



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/5/2004, by Lawrence M. Walsh

SYNOPSIS AS INTRODUCED:

505 ILCS 5/18 from Ch. 5, par. 1018
510 ILCS 77/10.6 new
510 ILCS 77/12.2 new

Amends the Agricultural Areas Conservation and Protection Act. Provides that any landowner or farm operator who is operating an agricultural enterprise within an agricultural area is exempt from nuisance suits. Amends the Livestock Management Facilities Act. Provides that proposed livestock management facilities located within an agricultural area are exempt from the public informational meeting requirement if the setback areas associated with the proposed facility are located wholly within an existing agricultural area.

LRB093 17976 RAS 43659 b

1 AN ACT concerning agriculture.

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

4 Section 5. The Agricultural Areas Conservation and
5 Protection Act is amended by changing Section 18 as follows:

6 (505 ILCS 5/18) (from Ch. 5, par. 1018)

7 Sec. 18. Limitation on Local Regulations and on suits. No
8 local government shall exercise any of its powers to enact
9 local laws or ordinances within an agricultural area in a
10 manner which would unreasonably restrict or regulate farm
11 structures or farming practices in contravention of the
12 purposes of this Act unless such restrictions or regulations
13 bear a direct relationship to the public health or safety. Any
14 landowner or farm operator operating an agricultural
15 enterprise within an agricultural area may not be subjected to
16 a civil action for nuisance by a private party.

17 (Source: P.A. 81-1173.)

18 Section 10. The Livestock Management Facilities Act is
19 amended by adding Sections 10.6 and 12.2 as follows:

20 (510 ILCS 77/10.6 new)

21 Sec. 10.6. Agricultural area. "Agricultural area" means an
22 area created under the Agricultural Areas Conservation and
23 Protection Act.

24 (510 ILCS 77/12.2 new)

25 Sec. 12.2. Exemption. Proposed livestock management
26 facilities that are located within an agricultural area are
27 exempt from the public informational meeting requirements of
28 this Act if the setback areas associated with the proposed
29 facility are located wholly within an existing agricultural

1 area.