2017 ASSEMBLY BILL 760


AN ACT to amend 66.0401 (1m) (intro.) and 196.378 (4g) (b); and to create 66.0401 (1m) (d) of the statutes; relating to: authorizing a city, village, town, or county to restrict placement of a wind energy system.

Analysis by the Legislative Reference Bureau

Under this bill, a city, village, town, or county may enact an ordinance that prohibits or regulates the placement of a wind energy system closer than 1,800 feet from the property line of any contiguous property, even if such an ordinance is more restrictive than rules promulgated by the Public Service Commission.

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

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

SECTION 1. 66.0401 (1m) (intro.) of the statutes is amended to read:

66.0401 (1m) Authority to restrict systems limited. (intro.) No except as provided in par. (d), no political subdivision may place any restriction, either directly or in effect, on the installation or use of a wind energy system that is more restrictive
than the rules promulgated by the commission under s. 196.378 (4g) (b). No political
subdivision may place any restriction, either directly or in effect, on the installation
or use of a solar energy system, as defined in s. 13.48 (2) (h) 1. g., or a wind energy
system, unless the restriction satisfies one of the following conditions:

**SECTION 2.** 66.0401 (1m) (d) of the statutes is created to read:

66.0401 (1m) (d) With regard to a wind energy system, prohibits or regulates
the placement of such a system closer than 1,800 feet from the property line of any
contiguous property.

**SECTION 3.** 196.378 (4g) (b) of the statutes is amended to read:

196.378 (4g) (b) The commission shall, with the advice of the wind siting
council, promulgate rules that specify the restrictions a political subdivision may
impose on the installation or use of a wind energy system consistent with the
conditions specified in s. 66.0401 (1m) (a) to (c). The subject matter of these rules
shall include setback requirements that provide reasonable protection from any
health effects, including health effects from noise and shadow flicker, associated with
wind energy systems. The subject matter of these rules shall also include
decommissioning and may include visual appearance, lighting, electrical
connections to the power grid, setback distances, maximum audible sound levels,
shadow flicker, proper means of measuring noise, interference with radio, telephone,
or television signals, or other matters. A **Except as provided in s. 66.0401 (1m) (d),**
a political subdivision may not place a restriction on the installation or use of a wind
energy system that is more restrictive than these rules.

**SECTION 4. Initial applicability.**
(1) This act first applies to an ordinance that takes effect on the effective date of this subsection.