

## 2003 SENATE BILL 334

December 3, 2003 – Introduced by Senators HARSDORF and SCHULTZ, cosponsored by Representatives PETTIS, HINES, MCCORMICK and HAHN. Referred to Committee on Energy and Utilities.

1     **AN ACT to renumber** 66.0401 (1) (a), 66.0401 (1) (b) and 66.0401 (1) (c); **to**  
2     **renumber and amend** 66.0401 (1) (intro.); **to amend** 66.0401 (2); and **to**  
3     **create** 66.0401 (1b) and 66.0401 (1m) of the statutes; **relating to:** restrictions  
4     imposed on the installation and use of solar energy systems and wind energy  
5     systems in cities, villages, and towns that are located on the banks, bluffs, or  
6     bluff tops of the Lower St. Croix River between the dam near St. Croix Falls and  
7     its confluence with the Mississippi River.

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### ***Analysis by the Legislative Reference Bureau***

Current law prohibits cities, villages, and towns (local governmental units) and counties from imposing any restriction on the installation or use of a solar energy system or a wind energy system unless the restriction serves to preserve or protect the public health or safety, the restriction does not significantly increase the cost of the system or significantly decrease its efficiency, or the restriction allows for an alternative system of comparable cost and efficiency.

This bill creates an exemption from this prohibition so that a local governmental unit that is located totally or partially in the Lower St. Croix National Scenic Riverway may restrict the installation of a solar or wind energy system at any site within the boundaries of the local governmental unit. The riverway is located between the dam near St. Croix Falls and its confluence with the Mississippi River.

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For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 66.0401 (1) (intro.) of the statutes is renumbered s. 66.0401 (1g)  
2 (intro.) and amended to read:

3           66.0401 **(1g)** (intro.) AUTHORITY TO RESTRICT SYSTEMS LIMITED. ~~No county, city,~~  
4 ~~town, or village~~ Except as provided in sub. (1m), no local governmental unit or county  
5 may place any restriction, either directly or in effect, on the installation or use of a  
6 solar energy system, ~~as defined in s. 13.48 (2) (h) 1. g.,~~ or a wind energy system, ~~as~~  
7 ~~defined in s. 66.0403 (1) (m),~~ unless the restriction satisfies one of the following  
8 conditions:

9           **SECTION 2.** 66.0401 (1) (a) of the statutes is renumbered 66.0401 (1g) (a).

10          **SECTION 3.** 66.0401 (1) (b) of the statutes is renumbered 66.0401 (1g) (b).

11          **SECTION 4.** 66.0401 (1) (c) of the statutes is renumbered 66.0401 (1g) (c).

12          **SECTION 5.** 66.0401 (1b) of the statutes is created to read:

13          66.0401 **(1b)** DEFINITIONS. In the section:

14          (a) “Collector surface” has the meaning given in s. 700.41 (2) (b).

15          (b) “Local governmental unit” means a city, village, or town.

16          (c) “Solar energy” has the meaning given in s. 66.0403 (1) (k).

17          (d) “Solar energy system” has the meaning given in s. 13.48 (2) (h) 1. g.

18          (e) “Wind energy system” has the meaning given in s. 66.0403 (1) (m).

19          **SECTION 6.** 66.0401 (1m) of the statutes is created to read:

20          66.0401 **(1m)** EXEMPTION FOR CERTAIN LOCAL GOVERNMENTAL UNITS. A local  
21 governmental unit that has in effect a zoning ordinance adopted under s. 30.27 (3)

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1 that applies to all or part of the local governmental unit may place a restriction, that  
2 is otherwise prohibited under sub. (1g), on the installation of a solar energy system  
3 or a wind energy system at any site within the boundaries of the local governmental  
4 unit.

5 **SECTION 7.** 66.0401 (2) of the statutes is amended to read:

6 **66.0401 (2)** AUTHORITY TO REQUIRE TRIMMING OF BLOCKING VEGETATION. A ~~county,~~  
7 ~~city, village, or town~~ local governmental unit or county may provide by ordinance for  
8 the trimming of vegetation that blocks solar energy, ~~as defined in s. 66.0403 (1) (k),~~  
9 ~~from a collector surface, as defined under s. 700.41 (2) (b),~~ or that blocks wind from  
10 a wind energy system, ~~as defined in s. 66.0403 (1) (m).~~ The ordinance may include,  
11 but is not limited to, a designation of responsibility for the costs of the trimming. The  
12 ordinance may not require the trimming of vegetation that was planted by the owner  
13 or occupant of the property on which the vegetation is located before the installation  
14 of the solar or wind energy system.

15 (END)