



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB0167

Introduced 2/8/2011, by Sen. John M. Sullivan

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-13-2
65 ILCS 5/11-13-26

from Ch. 24, par. 11-13-2

Amends the Illinois Municipal Code. Provides that a municipality may regulate wind farms and electric-generating wind devices without creating a zoning commission or adopting a zoning ordinance for the entire municipality. Provides that the authorization applies to ordinances adopted before, on, or after the effective date of the amendatory Act by a municipality to regulate wind farms and electric-generating wind devices within 1.5 miles of the corporate boundaries of the municipality. Effective immediately.

LRB097 06790 KMW 46881 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 Sections 11-13-2 and 11-13-26 as follows:

6 (65 ILCS 5/11-13-2) (from Ch. 24, par. 11-13-2)

7 Sec. 11-13-2. Zoning commission. Except as provided in
8 Section 11-13-26, the ~~The~~ corporate authorities in each
9 municipality which desires to exercise the powers conferred by
10 this Division 13, or who have exercised such power and desire
11 to adopt a new ordinance, shall provide for a zoning commission
12 with the duty to recommend the boundaries of districts and
13 appropriate regulations to be enforced therein. The commission
14 shall be appointed by the mayor or president, subject to
15 confirmation by the corporate authorities. The commission
16 shall prepare a tentative report and a proposed zoning
17 ordinance for the entire municipality. After the preparation of
18 such a tentative report and ordinance, the commission shall
19 hold a hearing thereon and shall afford persons interested an
20 opportunity to be heard. Notice of the hearing shall be
21 published at least once, not more than 30 nor less than 15 days
22 before the hearing, in one or more newspapers published in the
23 municipality, or, if no newspaper is published therein, then in

1 one or more newspapers published in the county in which the
2 municipality is located and having a general circulation within
3 the municipality. The notice shall state the time and place of
4 the hearing and the place where copies of the proposed
5 ordinance will be accessible for examination by interested
6 persons. The hearing may be adjourned from time to time.

7 Within 30 days after the final adjournment of the hearing
8 the commission shall make a final report and submit a proposed
9 ordinance for the entire municipality to the corporate
10 authorities. The corporate authorities may enact the ordinance
11 with or without change, or may refer it back to the commission
12 for further consideration. The zoning commission shall cease to
13 exist upon the adoption of a zoning ordinance for the entire
14 municipality.

15 (Source: P.A. 80-452.)

16 (65 ILCS 5/11-13-26)

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

18 (a) A municipality may regulate wind farms and
19 electric-generating wind devices within its zoning
20 jurisdiction and within the 1.5 mile radius surrounding its
21 zoning jurisdiction. There shall be at least one public hearing
22 not more than 30 days prior to a siting decision by the
23 corporate authorities of a municipality. Notice of the hearing
24 shall be published in a newspaper of general circulation in the
25 municipality. A municipality may allow test wind towers to be

1 sited without formal approval by the corporate authorities of
2 the municipality. Test wind towers must be dismantled within 3
3 years of installation. For the purposes of this Section, "test
4 wind towers" are wind towers that are designed solely to
5 collect wind generation data.

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

16 (c) A municipality may regulate wind farms and
17 electric-generating wind devices pursuant to the authority
18 granted under this Section without creating a zoning commission
19 or adopting a zoning ordinance for the entire municipality.
20 This subsection (c) applies to ordinances adopted before, on,
21 or after the effective date of this amendatory Act of the 97th
22 General Assembly by a municipality to regulate wind farms and
23 electric-generating wind devices within 1.5 miles of the
24 corporate boundaries of the municipality.

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.