

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

394B0499

HOUSE BILL NO. 1226

Introduced by: Representatives Qualm, Beal, Finck, Gosch, and Haugaard and Senators Greenfield (Brock), Bolin, Langer, and Youngberg

1 FOR AN ACT ENTITLED, An Act to revise the distance certain wind energy systems must be
2 set back from surrounding property.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 43-13-24 be amended to read:

5 43-13-24. Each wind turbine tower of a large wind energy system shall be set back at least
6 ~~five hundred feet or 1.1 times the height of the tower~~ one thousand five hundred feet or three
7 times the height of the tower, whichever distance is greater, from any surrounding property line.
8 However, if the owner of the wind turbine tower has a written agreement with an adjacent land
9 owner allowing the placement of the tower closer to the property line, the tower may be placed
10 no closer to than two times the height of the tower away from the property line shared with that
11 adjacent land owner.

12 Section 2. That chapter 43-13 be amended by adding a NEW SECTION to read:

13 Each wind turbine tower of a large wind energy system shall be set back at least twelve
14 times the height of the tower, or one and one-half miles, whichever distance is greater, from the
15 perimeter of any residence, business, or public building, unless the owner of the wind turbine



1 tower has a written agreement with the owner of the residence, business, or building allowing
2 for a lesser setback distance. A residence is defined as a single or multi-family structure that has
3 been lived in within the past three years.

4 Section 3. That chapter 43-13 be amended by adding a NEW SECTION to read:

5 For the purposes of this chapter, the height of a tower is the total height of the turbine and
6 blade when the blade is in vertical position.