

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.)