

# SB0170



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB0170

Introduced 2/9/2021, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Vegetable Garden Protection Act. Provides for the right to cultivate a vegetable garden and permits state and local regulation. Defines "vegetable garden". Limits home rule powers.

LRB102 15291 KMF 20646 b

A BILL FOR

1 AN ACT concerning vegetable garden protection.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Garden  
5 Act.

6 Section 5. Purpose. The Act's purpose is to encourage and  
7 protect the sustainable cultivation of fresh produce at all  
8 levels of production, including on residential property for  
9 personal consumption or non-commercial sharing.

10 Section 10. Vegetable garden defined. As used in this Act,  
11 the term "vegetable garden" means any plot of ground or  
12 elevated soil bed on residential property where vegetables,  
13 herbs, fruits, flowers, pollinator plants, leafy greens, or  
14 other edible plants are cultivated.

15 Section 15. Right to cultivate vegetable gardens.  
16 Notwithstanding any other law, any person may cultivate  
17 vegetable gardens on their own property, or on the private  
18 property of another with the permission of the owner, in any  
19 county, municipality, or other political subdivision of this  
20 state.

1           Section 20. Home rule. A home rule unit may not regulate  
2 gardens in a manner inconsistent with this Act. This Section  
3 is a limitation under subsection (i) of Section 6 of Article  
4 VII of the Illinois Constitution on the concurrent exercise by  
5 home rule units of powers and functions exercised by the  
6 State.

7           Section 25. State and local regulation still permitted.  
8 Section 20 of this Act notwithstanding, this Act does not  
9 preclude the adoption of a regulation or local ordinance of  
10 general nature that does not specifically regulate vegetable  
11 gardens, including, but not limited to, regulations and  
12 ordinances relating to height, setback, water use, fertilizer  
13 use, or control of invasive or unlawful species, provided that  
14 any such regulation or ordinance does not have the effect of  
15 precluding vegetable gardens.