



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB0230

Introduced 01/25/11, by Rep. David R. Leitch

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-12020

Amends the Counties Code. Provides that a county may not limit the height of a renewable energy system that is used exclusively by an end user other than using the setback of 1.1 times the height of the system from the end user's property line. Further provides that permits for the erection, maintenance, repair, alteration, remodeling, or extension of buildings or structures used or to be used for the harvest of renewable energy by an end user shall be free. Provides that a county may not impose regulations on structures or devices, eliminate uses, buildings, or structures, or require permits with respect to structures or devices used for any renewable energy system that is used exclusively by an end user. Effective immediately.

LRB097 03967 KMW 44006 b

FISCAL 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.

8 (a) Except as provided in subsection (b), a ~~A~~ county may  
9 establish standards for wind farms and electric-generating  
10 wind devices. The standards may include, without limitation,  
11 the height of the devices and the number of devices that may be  
12 located within a geographic area. A county may also regulate  
13 the siting of wind farms and electric-generating wind devices  
14 in unincorporated areas of the county outside of the zoning  
15 jurisdiction of a municipality and the 1.5 mile radius  
16 surrounding the zoning jurisdiction of a municipality. There  
17 shall be at least one public hearing not more than 30 days  
18 prior to a siting decision by the county board. Notice of the  
19 hearing shall be published in a newspaper of general  
20 circulation in the county. Counties may allow test wind towers  
21 to be sited without formal approval by the county board. Any  
22 provision of a county zoning ordinance pertaining to wind farms  
23 that is in effect before the effective date of this amendatory

1 Act of the 95th General Assembly may continue in effect  
2 notwithstanding any requirements of this Section.

3 (b) A county 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.

7 A county may not limit the height of a renewable energy  
8 system that is used exclusively by an end user other than  
9 requiring a setback of 1.1 times or less of the height of the  
10 renewable energy system from the end user's property line.

11 Permits with respect to the erection, maintenance, repair,  
12 alteration, remodeling, or extension of buildings or  
13 structures used or to be used for the harvest of renewable  
14 energy by an end user shall be issued free of any charge.

15 Except as otherwise provided in this subsection, a county  
16 may not impose regulations on structures or devices, eliminate  
17 uses, buildings, or structures, or require permits with respect  
18 to structures or devices used for any renewable energy system  
19 that is used exclusively by an end user.

20 (Source: P.A. 95-203, eff. 8-16-07; 96-306, eff. 1-1-10;  
21 96-566, eff. 8-18-09; 96-1000, eff. 7-2-10.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.