



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5003

by Rep. David S. Olsen

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/1-2-1.7 new

Amends the Illinois Municipal Code. Provides that if an ordinance that more restrictively impacts a method of doing business, more restrictively increases existing costs of doing business, limits or impairs the use of property, or imposes additional restrictions or costs to procure a permit or business license, the ordinance may not be enforced against a person unless, before its adoption, the ordinance is presented for reading at at least 2 regular meetings of the corporate authorities that are held at least 7 days apart and the affected person has actual knowledge of the proposed law or ordinance. Provides that an ordinance that imposes additional restrictions on the process of securing a permit or a business license may not take effect until 90 days after the ordinance is adopted or 60 days after the average processing time for a permit or business license in the class requested, whichever is later. In a proceeding in which compliance with the provisions is an issue, provides that the burden of proof is on the municipality to demonstrate by clear and convincing evidence that it has complied with this Section. Limits home rule powers. Effective immediately.

LRB100 17878 AWJ 33062 b

HOME RULE 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 Illinois Municipal Code is amended by adding  
5 Section 1-2-1.7 as follows:

6 (65 ILCS 5/1-2-1.7 new)

7 Sec. 1-2-1.7. Business regulation.

8 (a) This Section applies to ordinances of general  
9 applicability that are adopted on or after the effective date  
10 of this amendatory Act of the 100th General Assembly.

11 (b) If an ordinance that more restrictively impacts a  
12 method of doing business, more restrictively increases  
13 existing costs of doing business, limits or impairs the use of  
14 property (including, but not limited to, imposing additional  
15 zoning, land management, environmental, parking, stormwater,  
16 or other requirements), or imposes additional restrictions or  
17 costs to procure a permit or business license, the ordinance  
18 may not be enforced against a person unless, before its  
19 adoption, the ordinance is presented for reading at at least 2  
20 regular meetings of the corporate authorities that are held at  
21 least 7 days apart and the affected person has actual knowledge  
22 of the proposed law or ordinance.

23 (b) An ordinance that imposes additional restrictions on

1 the process of securing a permit or a business license may not  
2 take effect until 90 days after the ordinance is adopted or 60  
3 days after the average processing time for a permit or business  
4 license in the class requested, whichever is later.

5 (c) In a proceeding in which compliance with this Section  
6 is an issue, the burden of proof is on the municipality to  
7 demonstrate by clear and convincing evidence that it has  
8 complied with this Section.

9 (d) A home rule municipality may not adopt ordinances in a  
10 manner inconsistent with this Section. This Section is a  
11 limitation under subsection (i) of Section 6 of Article VII of  
12 the Illinois Constitution on the concurrent exercise by home  
13 rule units of powers and functions exercised by the State.

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.