CITY OF VILLA GROVE
DOUGLAS COUNTY, ILLINOIS

ORDINANCE NO. 2021-MC12

AN ORDINANCE AMENDING THE TITLE XV, CHAPTER 155 OF THE MUNICIPAL CODE OF THE CITY OF VILLA GROVE, DOUGLAS COUNTY, ILLINOIS, TO PROVIDE FOR RESIDENTIAL ZONING REGULATION OF SOLAR ENERGY

PASSED BY THE CITY COUNCIL AND
APPROVED BY THE MAYOR OF THE
CITY OF VILLA GROVE, ILLINOIS
THIS THIRTEENTH DAY OF DECEMBER 2021

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE MAYOR AND CITY COUNCIL OF THE CITY OF VILLA GROVE, DOUGLAS COUNTY, ILLINOIS, THIS THIRTEENTH DAY OF DECEMBER 2021.

CITY OF VILLA GROVE
DOUGLAS COUNTY, ILLINOIS

ORDINANCE NO. 2021-MC12 December 13, 2021

AN ORDINANCE AMENDING THE TITLE XV, CHAPTER 155 OF THE MUNICIPAL CODE OF THE CITY OF VILLA GROVE, DOUGLAS COUNTY, ILLINOIS, TO PROVIDE FOR RESIDENTIAL ZONING REGULATION OF SOLAR ENERGY

WHEREAS, the City of Villa Grove, Douglas County, Illinois (the "City"), is a municipality as contemplated under Article VII, Section 7 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of City's powers and functions as granted in the same; and

WHEREAS, the Mayor and City Council of the City of Villa Grove, Douglas County, State of Illinois, are charged with providing for the health, care and welfare of its citizens; and

WHEREAS, the City Council is authorized to provide for zoning regulations to the benefit of the community and previously established within its Code of Ordinances a Zoning Code as Title XV, Chapter 155; and

WHEREAS, the provision of energy from alternate sources has become more and more prevalent with the State of Illinois and energy companies recently providing incentives for Solar energy generation and demand for such alternative energies is increasing; and

WHEREAS, appropriate public hearings pursuant to notice were duly held by the Planning Zoning Commission and the City Council on Wednesday, July 1, 2020, to fully consider this issue.

WHEREAS, the Zoning and Planning Commission has recommended and the City has determined that it is in the best interest of its citizens that the City ordinances be amended to allow for solar energy to be generated in the City of Villa Grove under the terms of this Ordinance as provided herein.

NOW THEREFORE, BE IT ORDAINED by the Mayor and the City Council of Villa Grove, Illinois as follows:

SECTION 1: Incorporation Clause. The Mayor and City Council members hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and does hereby, by reference, incorporate and make them part of this Ordinance.

SECTION 2: Code Amendment. The following additional rights of use are hereby added to all other existing uses to the following zoning classifications as exist under the City of Villa Grove Zoning Ordinance:

A. Agricultural District. Active Solar Energy Systems, Building integrated Solar Energy Systems, Gird-intertie Solar Energy Systems, off-grid Solar Energy System, Passive Solar Energy System, Photovoltaic Systems, Solar Collectors, Solar Energy System, Solar Energy System additions, Solar Farms, Solar gardens, Solar Heat Exchangers, Solar Hot Air Systems, and/or Solar Hot Water Systems, installed incompliance with this ordinance and incompliance with applicable local, state and federal law shall be an allowable use, in addition to all others, in the Agricultural District except that Solar Farms shall require a Special Use permit.

B. M-1 and M-2 Manufacturing Districts. Active Solar Energy Systems, Building integrated Solar Energy Systems, Gird-intertie Solar Energy Systems, off-grid Solar Energy System, Passive Solar Energy System, Photovoltaic Systems, Solar Collectors, Solar Energy System, Solar Energy System additions, Solar Farms, Solar Gardens, Solar Heat Exchangers, Solar Hot Air Systems, and/or Solar Hot Water Systems, installed incompliance with this ordinance and incompliance with

applicable local, state and federal law shall be an allowable use, in addition to all others, in the M-1 and M-2 Manufacturing Districts.

C. R-1 One Family Dwelling and R-2 General Residence Districts. Active Solar Energy Systems, Building integrated Solar Energy Systems, Grid-Intertie Solar Energy Systems, Off-grid Solar Energy Systems, Passive Solar Energy System, Photovoltaic Systems, Solar Collectors, Solar Energy System, Solar Energy System, additions, Solar Heat Exchangers, Solar Hot Air Systems, and/or Solar Hot Water Systems of 10 Kilowatts or less, installed incompliance with this ordinance and incompliance with applicable local, state and federal law shall be an allowable use, in addition to all others, in R-1 One Family Dwelling and R-2 General Residence Districts.

D. B-1 Business, B-2 Business, General and Wholesale, and B-3 Highway Business Districts. Active Solar Energy Systems, Building integrated Solar Energy Systems, Grid-intertie Solar Energy Systems, Off-grid Solar Energy Systems, Passive Solar Energy System, Photovoltaic Systems, Solar Collectors, Solar Energy System, Solar Energy System additions, Solar Heat Exchangers, Solar Hot Air Systems, and/or Solar Hot Water Systems, installed incompliance with this ordinance and incompliance with applicable local, state and federal law shall be an allowable use, in addition to all others in B-1 Business, B-2 Business, General and Wholesale, and B-3 Highway Business Districts.

SECTION 3. Solar Energy Division. Title XV, Chapter 155: Zoning Code of the Municipal Code of Ordinances of Villa Grove City, Illinois is hereby further amended to include "Article XVI. Standards for Solar Energy Systems" as attached hereto as "Attachment A" and by reference incorporated herein to be included now after the Administration and Enforcement Division of said Chapter 155.

SECTION 4: State Law Adopted. All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

SECTION 5: Other Actions Authorized. That the Mayor, City Clerk and City Employees are hereby authorized and directed to do all things necessary, essential, or convenient to carry out and give effect to the purpose and intent of this Ordinance.

SECTION 6: Acts of City Officials. That all acts and doings of the officials of the City, past, present and future which are in conformity with the purpose and intent of this Ordinance, are hereby in all respects, ratified, approved, authorized and confirmed.

SECTION 7: Headings. The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation of construction of any substantive provisions of this ordinance.

SECTION 8: Severability. The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the City Council that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

SECTION 9: Superseder and Publication. All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this Ordinance shall be published in pamphlet form as provided by the Illinois Municipal Code, as amended.

SECTION 10: Effective Date. This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

PRESENTED, PASSED, APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VILLA GROVE, ILLINOIS, at its regular meeting on this thirteenth day of December, A.D., 2021, by a roll call vote as follows:

Blaney, Thelma I. yea

Cheely, Kerry S. yea

Eversole-Gunter, Cassandra A. –

Garrett, Ryan P. yea

Hooker, Anthony L. yea

Johnson, Derek S. yea

Pangburn, Matthew M. yea

APPROVED:

CASSANDRA A. EVERSOLE-GUNTER
Mayor

ATTEST:

Michelle L. Osborne
MICHELLE L. OSBORNE
City Clerk

SEAL

CITY OF VILLA GROVE • DOUGLAS COUNTY • ILLINOIS •
Established 1903
CORPORATE SEAL

ATTACHMENT A

ARTICLE XVI
STANDARDS FOR SOLAR ENERGY SYSTEMS

§ 155.300 DEFINITIONS.

Active Solar Energy System. A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Building-integrated Solar Energy Systems. An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated system include but not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights and awnings.

Grid-intertie Solar Energy System. A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

Ground Mount. A solar energy system mounted on a rack or pole that rests on or is attached to the ground.

Off-grid Solar Energy System. A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Passive Solar Energy System. A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Photovoltaic System. An active solar energy system that converts solar energy directly into electricity.

Pollinator Plants. Pollinator Plants shall be those plants designated on the United States Department of Agriculture Natural Resources Conservation Service pollinator plane list.

Renewable Energy Easement, Solar Energy Easement. An easement that limits the height or location, or both, of permissible development on the burdened land of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

Roof Mount. A solar energy system that is mounted on a rack that is fastened onto a building roof.

Solar Access. Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Solar Collector. An assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to convert or transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

Solar Energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System (SES). All components required to become a complete assembly for structure that will convert solar energy into electricity for use.

Solar Energy System Addition. A private solar energy system which is structurally attached to a building or structure on a zoning lot on which said system is located. Said system shall be considered part of the building and shall comply with all provisions of this ordinance pertaining thereto.

Solar Energy System, Private. A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot on which said system is located; excess power generation is limited to net metering or similar technology with regulations set by the local power utility, community, county, and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufactures that the equipment is manufactured in compliance with industry standards.

Solar Farm. A commercial facility either more than twenty (20) acres in size or more than two (2) megawatts a/c in capacity that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

Solar Garden. A commercial solar-electric (photovoltaic) array, of no more than twenty (20) acres in size and two (2) megawatts or less a/c in capacity, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system. A county solar garden may be either an accessory use, when a part of existing or a proposed subdivision or a special use if it is a stand-alone garden.

Solar Heat Exchanger. A component of a solar energy device that is used to transfer heat from one substance to another, either liquor or

Solar Hot Air System. An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air.

Solar Hot Water System. A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

Solar Mounting Devices. Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

Solar Storage Unit. A component of a solar energy device that is used to store solar generated electricity or heat for later use.

§ 155.305 BUILDING PERMIT REQUIREMENTS AND FEES.

(A) All Solar Energy Systems (SES) will be required to have a City of Villa Grove Building Permit before any work can be started. A written plan and a plat/ drawing for the proposed Solar Energy System shall be provided with the Building Permit Application. The plat / drawing must show the location of the system on the building or on the property, (for a ground-mount system show arrangement of panels), with all property lines and set back footages indicated. Fees for processing the applications for building permits shall be submitted to and collected by the City of Villa Grove as follows:

(1) 0-10 kilowatts (kW) ..... $ 150.00
(2) 11-50 kilowatts (kW) ..... $ 300.00
(3) 51-100 kilowatts (kW) ..... $ 600.00
(4) 101-500 kilowatts (kW) ..... $ 1,200.00
(5) 501-1000 kilowatts (kW) ..... $ 2,750.00
(6) 1001-2000 kilowatts (kW) $6,000.00
(7) Over 2001 kilowatts (kW) ..... $6,000.00 + $ 200.00 for each additional 0-100 kilowatts

(B) Any SES that construction has started before a Building Permit has been applied and paid for will be charged double the permit fee.

§ 155.310 SET BACK REQUIREMENTS.

(A) Set back requirements for all Solar Energy Systems (SES) shall meet the structure minimum set back requirements when the SES is oriented at any and all positions.

(B) No solar energy system shall be allowed to be placed in the front yard of any residentially used or zoned property and such systems shall be subject to a **five foot (5')** rear yard setback and a **five foot (5')** side yard setback. Such Ground Mounted Systems shall not exceed **twelve feet (12')** in height.

(C) Roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted.

§ 155.315 HEIGHT REQUIREMENTS.

(A) Building or roof mounted solar energy systems shall not exceed the maximum allowed height in any Zoning District, of the City of Villa Grove Zoning Ordinance, except that Roof Mounted Solar Energy Systems installed in residentially zones and business district zones shall not exceed **four feet (4')** above a flat roof and shall not exceed **two feet (2')** above a sloped roof. For the purposes of this Section a flat roof shall be one that is sloped five (5) degrees or less and a sloped roof shall be one that is sloped more than five (5) degrees.

(B) In Business, Agricultural and Manufacturing Districts roof mounted SES may not exceed **six feet (6')** above the peak or highest point of the roof.

§ 155.320 OTHER REQUIREMENTS.

(A) Upon request from the City of Villa Grove Building Inspector, an owner of a commercial Solar Energy System must provide documentation, within **thirty (30) days**, that the Solar Energy System is still in use. If it is not, the owner of the System will have **one hundred eighty (180) days**, after notification from the Zoning Department, to remove.

(B) Upon request from the City of Villa Grove Building Inspector, the owner or operator of a Solar Farm or a Solar Garden must submit, within **fourteen (14) days**, a current operation and maintenance report to the Department.

(C) For any ground Mounted Solar System in excess of **ten (10) kilowatt**, a **six foot (6')** security fence with lockable gate(s) shall be installed around the entire perimeter, otherwise, no fencing is required Any fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.

(D) Any lighting for Solar Farms / Gardens shall be installed for security and safety purposes only. Except for lightening that is required by the FCC or FAA, all lighting

shall be shielded so that no glare extends substantially beyond the boundaries of the facility.

(E) Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.

(F) Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).

(G) Solar Energy Systems must be in compliance with ALL State of Illinois Building, Electric, Plumbing and Energy Codes.

(H) Pollinator plants customarily utilized in the region shall be planted and properly maintained in all areas where practicable.

§ 155.325 DESIGN STANDARDS.

Active solar energy systems shall be designed to conform to the county comprehensive plan and to blend into the architecture of the building or may be require to be screened from routine view from public rights-of-way other than alleys. Screening may be required to the extent it does not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.

(A) Building Integrated Photovoltaic Systems. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

(B) Solar Energy Systems with Mounting Devices. Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way or immediately adjacent to a residential structure.

(C) Reflectors. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

(D) Aviation Protection. For solar units located within **five hundred (500) feet** of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally.

§ 155.330 OBLIGATED AIRPORTS, OR MOST RECENT VERSION ADOPTED BY THE FAA.

(A) Coverage: Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.

(B) Plan Approval Required: All solar energy systems shall require administrative plan approval by the City of Villa Grove Building Inspector via the review of the application for a building permit.

(1) Plan Applications. Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

(a) Pitched Roof Mounted Solar Energy Systems. For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

(b) Flat Roof Mounted Solar Energy Systems. For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

(2) Plan Approvals. Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by agreement of the City Administrator and the Building Inspector and shall not require Planning and Zoning Committee review. Plan approval does not indicate compliance with Building Code or Electric Code.

§ 155.335 APPROVED SOLAR COMPONENTS.

Electric solar energy system components must have a UL listing or approved equivalent and solar hot water systems must have an SRCC rating.

§ 155.340 COMPLIANCE WITH BUILDING CODE.

All active solar energy systems shall meet approval of county building code officials, consistent with the State of Illinois Building Code and solar thermal system shall comply with HVAC-related requirements of the Energy Code. Any county adopted building codes will apply and take precedence where applicable.

§ 155.345 COMPLIANCE WITH STATE ELECTRIC CODE.

All photovoltaic systems shall comply with the Illinois State Electric Code.

§ 155.350 COMPLIANCE WITH STATE PLUMBING CODE.

Solar thermal systems shall comply with applicable Illinois State Plumbing Code requirements.

§ 155.355 COMPLIANCE WITH STATE ENERGY CODE.

All photovoltaic systems and solar thermal systems shall comply with the Illinois State Energy Code.

§ 155.360 UTILITY NOTIFICATION.

All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

§ 155.365 PRINCIPAL USES.

Douglas County encourages the development of commercial or utility scale solar energy systems where such systems present few land use conflicts with current and future development patterns. Ground-mounted solar energy systems that are the principal use on the zoning lot or lots are special uses in selected districts.

§ 155.370 ROOFTOP GARDENS PERMITTED.

Rooftop community systems are permitted in all zoning districts where buildings are permitted.

§ 155.375 GROUND-MOUNT GARDENS.

Ground-mount community solar energy gardens must be less than **twenty (20) acres** in total size. Ground-mount solar developments covering more than **twenty (20) acres** shall be considered solar farms.

§ 155.380 STORMWATER.

Solar gardens are subject to the City of Villa Grove's Stormwater Management regulations, erosion and sediment control provisions.

§ 155.385 INTERCONNECTION.

An interconnection agreement must be completed with the electric utility in whose service territory the system is located prior to construction.

§ 155.390 OTHER STANDARDS.

(A) Private SES and Solar Gardens. Ground-mount systems must comply with all required standards for structures in the district in which the system is located. All solar gardens shall also be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; and the National Electric Code, as amended. Also, Health Department requirements for wells and septic systems must be met.

(B) Solar farms. Ground-mount solar energy systems that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market, are permitted under the following standards:

(1) Special Use Permit. Solar farms are special uses in agricultural district.

(2) Stormwater. Solar farms are subject to the City of Villa Grove's Stormwater Management regulations, erosion and sediment control provisions.

(3) Ground Cover and Buffer Areas. Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. The City of Villa Grove has a Noxious Weed Ordinance which is to be followed subject to the allowance of the planting of Pollinator plants as otherwise provided under this ordinance. Due to potential liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b) it is required that any crops planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees.

(4) Foundations. A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.

(5) Other Standards and Codes. All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; and the National Electric Code, as amended.

(6) Power and Communication Lines. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the City of Villa Grove in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the City Superintendent in consultation with the Mayor. In addition, the Illinois Department of Agriculture (IDOA) has established standards and policies in the Agricultural Impact Mitigation Agreements (AIMA) regarding the construction or burial of electric transmission lines which should be agreed to and adhered to between the landowner and the developer.

(7) Site Plan Required. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, farm tile, electric equipment, fencing, and screening materials and all other characteristics requested by the City of Villa Grove. The site plan should also show all zoning districts, and overlay districts. The City will retain the authority to suspend any requirement for any studies or plans for purposes of permit approval so long as such studies and/or plans are completed and approved by time of construction.

(8) Aviation Protection. For approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool

(SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

§ 155.395 LIABILITY INSURANCE AND INDEMNIFICATION.

(A) For Private/Individual SES(s), commencing with the issuance of building permits, the Applicant or Owner shall maintain a current liability policy of at least **One Million Dollars ($1,000,000.00)** covering bodily injuries and any damage that may occur, on their home owner's policy or other applicable policy as approved by the Director of Community Development. A copy of said liability policy shall be submitted to the Building Inspector on an annual basis.

(B) Any SES(s), Applicant, Owner, or Operator, whether individual or commercial, shall defend, indemnify, and hold harmless the County and its officials, employees, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or part out of negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of Applicant, Owner, or Operators selection, construction, operation, and removal of the SES(S) and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limited or qualifying the county's other indemnification rights available under the law."