



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3746

Introduced 2/25/2009, by Rep. David R. Leitch

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-12020
65 ILCS 5/11-13-26

Amends the Counties Code and the Illinois Municipal Code. Provides that a county or municipality may not require a wind tower or other renewable energy system that is used exclusively by an end user to be setback more than 1.1 times the height of the renewable energy system from the end user's property line. Limits home rule powers.

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HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing Section
5 5-12020 as follows:

6 (55 ILCS 5/5-12020)

7 Sec. 5-12020. Wind farms. A county may establish standards
8 for wind farms and electric-generating wind devices. The
9 standards may include, without limitation, the height of the
10 devices and the number of devices that may be located within a
11 geographic area. A county may also regulate the siting of wind
12 farms and electric-generating wind devices in unincorporated
13 areas of the county outside of the zoning jurisdiction of a
14 municipality and the 1.5 mile radius surrounding the zoning
15 jurisdiction of a municipality. There shall be at least one
16 public hearing not more than 30 days prior to a siting decision
17 by the county board. Notice of the hearing shall be published
18 in a newspaper of general circulation in the county. Counties
19 may allow test wind towers to be sited without formal approval
20 by the county board. Test wind towers must be dismantled within
21 3 years of installation. For the purposes of this Section,
22 "test wind towers" are wind towers that are designed solely to
23 collect wind generation data. Any provision of a county zoning

1 ordinance pertaining to wind farms that is in effect before the
2 effective date of this amendatory Act of the 95th General
3 Assembly may continue in effect notwithstanding any
4 requirements of this Section.

5 A county may not require a wind tower or other renewable
6 energy system that is used exclusively by an end user to be
7 setback more than 1.1 times the height of the renewable energy
8 system from the end user's property line.

9 (Source: P.A. 95-203, eff. 8-16-07.)

10 Section 10. The Illinois Municipal Code is amended by
11 changing Section 11-13-26 as follows:

12 (65 ILCS 5/11-13-26)

13 Sec. 11-13-26. Wind farms.

14 (a) A municipality may regulate wind farms and
15 electric-generating wind devices within its zoning
16 jurisdiction and within the 1.5 mile radius surrounding its
17 zoning jurisdiction. There shall be at least one public hearing
18 not more than 30 days prior to a siting decision by the
19 corporate authorities of a municipality. Notice of the hearing
20 shall be published in a newspaper of general circulation in the
21 municipality. A municipality may allow test wind towers to be
22 sited without formal approval by the corporate authorities of
23 the municipality. Test wind towers must be dismantled within 3
24 years of installation. For the purposes of this Section, "test

1 wind towers" are wind towers that are designed solely to
2 collect wind generation data.

3 (b) A municipality may not require a wind tower or other
4 renewable energy system that is used exclusively by an end user
5 to be setback more than 1.1 times the height of the renewable
6 energy system from the end user's property line. A setback
7 requirement imposed by a municipality on a renewable energy
8 system may not be more restrictive than as provided under this
9 subsection. This subsection is a limitation of home rule powers
10 and functions under subsection (i) of Section 6 of Article VII
11 of the Illinois Constitution on the concurrent exercise by home
12 rule units of powers and functions exercised by the State.

13 (Source: P.A. 95-203, eff. 8-16-07.)