

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) For the purposes of this Section, "distributed wind
9 energy generation device" means any electric-generating wind
10 device, including the tower, generator, nacelle, blades,
11 foundations, guy wires, power electronics, or other associated
12 component that is:

13 (1) interconnected at the distribution system level of
14 either a public utility as defined in Section 3-105 of the
15 Public Utilities Act, an alternative retail electric
16 supplier as defined in Section 16-102 of the Public
17 Utilities Act, a municipal utility as defined in Section
18 3-105 of the Public Utilities Act, or a rural electric
19 cooperative as defined in Section 3-110 of the Public
20 Utilities Act; and

21 (2) located on the customer side of the customer
22 electric meter and is generally used to offset that
23 customer's electricity load, but that may also deliver some

1 portion of electricity back to the distribution system.

2 (b) Except as provided in subsection (c), a ~~A~~ county may
3 establish standards for wind farms and electric-generating
4 wind devices. The standards may include, without limitation,
5 the height of the devices and the number of devices that may be
6 located within a geographic area. A county may also regulate
7 the siting of wind farms and electric-generating wind devices
8 in unincorporated areas of the county outside of the zoning
9 jurisdiction of a municipality and the 1.5 mile radius
10 surrounding the zoning jurisdiction of a municipality. Except
11 for distributed wind energy generation devices, there ~~There~~
12 shall be at least one public hearing not more than 30 days
13 prior to a siting decision by the county board. Notice of the
14 hearing shall be published in a newspaper of general
15 circulation in the county. Counties may allow test wind towers
16 to be sited without formal approval by the county board. Any
17 provision of a county zoning ordinance pertaining to wind farms
18 or distributed wind energy generation devices that is in effect
19 before the effective date of this amendatory Act of the 97th
20 ~~95th~~ General Assembly may continue in effect notwithstanding
21 any requirements of this Section.

22 (c) A county may not limit the height of a distributed wind
23 energy generation device on a parcel of land zoned for
24 agricultural, industrial, or commercial purposes, or a parcel
25 of land in an area that is generally zoned for agricultural,
26 industrial, or commercial purposes, other than requiring a

1 setback of 1.1 times the height of the device from the
2 neighboring property line. A county may require certification
3 of compliance with FAA requirements. Permits with respect to
4 the erection, maintenance, repair, alteration, remodeling, or
5 extension of buildings or structures used for distributed wind
6 energy generation devices shall be issued at a reasonable cost,
7 but shall not be greater than a total of \$100. Counties shall
8 not require any annual or ongoing fees or permits for
9 distributed wind energy generation devices. A county may not
10 ~~require a wind tower or other renewable energy system that is~~
11 ~~used exclusively by an end user to be setback more than 1.1~~
12 ~~times the height of the renewable energy system from the end~~
13 ~~user's property line.~~

14 This subsection shall not preclude a county's ability to
15 establish standards for, hold public hearings regarding, or
16 otherwise regulate distributed wind energy generation devices.

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.