



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5814

Introduced 2/16/2012, by Rep. Joe Sosnowski

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-13-26

Amends the Illinois Municipal Code. In a Section concerning wind farms, provides that for renewable energy systems other than those used exclusively by an end user, a municipality's regulation may include a setback limitation on the device of a distance of no more than 1,000 feet from a residential zone, provided that the regulation is not inconsistent with another municipality's zoning regulation. Effective immediately.

LRB097 20530 KMW 66091 b

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 Illinois Municipal Code is amended by
5 changing Section 11-13-26 as follows:

6 (65 ILCS 5/11-13-26)

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

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

21 (b) A municipality may not require a wind tower or other
22 renewable energy system that is used exclusively by an end user
23 to be setback more than 1.1 times the height of the renewable

1 energy system from the end user's property line. A setback
2 requirement imposed by a municipality on a renewable energy
3 system may not be more restrictive than as provided under this
4 subsection. This subsection is a limitation of home rule powers
5 and functions under subsection (i) of Section 6 of Article VII
6 of the Illinois Constitution on the concurrent exercise by home
7 rule units of powers and functions exercised by the State.

8 (c) For renewable energy systems other than those used
9 exclusively by an end user, a municipality's regulation may
10 include a setback limitation on the device of a distance of no
11 more than 1,000 feet from a residential zone, provided that the
12 regulation is not inconsistent with another municipality's
13 zoning regulation.

14 (Source: P.A. 95-203, eff. 8-16-07; 96-306, eff. 1-1-10.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.