



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5720

by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Municipal Code. Provides that the corporate authorities of a municipality may establish an urban agricultural area after receipt of a petition by a qualified farmer or farmers to establish the area. Provides for the formation of an urban agricultural area committee that shall conduct the activities necessary to advise the corporate authorities on the designation, modification, and termination of an urban agricultural area. Provides requirements for the application, notice and public hearing, and adoption of an ordinance designating the urban agricultural area. Provides that a municipality may provide for rebates, reductions, or other compensation for property taxes levied against real property located within an urban agricultural area that is used for processing, growing, raising, or otherwise producing agricultural products. Provides that a municipality may authorize an entity providing water, electricity, or other utilities to an urban agricultural area to allow qualified farmers in the urban agricultural area to pay wholesale or otherwise reduced rates or pay reduced or waived connection charges. Makes other changes. Amends the Department of Agriculture Law of the Civil Administrative Code of Illinois. Provides that the Department shall adopt rules consistent with the purposes of the new provisions of the Illinois Municipal Code, including, at a minimum, rules defining specified terms.

LRB100 18889 AWJ 34133 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 Department of Agriculture Law of the Civil
5 Administrative Code of Illinois is amended by adding Section
6 205-65 as follows:

7 (20 ILCS 205/205-65 new)

8 Sec. 205-65. Municipal Urban Agricultural Areas. The
9 Department shall adopt rules consistent with the purposes of
10 Division 15.4 of the Illinois Municipal Code. The Department
11 shall adopt, at a minimum, rules defining "small or medium
12 sized farmer", "beginning farmer", "limited resource farmer",
13 and "socially-disadvantaged farmer" as used in Section
14 11-15.4-5 of the Illinois Municipal Code.

15 Section 10. The Illinois Municipal Code is amended by
16 adding Division 15.4 to Article 11 as follows:

17 (65 ILCS 5/Art. 11 Div. 15.4 heading new)

18 DIVISION 15.4. MUNICIPAL URBAN AGRICULTURAL AREAS

19 (65 ILCS 5/11-15.4-5 new)

20 Sec. 11-15.4-5. Definitions. As used in this Division:

1 "Agricultural product" means an agricultural,
2 horticultural, viticultural, aquacultural, or vegetable
3 product, either in its natural or processed state, that has
4 been produced, processed, or otherwise had value added to it in
5 this State. "Agricultural product" includes, but is not limited
6 to, growing of grapes that will be processed into wine; bees;
7 honey; fish or other aquacultural product; planting seed;
8 livestock or livestock product; forestry product; and poultry
9 or poultry product.

10 "Aquaculture" and "aquatic products" have the meanings
11 given to those terms in Section 4 of the Aquaculture
12 Development Act.

13 "Department" means the Department of Agriculture.

14 "Livestock" means cattle; calves; sheep; swine; ratite
15 birds, including, but not limited to, ostrich and emu; aquatic
16 products obtained through aquaculture; llamas; alpaca;
17 buffalo; elk documented as obtained from a legal source and not
18 from the wild; goats; horses and other equines; or rabbits
19 raised in confinement for human consumption.

20 "Locally grown" means a product that was grown or raised in
21 the same county or adjoining county in which the urban
22 agricultural area is located.

23 "Poultry" means any domesticated bird intended for human
24 consumption.

25 "Qualifying farmer" means an individual or entity that
26 meets at least one of the following:

1 (1) is a nonprofit organization that meets standards
2 set forth by Section 501(c) (3) of the Internal Revenue Code
3 and whose mission includes supporting small, beginning,
4 limited resource, or socially disadvantaged farmers within
5 municipalities;

6 (2) is a small or medium sized farmer;

7 (3) is a beginning farmer;

8 (4) is a limited resource farmer; or

9 (5) is a socially-disadvantaged farmer.

10 "Small or medium sized farmer", "beginning farmer",
11 "limited resource farmer", and "socially-disadvantaged farmer"
12 have the meanings given to those terms in rules adopted by the
13 Department as provided in Section 205-65 of the Department of
14 Agriculture Law.

15 "Urban agricultural area" means an area defined by a
16 municipality within which one or more qualifying farmers are
17 processing, growing, raising, or otherwise producing
18 locally-grown agricultural products.

19 (65 ILCS 5/11-15.4-10 new)

20 Sec. 11-15.4-10. Urban agricultural area committee.

21 (a) The corporate authorities of a municipality that seek
22 to establish an urban agricultural area shall first establish
23 an urban agricultural area committee after it receives an
24 application to establish an urban agricultural area under
25 Section 11-15.4-15. There shall be 5 members on the committee.

1 One member of the committee shall be a member of the
2 municipality's board and shall be appointed by the board. The
3 remaining 4 members shall be appointed by the president or
4 mayor of the municipality. The 4 members chosen by the
5 president or mayor shall all be residents of the municipality
6 in which the urban agricultural area is to be located, and at
7 least one of the 4 members shall have experience in or
8 represent an organization associated with sustainable
9 agriculture, urban farming, community gardening, or any of the
10 activities or products authorized by this Division for urban
11 agricultural areas.

12 (b) The members of the committee annually shall elect a
13 chair from among the members. The members shall serve without
14 compensation, but may be reimbursed for actual and necessary
15 expenses incurred in the performance of their official duties.

16 (c) A majority of the members shall constitute a quorum of
17 the committee for the purpose of conducting business and
18 exercising the powers of the committee and for all other
19 purposes. Action may be taken by the committee upon a vote of a
20 majority of the members present.

21 (d) The role of the committee shall be to conduct the
22 activities necessary to advise the corporate authorities of the
23 municipality on the designation, modification, and termination
24 of an urban agricultural area and any other advisory duties as
25 determined by the corporate authorities of the municipality.
26 The role of the committee after the designation of an urban

1 agricultural area shall be review and assessment of an urban
2 agricultural area's activities.

3 (65 ILCS 5/11-15.4-15 new)

4 Sec. 11-15.4-15. Application for an urban agricultural
5 area; review; dissolution.

6 (a) A qualified farmer may submit to the municipal clerk an
7 application to establish an urban agricultural area. The
8 application shall demonstrate or identify:

9 (1) that the applicant is a qualified farmer;

10 (2) the number of jobs to be created, maintained, or
11 supported within the proposed urban agricultural area;

12 (3) the types of products to be produced; and

13 (4) the geographic description of the area that will be
14 included in the urban agricultural area.

15 (b) An urban agricultural area committee shall review and
16 modify the application as necessary before the municipality
17 either approves or denies the request to establish an urban
18 agricultural area.

19 (c) Approval of the urban agricultural area by a
20 municipality shall be reviewed every 5 years after the
21 development of the urban agricultural area. After 25 years, the
22 urban agricultural area shall dissolve. If the municipality
23 finds during its review that the urban agricultural area is not
24 meeting the requirements set out in this Division, the
25 municipality may dissolve the urban agricultural area by

1 ordinance or resolution.

2 (65 ILCS 5/11-15.4-20 new)

3 Sec. 11-15.4-20. Notice and public hearing; urban
4 agricultural area ordinance. Prior to the adoption of an
5 ordinance designating an urban agricultural area, the urban
6 agricultural area committee shall fix a time and place for a
7 public hearing and notify each taxing unit of local government
8 located wholly or partially within the boundaries of the
9 proposed urban agricultural area. The committee shall publish
10 notice of the hearing in a newspaper of general circulation in
11 the area to be affected by the designation at least 20 days
12 prior to the hearing but not more than 30 days prior to the
13 hearing. The notice shall state the time, location, date, and
14 purpose of the hearing. At the public hearing, any interested
15 person or affected taxing unit of local government may file
16 with the committee written objections or comments and may be
17 heard orally in respect to, any issues embodied in the notice.
18 The committee shall hear and consider all objections, comments,
19 and other evidence presented at the hearing. The hearing may be
20 continued to another date without further notice other than a
21 motion to be entered upon the minutes fixing the time and place
22 of the subsequent hearing.

23 Following the conclusion of the public hearing required
24 under this Section, the corporate authorities of the
25 municipality may adopt an ordinance establishing and

1 designating an urban agricultural area.

2 (65 ILCS 5/11-15.4-25 new)

3 Sec. 11-15.4-25. Taxation of property; water rates and
4 charges.

5 (a) If authorized by the ordinance that establishes an
6 urban agricultural area under Section 11-15.4-20, a
7 municipality may provide for rebates, reductions, or other
8 compensation for property taxes levied against real property
9 located within an urban agricultural area that is used for
10 processing, growing, raising, or otherwise producing
11 agricultural products. Parcels of property assessed under
12 Section 10-110 of the Property Tax Code are not eligible for
13 the rebates, reductions, or other compensation for property
14 taxes provided in this subsection; except that if real property
15 assessed under Section 10-110 is reassessed and is subsequently
16 no longer assessed under Section 10-110, that property becomes
17 eligible for the rebates, reductions, or other compensation as
18 provided for in this Section.

19 (b) A municipality may authorize an entity providing water,
20 electricity, or other utilities to an urban agricultural area
21 to allow qualified farmers in the urban agricultural area to
22 (1) pay wholesale or otherwise reduced usage rates; or (2) pay
23 reduced or waived connection charges.

24 (65 ILCS 5/11-15.4-30 new)

1 Sec. 11-15.4-30. Unreasonable restrictions and
2 regulations; special assessments and levies.

3 (a) A municipality may not exercise any of its powers to
4 enact ordinances within an urban agricultural area in a manner
5 that would unreasonably restrict or regulate farming practices
6 in contravention of the purposes of this Act unless the
7 restrictions or regulations bear a direct relationship to
8 public health or safety.

9 (b) A unit of local government providing public services,
10 such as sewer, water, lights, or non-farm drainage, may not
11 impose benefit assessments or special ad valorem levies on land
12 within an urban agricultural area on the basis of frontage,
13 acreage, or value unless the benefit assessments or special ad
14 valorem levies were imposed prior to the formation of the urban
15 agricultural area or unless the service is provided to the
16 landowner on the same basis as others having the service.

17 (65 ILCS 5/11-15.4-35 new)

18 Sec. 11-15.4-35. Severability. The provisions of this
19 Division are severable under Section 1.31 of the Statute on
20 Statutes.

1 INDEX

2 Statutes amended in order of appearance

3 20 ILCS 205/205-65 new

4 65 ILCS 5/Art. 11 Div.

5 15.4 heading new

6 65 ILCS 5/11-15.4-5 new

7 65 ILCS 5/11-15.4-10 new

8 65 ILCS 5/11-15.4-15 new

9 65 ILCS 5/11-15.4-20 new

10 65 ILCS 5/11-15.4-25 new

11 65 ILCS 5/11-15.4-30 new

12 65 ILCS 5/11-15.4-35 new