoning Board of Appeals recommended the County Board adopt the proposed text amendment, attached hereto as Exhibit A.

NOW THEREFORE BE IT RESOLVED, following review, consideration and discussion, that the County Board hereby approves and adopts the proposed text amendment recommended by the Zoning Board of Appeals, as fully set forth herein as Exhibit A.

BE IT FURTHER RESOLVED, the County Board hereby repeals any prior ordinances pertaining to these subjects and hereby instructs the Zoning Office of the County to publish the adopted ordinance in accordance with law and make said ordinance available to the general public for inspection.

Passed and adopted by the County Board of Washington County, Illinois this 14 day of July 2026, by a vote of 13 ayes, 1 nays, and 1 absent.

David G. Mayer
CHAIR, WASHINGTON COUNTY BOARD

ATTEST:

Shari Henner
CLERK OF WASHINGTON COUNTY, ILLINOIS



EXHIBIT A

WASHINGTON COUNTY, ILLINOIS
ENERGY STORAGE SYSTEM ORDINANCE

Adopted by the Washington County Board July 14, 2026

Ordinance No. 2026-134

Published in pamphlet form by the authority of Washington County, Illinois,

this 14 day of July, 2026

**WASHINGTON COUNTY, ILLINOIS
ENERGY STORAGE SYSTEM ORDINANCE**

I. DEFINITIONS.

- A. "Applicant" means the entity who submits to the county a special use permit application for an energy storage system. All references to "applicant" in this ordinance shall include and apply to the applicant and applicant's successors-in-interest and assigns; the facility owner and facility owner's successors-in-interest and assigns; and the operator and operator's successors-in-interest and assigns.
- B. "Energy storage system" means a facility with an aggregate energy capacity that is greater than 1,000 kilowatts and that is capable of absorbing energy and storing it for use at a later time, including, but not limited to, electrochemical and electromechanical technologies. "Energy storage system" does not include technologies that require combustion. "Energy storage system" also does not include energy storage systems associated with commercial solar energy facilities or commercial wind energy facilities as defined in Section 5-12020 of the Illinois Counties Code (55 ILCS 5/5-12020).
- C. "Excused service interruption" means any period during which an energy storage system does store or discharge electricity and that is planned or reasonably foreseeable for standard commercial operation, including any unavailability caused by a buyer; storage capacity tests; system emergencies; curtailments; including curtailment orders; transmission system outages; compliance with any operating restriction; serial defects; and planned outages.
- D. "Facility owner" means (i) a person with a direct ownership interest in an energy storage system, regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for construction and operation of the facility and (ii) a person who, at the time the facility is being developed, is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction operation of the facility, regardless of whether the person will own or operate the facility.
- E. "Force majeure" means any event or circumstance that delays or prevents an energy storage system from timely performing all or a portion of its commercial operations, if the act or event, despite the exercise of commercially reasonable efforts, cannot be avoided by and is beyond the reasonable control, whether direct or indirect, of, and without the fault or negligence of, a facility owner or operator or any of its assignees. "Force majeure" includes, but is not limited to:
- (1) fire, flood, tornado, or other natural disasters or acts of God;
 - (2) war, civil strife, terrorist attack, or other similar acts of violence;
 - (3) unavailability of materials, equipment, services, or labor, including unavailability due to global supply chain shortages;
 - (4) utility or energy shortages or acts or omissions of public utility providers;
 - (5) any delay resulting from a pandemic, epidemic, or other public health emergency or related restrictions; and
 - (6) litigation or a regulatory proceeding regarding a facility.

- F. "NFPA" means the National Fire Protection Association.
- G. "Nonparticipating property" means real property that is not a participating property.
- H. "Nonparticipating residence" means a residence that is located on nonparticipating property and that exists and is occupied on the date that the application for a permit to develop an energy storage system is filed with the county.
- I. "Occupied community building" means a school, place of worship, day care facility, public library, or community center that is occupied on the date that the application for a permit to develop an energy storage system is filed with the county in which the building is located.
- J. "Participating property" means real property that is the subject of a written agreement between a facility owner and the owner of the real property and that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing an energy storage system or supporting facilities.
- K. "Protected lands" means real property that is (i) subject to a permanent conservation right consistent with the Real Property Conservation Rights Act; or (ii) registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.
- L. "Supporting facilities" means the transmission lines, substations, switchyard, access roads, meteorological towers, storage containers, and equipment associated with the generation, storage and dispatch of electricity by an energy storage system.

II. APPLICABILITY.

The requirements of this ordinance shall apply to any energy storage system permitted, installed, or modified in the county after the effective date of this ordinance. Any energy storage system connected or integrated into a commercial solar energy facility or commercial wind energy facility shall be governed by the requirements of the applicable solar or wind ordinances. This ordinance shall apply to all areas in the county that are not within the zoning jurisdiction of a municipality.

III. PROHIBITION.

- A. No energy storage system governed by this ordinance shall be constructed, erected, installed, located, or operated within the county, unless:
 - 1. A special use permit has been granted by the county board and a building permit has been issued for the energy storage system.
 - 2. All road use agreements and decommissioning agreements have been entered into with each applicable governmental agency.
- B. No energy storage system shall be constructed or operated except upon granting of a special use permit and building permit and only upon property zoned to allow agricultural or industrial uses.

- C. A facility owner may undertake periodic augmentation to maintain the approximate original capacity of the energy storage system. Periodic augmentation shall not include adding additional properties or parcels to the energy storage system, or expanding the footprint of the energy storage system approved pursuant to the special use permit process.

IV. SOLICITATION.

Prior to contacting any property owner or property owner's representative, any person intending to solicit a property owner in person for the lease, purchase, or use of property in relation to any portion of an energy storage system must submit to the county sheriff's office an application for a solicitor permit with an application processing fee in the amount of \$100 and must submit to a criminal background check. A solicitor permit shall only be issued upon approval by the county zoning administrator and upon payment of a solicitor permit fee in the amount of \$1,000. A solicitor permit shall be valid for one calendar year from the date of issuance and shall not be transferable to any other person.

V. PUBLIC PARTICIPATION AND COMMUNITY MEETINGS.

Nothing in this ordinance is meant to augment or diminish existing opportunities for public participation. At least 90 days prior to the filing of a special use permit application with the county, the applicant shall hold at least one public community meeting/open house at a location within the township of the proposed project, or if no location is available within the township, a location within the county, for purposes of informing the public of the proposed project. Notice of the public community meeting/open house shall be mailed to all property owners and residents within 1.5 miles of the project footprint, and advertisement of the public community meeting/open house shall be published in local newspapers. Such notices and advertisements shall reference where additional information may be obtained regarding the proposed project.

VI. GENERAL REQUIREMENTS.

- A. Building Permit Required. Following the granting of a special use permit by the county board, and compliance with any conditions, the applicant is eligible to apply for a building permit for the project.
- B. Expiration of Special Use Permit. A building permit must be issued, or actual on-site construction must have commenced prior to the expiration of three years from the granting of the special use permit. If a building permit or actual on-site construction has not commenced within the applicable time period, then the special use permit shall be revoked without further action of the county. An extension of time to obtain the building permit or to commence actual on-site construction may be granted upon a showing of good cause.
- C. Compliance with NFPA Standard. In accordance with Section 5-12024 of the Illinois Counties Code (55 ILCS 5/5-12024), the energy storage system facility must comply with NFPA 855: "Standard for the Installation of Stationary Energy Storage Systems" or any successor standard issued by the NFPA in effect on the date of the special use permit approval.

- D. Setbacks. The energy storage system facility must comply with the following setbacks, with setback distances measured from the nearest edge of the nearest battery or other electrochemical or electromechanical enclosure:
1. 150 feet from the nearest point of the outside wall of any occupied community building or nonparticipating residence.
 2. 50 feet to the nearest point on the property line of the occupied community building or nonparticipating property.
 3. 50 feet from the nearest edge of any right-of-way.
 4. Setback requirements may be waived upon the written consent of the property owner of each affected nonparticipating property or nonparticipating residence. Any waiver of the above setback requirements shall run with the land and shall be recorded with the county recorder prior to the issuance of a building permit.
- E. Fencing. The energy storage system facility's perimeter must be surrounded by fencing of at least seven feet and no more than 25 feet.
- F. Sound Limitation. The energy storage system facility must comply with the sound limitations established by the Illinois Pollution Control Board (IPCB) under 35 Ill. Adm. Code Parts 900, 901, and 910. Within one year of the commercial operation date, the facility owner shall provide the octave band sound pressure level measurements from locations chosen by the county at the perimeter of the energy storage system facility to demonstrate compliance with IPCB requirements.
- G. Farmland Drainage Plan. The facility owner shall file a farmland drainage plan with the county and impacted drainage districts that outlines how the surface and subsurface drainage of farmland will be restored during and following the construction or deconstruction of the energy storage system. The plan shall be created independently by the facility owner and shall include the location of any potentially impacted drainage district facilities to the extent the information is publicly available from the county or the drainage district and the plans to repair any subsurface drainage affected during the construction or deconstruction using procedures outlined in the decommissioning plan. All surface and subsurface damage shall be repaired as soon as reasonably practicable.
- H. Crop Loss or Other Agricultural Damages. The facility owner shall compensate landowners for crop losses or other agricultural damages resulting from damage to a drainage system caused by the construction of an energy storage system. The facility owner shall repair or pay for the repair of all damage to the subsurface drainage system caused by the construction of the energy storage system. The facility owner shall repair or pay for the repair and restoration of surface drainage caused by the construction or deconstruction of the energy storage system facility as soon as reasonably practicable.

- I. Decommissioning Plan. The facility owner shall provide a decommissioning plan, including all requirements for decommissioning plans in NFPA 855 and the facility owner shall:
 1. State how the energy storage system will be decommissioned, including removal to a depth of three feet of all structures that have no ongoing purpose and all debris and restoration of the soil and any vegetation to a condition as close as reasonably practicable to the soils and vegetation's preconstruction condition within 18 months of the end of project life or facility abandonment;
 2. Include provisions related to commercially reasonable efforts to reuse or recycle equipment and components associated with the commercial offsite energy storage system;
 3. Include financial assurance in the form of a reclamation bond or other commercially available financial assurance that is acceptable to the county, with the county or participating property owner as beneficiary;
 4. Update the amount of the financial assurance at least every five years for the duration of commercial operations. The amount shall be calculated by a professional engineer licensed to practice engineering in the State of Illinois with expertise in decommissioning, hired by the facility owner;
 5. Decommission the energy storage system, in accordance with the approved decommissioning plan, within 18 months after abandonment. An energy storage system that has not stored electrical energy for 12 consecutive months or that fails, for a period of six consecutive months, to pay a property owner who is party to a written agreement, including, but not limited to, an easement, option, lease, or license under the terms of which an energy storage system is constructed on the property, amounts owed in accordance with the written agreement shall be considered abandoned, except when the inability to store energy is the result of an event of force majeure or excused service interruption; and
 6. Prior to the issuance of a building permit, a decommissioning agreement must be entered into between the county and the facility owner.
- J. IDNR Consultation/EcoCAT. The facility owner shall provide the results and recommendations from consultation with the Illinois Department of Natural Resources (IDNR) that are obtained through the Ecological Compliance Assessment Tool (EcoCAT) or a comparable successor tool.
- K. Compliance with IDNR Recommendations. The facility shall adhere to all recommendations provided by the Illinois Department of Natural Resources (IDNR) in any Agency Action Report under 17 Ill. Adm. Code 1075.
- L. Avoidance of Protected Lands. The facility owner shall demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources (IDNR) and the Illinois Nature Preserves Commission (INPC) and consideration of the recommendations of the IDNR for setbacks from protected lands, including areas identified by the INPC.

- M. SHPO Consultation/Historic Sites. The facility owner shall provide evidence of consultation with the Illinois Historic Preservation Division (SHPO) to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.
- N. Commercial Operation Date. Prior to the commercial operation date, the facility owner shall:
1. Submit to the county a commissioning report meeting the requirements of NFPA 855 Sections 4.2.4, 6.1.3, and 6.1.5.5, as published in 2023, or the most recent version of NFPA 855;
 2. Submit the county a hazard mitigation analysis meeting the requirements of NFPA 855 Section 4.4 or the applicable Sections in the most recent version of NFPA 855;
 3. The facility owner shall submit to the county an emergency operations plan meeting the requirements of NFPA 855 Section 4.3.2.1.4, published in 2023, or application Sections in the most recent version of NFPA 855; and
 4. The facility owner shall offer to provide training for local fire departments and emergency responders in accordance with the facility emergency operations plan. A copy of the emergency operations plan shall be given to the facility owner, the local fire department, and the emergency responders. All batteries integrated within an energy storage system shall be listed under the UL 1973 Standard. All batteries integrated within energy storage systems shall be listed in accordance with UL 9540 Standard either from the manufacturer or by a field evaluation.
- O. Warnings. The facility owner shall comply with the requirements of NFPA 855 Section 4.7.4, published in 2023, or applicable sections in the most recent version of NFPA 855.
- P. Lighting. The energy storage system shall adhere to the principles of responsible outdoor lighting provided by the International Dark-Sky Association and shall limit outdoor lighting to that which is minimally required for safety and operational purposes. Any outdoor lighting shall be reasonably shielded and downcast from all residences and adjacent properties.
- Q. NFPA Fire and Safety Standards. If lithium-ion battery systems will be utilized, the energy storage system shall comply with the fire and safety standards and guidance established for the installation for lithium-ion battery energy storage systems set by the NFPA.
- R. Road Use Agreements. Prior to the issuance of the building permit, the facility owner shall enter into road use agreements with any impacted road authority requiring the facility owner to be responsible for (1) the reasonable cost of improving, if necessary, roads used by the facility owner to construct the energy storage system and (2) the reasonable cost of repairing roads used by the facility owner during construction of the energy storage system so that those roads are in a condition that is safe for the driving public after the completion of the facility's construction. A roadway improved in preparation for and during the construction of the energy storage system shall be repaired and restored to the improved condition at the reasonable cost of the developer if the roadways have degraded or were damaged as a result of the construction-related activities.

- S. Annual Report. The facility owner of any energy storage system must submit, on an annual basis on or before February 1st of each calendar year following its commercial operation date, a report to the county zoning administrator containing the following information: (i) a general description of any physical repairs, replacements, or modifications to the energy storage system and/or its infrastructure; (ii) complaints pertaining to setbacks, noise, appearance, safety, lighting, and use of any public roads received by the facility owner or operator concerning the energy storage system and the resolution of such complaints; (iii) calls for emergency services; (iv) certificates of insurance; (v) a general summary of service calls to the energy storage system facility; (vi) contact information (names, email address and phone number) for the person(s) with general oversight of the facility including emergency response; and (vii) overall energy stored and provided per month. In addition to the annual report, the owner or operator of any energy storage system must also furnish such report upon direct request by the county. Failure to provide the annual report or report directly requested by the county (within 30 days) shall be considered a material violation of this ordinance subject to the remedies provision of this ordinance. Whenever the person(s) with oversight or emergency responsibilities changes or said person(s) contact information changes, the facility owner shall provide updated information to the county within seven calendar days.

VII. SPECIAL USE PERMIT APPLICATION.

- A. Complete Application. An applicant must submit a complete special use permit application to the county zoning office for review, public hearing, and recommendation by the county's zoning board of appeals pursuant to Section 5-12009.5 of the Illinois Counties Code (55 ILCS 5/5-12009.5). Approval or denial of all special use permit applications shall be made by the county board.
- B. Material Changes. Material changes to the application are not permitted once the notice of public hearing has been published, unless requested or otherwise permitted by the county.
- C. Copies. 10 paper copies and one electronic copy of the application must be submitted to the county's zoning office.
- D. Special Use Permit Fee. The facility owner shall submit application fees for an energy storage system which shall be the lesser of (i) \$5,000 per each megawatt of nameplate capacity of the energy storage system or (ii) \$50,000. The calculation of fees shall be based on the direct current nameplate capacity. The facility owner shall be responsible for any costs or fees that exceed the submitted application fee.
- E. Application Materials. The application shall contain or be accompanied by the following information (all technical submissions shall be compliant with the Illinois Professional Engineering Act of 1989):
1. A description of the property lines and physical features, including roads, for the facility site;
 2. A description of the proposed changes to the landscape of the facility site, including vegetation clearing and planting, exterior lighting, and screening or structures;

3. A description of the zoning district designation for the parcel of land comprising the facility site; and
4. All documents, reports, modeling and studies demonstrating compliance with the requirements of this ordinance, state and federal law and regulation, including but not limited to the following:
 - a. Detailed engineering drawings demonstrating compliance with all setback requirements;
 - b. All applicable NFPA standards governing the facility and referenced in this ordinance and 55 ILCS 5/5-12024;
 - c. A farmland drainage plan and proof the farmland drainage plan has been provided to any impacted drainage district;
 - d. Sound modeling showing compliance with sound requirements;
 - e. A decommissioning plan with detailed cost estimations, and proposed financial assurance form;
 - f. IDNR EcoCAT;
 - g. Results of the IDNR consultation pursuant to 17 Ill. Adm. Code 1075 and any Agency Action Report;
 - h. Demonstration of avoidance of protected lands and nature preserves or considerations of setbacks related thereto;
 - i. Evidence of consultation with SHPO;
 - j. A lighting plan compliant with International Dark-Sky Association standards.

F. Decision on Special Use Permit Application.

1. The special use permit application shall be approved if the request complies with the standards and conditions imposed by Section 5-12024 of the Illinois Counties Code (55 ILCS 5/5-12024), this ordinance, all other state and federal laws/regulations.
2. The county board may impose conditions upon the construction, operation or decommissioning of the facility.

VIII. BUILDING PERMIT, CONSTRUCTION AND OPERATION COMPLIANCE.

- A. Building Permit Fee. Prior to the issuance of a building permit for the facility and/or supporting facilities, the facility owner must submit a fee equating to the lesser of (i) \$5,000 per each megawatt of nameplate capacity of the energy storage system or (ii) \$50,000. The calculation of fees shall be based on the direct current nameplate capacity. The facility owner shall be responsible for any costs or fees that exceed the submitted application fee.
1. The applicant or facility owner shall pay all costs incurred by the county, those costs associated with all offices, boards and commissions of the county, and third-party costs incurred by the county, including but not limited to, direct or indirect costs associated with the hearing, permitting, operations, inspections, decommissioning, litigation, disputes, and/or negotiations.

2. Any costs that remain unpaid after 30 days following a request for payment from the county shall be subject to any and all available remedies including fines or revocation of any previously issued permit.

B. Building Permit Requirements. Prior to the issuance of a building permit, the facility owner must submit the following documents (all technical submissions must comply with the Illinois Professional Engineering Practice Act of 1989):

1. An electrical diagram detailing the energy storage system layout, associated components, and electrical interconnection methods, with all National Electric Code compliant disconnects and overcurrent devices;
2. An equipment specification sheet;
3. Engineer drawings demonstrating compliance with the requirements of this ordinance; and
4. All other documents necessary for demonstrating compliance with this ordinance, conditions imposed, and all other state and federal laws/regulations.

C. Construction and Post-Construction Inspections.

The county may retain a qualified, independent code inspector or professional engineer both to make inspections of the project during and after construction and to consult with the county to confirm that the construction, substantial repair, replacement, repowering and/or decommissioning of the project is performed in compliance with this ordinance, conditions, electrical and building codes, and state and federal laws/regulations. The cost and fees so incurred by the county in retaining said inspector or engineer shall be promptly reimbursed by the facility owner.

D. Transferability.

The facility shall provide written notification to the county at least 30 days prior to a change in ownership of the project. A change in ownership shall include any assignment, sale, lease, transfer or other conveyance of ownership or operating control of the project or any portion thereof. The facility owner, successors-in-interest, and or assignees of the special use permit shall remain liable for compliance with all conditions, restrictions and obligations contained in the special use permit and any conditions, building permit, the provisions of this ordinance and applicable county, state and federal permits, laws and regulations.

IX. LIABILITY INSURANCE AND INDEMNIFICATION.

- A. The facility owner of the energy storage system shall maintain a current general liability policy covering bodily injury, pollution liability, and property damage with limits of at least \$10,000,000 per occurrence and \$20,000,000 in the aggregate, with an annual certificate of

insurance being provided to the county zoning office, with the county being added as an additional insured, with the designation of primary and non-contributory.

- B. The facility owner shall promptly increase such liability insurance if such amount is increased in the energy storage system ordinance and the facility owner is notified in writing of same by the county. The facility owner shall provide evidence of such increased insurance to the county zoning office.
- C. Insurance coverage shall be maintained without interruption from the date of issuance of the building permit through the lifetime of the energy storage system. Certificates of insurance acceptable to the county and in compliance with this ordinance shall be filed with the county prior to the commencement of any work on the energy storage system and thereafter upon renewal or replacement of each required policy of insurance. These certificates and the insurance policies required under this ordinance shall contain a provision that coverages afforded under the policies shall not be cancelled or allowed to expire until at least 60-day written notice has been given to the county.
- D. The facility owner and operator of the energy storage system shall defend, indemnify, and hold harmless the county and its officers, appointed and elected officials, employees, attorneys, engineers and agents (collectively and individually, the "indemnified parties") from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney's fees relating to or arising out of the issuance of the special use permit, other permits, or the construction, operation, maintenance and removal of the energy storage system and affiliated equipment, including, without limitation, liability for property damage or personal injury (including death or illness), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence) or any acts or omissions of the facility owner and/or operator under this ordinance or the special use permit/other permits, except to the extent any such claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities arise from the negligence or intentional acts of such indemnified parties. This general indemnification shall not be construed as limiting or qualifying the county's other indemnification rights or immunities available under the law.

X. HEARING FACILITATOR.

- A. The county may engage the services of a hearing facilitator. The hearing facilitator shall be an independent contractor who shall conduct a hearing in accordance with all applicable rules of the county's zoning board of appeals but has no adjudicatory responsibility other than ruling on requests for continuances, procedural matters, admissibility of evidence, and the propriety of any arguments.
- B. The hearing facilitator shall be an attorney, licensed to practice in the State of Illinois. The applicant shall reimburse the county for fees and costs charged by the hearing facilitator.

XI. DEFAULTS AND REMEDIES.

- A. Any energy storage system declared to be unsafe by the county by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, or abandonment is hereby

declared a public safety issue and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in this ordinance and decommissioning agreement or plan.

- B. Failure by the applicant, owner, or operator to comply with any provisions of this ordinance, provisions under the special use permit, other permits, any conditions imposed on the project, and/or failure to comply with any law or regulation shall constitute a default under this ordinance and shall be grounds for revocation of any special use permit or other permits granted by the county board or the county.
- C. Prior to implementation of the existing 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 30 days, for good faith negotiations to resolve the alleged default(s).
- D. If the county determines that the parties cannot resolve the alleged defaults within the good faith negotiation period, the county shall make application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance.
- E. Any violation of this ordinance shall be an offense punishable by a fine of \$1,000. Each violation shall be a separate offense. Each day a violation occurs or continues shall be a separate offense, subject to a \$1,000 fine for each additional day the violation is not corrected. A court may set any additional and appropriate per day fine for each day the infraction exists or until such infraction is remedied. It is the goal of this ordinance to promote structural safety to protect the public. The court has the authority to set any additional appropriate fines and consider the nature of the offense, the degree of public safety involved, and the efforts of the county and responsible owner or applicant to resolve quickly and safely any and all infractions. It is the intent that any dispute between the parties be resolved promptly and where possible by informal discussions as outlined elsewhere in this ordinance.
- F. After the effective date of this ordinance, any persons who, being the owner or agent of the owner of any land, or project developer, located within the territorial jurisdiction of this ordinance, thereafter, proceeds with development of an energy storage system prior to being approved under the terms of this ordinance shall be fined as stated herein.
- G. The county reserves the right to hire outside counsel to enforce this ordinance or determine compliance with this ordinance. The facility owner/operator is liable for payment of reasonable attorney's fees in this regard.
- H. Nothing herein shall prevent the county from taking such other lawful action to prevent or remedy violations. All costs connected therewith shall accrue to the applicant, owner, or operator responsible for the project.

XII. INTERPRETATION.

The provisions of this ordinance shall be held to the minimum requirements adopted for the promotion and preservations of public health, safety, and general welfare of the county. These regulations are not intended to repeal, abrogate, annual, or in any manner interfere with existing regulations or laws of the county nor conflict with and laws of the State of Illinois.

XIII. SEVERABILITY.

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

XIV. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage, publication and approval as required by law, and all prior ordinances pertaining to the subjects of this ordinance shall be deemed repealed from and after the effective date of this ordinance.

WASHINGTON COUNTY, ILLINOIS
ENERGY STORAGE SYSTEM ORDINANCE

I move for the adoption of the foregoing Ordinance.

Eric Brummer

Member, Washington County Board

I second the motion for the adoption of the foregoing Ordinance.

David R Kang

Member, Washington County Board

PASSED this 14 day of July, 2026

David A. Myers

CHAIR, WASHINGTON COUNTY BOARD

ATTEST:

Shari Hemper

CLERK OF WASHINGTON COUNTY, ILLINOIS
(SEAL)

