



Rep. Kam Buckner

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LRB103 30801 AWJ 59223 a

1 AMENDMENT TO HOUSE BILL 3303

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3303 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Business Improvement District Law.

6 Section 5. Purpose. The General Assembly finds that it is  
7 in the interest of the State of Illinois to promote the  
8 economic revitalization and physical maintenance of business  
9 districts in order to create jobs, attract new businesses,  
10 retain existing businesses, reduce crime, and spur new  
11 investments. The General Assembly finds that this purpose may  
12 best be accomplished by allowing business improvement  
13 districts to fund business-related activities and improvements  
14 through the levy of district charges upon the owners of real  
15 property that receive benefits from those activities and  
16 improvements.

1 Section 10. Definitions. As used in this Act:

2 "Activities" means services provided for the purpose of  
3 conferring benefit upon owners of property located within a  
4 business improvement district, including, but not limited to:

5 (1) promotion of events taking place within the  
6 business improvement district;

7 (2) furnishing of music;

8 (3) promotion of tourism within the business  
9 improvement district;

10 (4) marketing and economic development, including  
11 retail retention and recruitment;

12 (5) providing security, sanitation, graffiti removal,  
13 street and sidewalk cleaning, and other services  
14 supplemental to base services; and

15 (6) other services provided for the purpose of  
16 conferring benefit upon owners of property located within  
17 the business improvement district.

18 "Activities" does not include lobbying, as that term is  
19 defined in Section 2 of the Lobbyist Registration Act and  
20 Chapter 2-156 of the Municipal Code of Chicago.

21 "Base services" means services provided by any public  
22 entity, or paid for wholly or in part out of public funds,  
23 generally throughout a governmental unit to real property  
24 within the governmental unit.

25 "Business improvement district" means a contiguous area

1 within a governmental unit in which activities, improvements,  
2 or activities and improvements are provided in addition to  
3 base services. Territory shall be considered contiguous for  
4 purposes of this Act even though certain completely surrounded  
5 portions of the territory are excluded from the business  
6 improvement district. For purposes of this Act, parcels are  
7 within the same contiguous area if they touch or join one  
8 another in a reasonably substantial physical sense or if they  
9 meet the criteria for annexation to a municipality under  
10 Section 7-1-1 of the Illinois Municipal Code.

11 "Clerk" means the county clerk or municipal clerk, as the  
12 case may be.

13 "District charge" means a charge levied on behalf of a  
14 business improvement district for the purpose of acquiring,  
15 constructing, installing, or maintaining improvements or  
16 providing activities that will confer special benefits upon  
17 assessed property owners within the business improvement  
18 district. District charges levied for the purpose of  
19 conferring special benefits upon assessed property owners  
20 within a business improvement district are not taxes for the  
21 general benefit of a governmental unit, even if real property  
22 or persons not charged receive incidental or collateral  
23 beneficial effects.

24 "District management association" means a private or  
25 not-for-profit entity that enters into a contract with a  
26 governmental unit to administer or implement activities and

1 improvements specified in the district plan for a business  
2 improvement district. A district management association shall  
3 not be considered a public entity for any purpose.

4 "District plan" means a proposal for a business  
5 improvement district that contains the information described  
6 in Section 15.

7 "Downtown area" has the meaning given to that term in  
8 Section 17-1-1500-A of the Chicago Zoning Ordinance.

9 "Governing body" means the corporate authorities of a  
10 municipality or a county board or board of county  
11 commissioners, as the case may be.

12 "Governmental unit" means a county or municipality, as the  
13 case may be.

14 "Improvements" means the acquisition, construction,  
15 installation, or maintenance of any tangible property provided  
16 for the purpose of conferring benefit upon assessed property  
17 owners located within a business improvement district.

18 "Property owner" or "owner" means the record owner of fee  
19 simple interest in a real property subject to assessment,  
20 which will be deemed to be the person or entity that pays  
21 property taxes on the real property according to county  
22 records, unless another person or entity establishes to the  
23 governmental unit by clear and convincing evidence that they  
24 are the record owner of the fee simple interest.

25 "Public entity" means (i) the State or any agency, board,  
26 or commission of the State, (ii) any school district, or (iii)

1 any unit of local government.

2 Section 15. District plan.

3 (a) A business improvement district established under this  
4 Act is subject to and governed by a district plan, as may be  
5 amended as set forth in Section 65, and filed with the clerk. A  
6 district plan shall be prepared by the property owner or  
7 owners who submit the written petition to the clerk under  
8 Section 30.

9 (b) The district plan shall include, but need not be  
10 limited to, the following:

11 (1) The name of the business improvement district.

12 (2) A map of the business improvement district in  
13 sufficient detail to allow a property owner to reasonably  
14 determine whether a parcel of real property is located  
15 within the boundaries of the business improvement  
16 district.

17 (3) A description of the boundaries of the business  
18 improvement district in a manner sufficient to identify  
19 the real property included in the business improvement  
20 district.

21 (4) The initial term of the business improvement  
22 district.

23 (5) A statement identifying the activities and  
24 improvements within the business improvement district that  
25 may be provided from time to time for which property

1 owners will be charged and that the activities and  
2 improvements that are provided may vary from year to year  
3 and may differ by class.

4 (6) A statement identifying the maximum amount of the  
5 annual district charge to be levied and that the maximum  
6 amount of the annual district charge levied may vary from  
7 year to year.

8 (7) A statement identifying the maximum amount of  
9 total district charges to be levied for the term of the  
10 business improvement district.

11 (8) A statement identifying the proposed source or  
12 sources of financing, including the proposed method and  
13 basis of levying an assessment, in sufficient detail to  
14 allow each property owner to calculate (i) the estimated  
15 amount of the district charge to be levied upon the  
16 property owner annually, (ii) the maximum amount of the  
17 district charge that could be levied upon the property  
18 owner annually, and (iii) the total amount of the district  
19 charges that could be levied upon the property owner for  
20 the term of the business improvement district. The  
21 statement shall specify whether bonds may be issued to  
22 finance activities and improvements, and the anticipated  
23 term for the bonds.

24 (9) Any interest or penalties that may be imposed for  
25 delinquent payment of a district charge.

26 (10) A list of the real property subject to a district

1 charge, and a statement of any proposed classifications.  
2 The list shall include the permanent tax index number of  
3 each parcel located within the business improvement  
4 district.

5 (11) A statement of the real property classes exempt  
6 from charge, and a list of the real property to be  
7 exempted.

8 (12) A statement identifying the proposed procedures  
9 for renewal, subject to the limitations under Section 60.

10 (13) A statement identifying the district management  
11 association, the district management association's  
12 governance structure, and the district management  
13 association's anticipated liability insurance coverage  
14 limits.

15 (14) A statement identifying how unspent revenue  
16 collected from district charges may be allocated, carried  
17 over year to year, or returned to the property owners at  
18 the end of each year by applying the same method and basis  
19 that was used to calculate the district charges levied  
20 throughout the term of the business improvement district.

21 (15) The manner by which a property owner may contest  
22 the calculation of a specific district charge.

23 (16) Any proposed rules and regulations to be applied  
24 to the business improvement district.

25 Section 20. Assessments and district charges.

1           (a) Each district plan shall provide for an assessment  
2 levied upon property owners owning property within the  
3 business improvement district upon which district charges are  
4 based. District charges shall be levied at a rate or amount  
5 sufficient to produce revenues required to provide the  
6 activities and improvements specified in the district plan.  
7 The revenue from the levy of district charges within a  
8 business improvement district shall not be used to provide  
9 services outside the business improvement district or for any  
10 purpose other than the purposes set forth in the ordinance  
11 adopting the district plan.

12           (b) District charges shall be levied on the basis of the  
13 estimated benefit to the real property located within the  
14 business improvement district. In determining the assessment,  
15 the district management association may reasonably classify  
16 real property for purposes of determining benefit if so  
17 provided in the district plan. The classification may be based  
18 on various factors, including, as applicable, square footage,  
19 geography, or any other factor reasonably relating to the  
20 benefit received. Certain classes may be specified in the  
21 district plan as exempted from being charged if they would not  
22 receive a special benefit from the activities and  
23 improvements. District charges need not be imposed on  
24 different classes on the same basis or the same rate.

25           (c) District charges levied upon property owners owning  
26 property within the business improvement district may be



1 billed and collected as follows:

2 (1) a county that has established a business  
3 improvement district may include district charges in the  
4 regular property tax bills of the county. The county  
5 collector of the county in which a business improvement  
6 district is located may also bill and collect district  
7 charges with the regular property tax bills of the county  
8 if requested by a municipality within its jurisdiction  
9 that has established a business improvement district;  
10 however, no municipality is required to make this request  
11 of its county collector. If the county collector agrees to  
12 bill and collect district charges with the regular  
13 property tax bills of the county, then the applicable  
14 district plan shall be filed with the county collector and  
15 the annual amount due as set forth by the district  
16 management association shall become due in installments at  
17 the times property taxes shall become due in accordance  
18 with each regular property tax bill payable during the  
19 year in which the assessment comes due; or

20 (2) if the county collector does not agree to bill and  
21 collect district charges with the regular property tax  
22 bills of the county or the governmental unit that has  
23 established the business improvement district declines to  
24 request the county collector to do so, then the  
25 governmental unit shall bill and collect the assessments,  
26 either directly or through a third party, and the annual

1 amount due as set forth by the district management  
2 association in accordance with the district plan shall  
3 become due in installments on or about the times property  
4 taxes would otherwise become due in accordance with each  
5 regular property tax bill payable during the year in which  
6 the assessment comes due.

7 (d) District charges shall be payable at the times and in  
8 the manner set forth in the applicable bill. Delinquent  
9 payments for district charges levied pursuant to this Act may  
10 be charged interest and penalties as may be set forth in the  
11 district plan.

12 (e) District charges shall promptly, and in no case later  
13 than 90 days after collection, be remitted by the governmental  
14 unit to the district management association.

15 Section 25. Boundaries of business improvement district.

16 (a) The boundaries of a proposed business improvement  
17 district shall not overlap with the boundaries of another  
18 business improvement district or with the boundaries of a  
19 special service area established pursuant to the Special  
20 Service Area Tax Law.

21 (b) The boundaries of any proposed business improvement  
22 district may overlap with the boundaries of a tax increment  
23 financing district.

24 (c) A county may establish a business improvement district  
25 within a municipality or municipalities only when the

1 municipality or municipalities consent to the establishment of  
2 the business improvement district. A municipality may  
3 establish a business improvement district within the  
4 municipality and the unincorporated area of a county or within  
5 another municipality only when the county or other  
6 municipality consents to the establishment of the business  
7 improvement district.

8 Section 30. Proposals to establish a business improvement  
9 district.

10 (a) To propose a business improvement district, a written  
11 petition shall be filed with the clerk and shall include the  
12 name and legal status of the filing party, information  
13 specifying where the complete district plan can be obtained,  
14 and a summary of the district plan that includes: the  
15 boundaries of the proposed business improvement district; the  
16 proposed activities and improvements, and estimated amount of  
17 annual funding required; the method of assessment; and the  
18 total amount of the proposed district charges. The information  
19 contained in the summary shall be sufficient if it enables a  
20 property owner to generally identify the location and extent  
21 of the proposed business improvement district, the nature and  
22 extent of the activities and improvements, the estimated  
23 annual district charge that the property owner would pay, and  
24 the maximum annual district charge that the property owner  
25 would pay.

1           (b) Upon receiving a written petition to establish a  
2 business improvement district and concluding that the petition  
3 meets the requirements of Section 80, the clerk shall submit  
4 the petition to the governing body.

5           Section 35. Resolution of intent to consider establishment  
6 of a business improvement district. After receiving a verified  
7 petition from the clerk, the governing body shall adopt a  
8 resolution of intention to consider the establishment of a  
9 business improvement district. The resolution shall state the  
10 time and place of a public hearing to be held by the governing  
11 body to consider establishment of a business improvement  
12 district and shall restate all the information contained in  
13 the petition regarding the boundaries of the proposed business  
14 improvement district, the proposed activities and  
15 improvements, and estimated amount of annual funding required,  
16 the method of assessment, and the total amount of the proposed  
17 district charges anticipated for the initial term of the  
18 business improvement district.

19           Section 40. Establishment.

20           (a) Within 30 days after the public hearing to consider  
21 establishment of a business improvement district, the party  
22 who filed the district plan with the clerk may modify the  
23 district plan, including to satisfy any applicable legal  
24 requirements or remedy any deficiencies, prior to the adoption

1 of an ordinance establishing a business improvement district.  
2 Any modification to the district plan that changes the source  
3 or sources of financing, including the method and basis of  
4 levying the assessment or an increase or reduction in the  
5 maximum annual amount or maximum total amount of the  
6 assessment against one or more properties within the business  
7 improvement district, the procedures for renewal, the  
8 boundaries of a business improvement district, the district  
9 management association's governance structure, the activities  
10 and improvements to be provided within the business  
11 improvement district, or a change to the filing party must be  
12 approved by a written petition that conforms to the petition  
13 signature requirements set forth in Section 80. If the  
14 district plan is so modified, the governing body shall call an  
15 additional public hearing to hear and consider objections to  
16 the modified district plan prior to the adoption of an  
17 ordinance establishing a business improvement district.

18 (b) If, following all required public hearings, the  
19 governing body decides to establish a business improvement  
20 district, the governing body shall adopt an ordinance  
21 establishing the business improvement district that shall  
22 include, but is not limited to, all the following information:

23 (1) A detailed description of: the boundaries of the  
24 proposed business improvement district, which may be made  
25 by reference to a plan or map; the proposed activities and  
26 improvements, and an estimated amount of annual funding

1 required; the method of assessment; the maximum amount of  
2 annual district charges; and the total amount of the  
3 proposed district charges for the initial term of the  
4 business improvement district. The descriptions shall be  
5 sufficient if the descriptions enable a property owner to  
6 generally identify the location and extent of the proposed  
7 business improvement district, the nature and extent of  
8 the activities and improvements, and the maximum annual  
9 district charge that the property owner would pay.

10 (2) The time and place where any public hearing  
11 concerning the establishment of the business improvement  
12 district was held.

13 (3) A statement that the activities and improvements  
14 to be conferred upon property owners will be funded by the  
15 levy of district charges.

16 (4) A statement on whether bonds will be issued.

17 (5) A finding that each item in the district plan  
18 satisfies all applicable legal requirements and that  
19 establishing the business improvement district is in the  
20 public interest.

21 (6) The adoption of the district plan, as may be  
22 modified pursuant to subsection (a), including each item  
23 set forth in Section 15.

24 (7) A statement identifying the entity that will be  
25 responsible for administering district charges, including  
26 the functions of billing, collecting, and enforcement,

1           pursuant to Section 20.

2           (8) Authorization for the governmental unit to remit  
3           district charges to the district management association  
4           for the provision of activities and improvement.

5           (9) The deadline and manner for submitting the annual  
6           report required in Section 70.

7           (c) The ordinance establishing the business improvement  
8           district may not create additional obligations, burdens,  
9           requirements, liabilities, or restrictions for the business  
10          improvement district or the district management association  
11          other than those that are expressly contemplated by the  
12          district plan.

13          Section 45. Activities and improvements.

14          (a) Upon establishment of a business improvement district,  
15          the governing body may levy and collect the district charge  
16          pursuant to Section 20 as allowed by the district plan and the  
17          ordinance adopting the district plan.

18          (b) Activities and improvements provided pursuant to this  
19          Act shall be provided in addition to base services. The  
20          appropriate governmental unit shall continue to provide the  
21          same level of base services in any business improvement  
22          district as is provided to other real property within the  
23          governmental unit. The district management association shall  
24          not be expected or required to supplement any base services,  
25          but the district management association may supplement any

1 base services within the business improvement district in  
2 accordance with the district plan.

3 Section 50. Governance.

4 (a) For each business improvement district, the  
5 governmental unit shall contract with the district management  
6 association designated in the district plan to administer the  
7 operation of and provide for and maintain activities and  
8 improvements in and for a business improvement district. The  
9 contract may provide for the provision and maintenance of  
10 activities and improvements by one or more subcontractors of a  
11 district management association.

12 (b) The certificate of incorporation or bylaws of a  
13 district management association shall provide for voting  
14 representation of owners whose real property is located within  
15 the business improvement district, and may provide that the  
16 votes be weighted in proportion to the district charge levied  
17 or to be levied upon property owners within the business  
18 improvement district, except in no case shall the total number  
19 of votes assigned to one owner exceed 20% of the total number  
20 of votes which may be cast. Not less than 80% of a district  
21 management association's board of directors shall be composed  
22 of property owners or representatives of property owners  
23 within the business improvement district, and the composition  
24 shall generally be described in the statement identifying the  
25 district management association's governance structure in the



1 district plan.

2 (c) In addition to other powers as are conferred on it by  
3 law, the district management association may make  
4 recommendations to the governing body with respect to any  
5 matter involving or relating to the business improvement  
6 district.

7 (d) For consideration as it may deem appropriate, the  
8 governing body may license or grant to the district management  
9 association the right to undertake or permit commercial  
10 activities or other private uses of the streets or other parts  
11 of the business improvement district in which the governmental  
12 unit has any real property interest.

13 Section 55. Issuance of bonds. A governmental unit may  
14 issue bonds in the amounts and for the periods necessary to  
15 finance activities and improvements if authorized by the  
16 ordinance establishing the business improvement district.  
17 District charges levied in a business district shall be  
18 pledged to secure the bonds and district charges levied in 2 or  
19 more business improvement districts may be pledged to secure a  
20 single bond issue benefiting the business improvement  
21 districts. The district charge shall be levied on a basis that  
22 provides a rational relationship between the amount of the  
23 district charge against each property owner in each business  
24 improvement district and the benefit received. Bonds issued  
25 pursuant to this Act shall not be regarded as indebtedness of

1 the governmental unit for the purpose of any limitation  
2 imposed by any law. The term of any bonds issued pursuant to  
3 this Act shall be limited to the term of the business  
4 improvement district, including any renewal period. A  
5 governmental unit may set forth additional requirements by  
6 ordinance prior to bond issuance.

7 Section 60. Term; renewal.

8 (a) The initial term for a business improvement district  
9 shall be a maximum of 5 years or, if bonds are authorized to be  
10 issued for the business improvement district, until the  
11 maximum maturity of those bonds. Any business improvement  
12 district may be renewed one or more times by following the  
13 procedures for renewal as provided in the district plan if  
14 each property owner that is subject to assessment is notified  
15 of a pending renewal. A renewal shall not go into effect when,  
16 prior to the effective date of the renewal, a written petition  
17 seeking termination of the renewal that conforms to the  
18 petition signature requirements set forth in Section 80 is  
19 delivered to the clerk.

20 (b) Upon each renewal, a business improvement district  
21 shall have an additional term not to exceed 15 years, or, if  
22 bonds are authorized to be issued for the business improvement  
23 district, until the maximum maturity of those bonds. Prior to  
24 renewal, the ordinance adopting the district plan may be  
25 amended pursuant to Section 65, with the amendments to take

1 effect upon renewal.

2 (c) Upon renewal, any remaining revenues derived from the  
3 levy of district charges, or any revenues derived from the  
4 sale of assets acquired with the revenues, shall be  
5 transferred to the district management association of the  
6 renewed business improvement district. If the renewed business  
7 improvement district includes additional real property not  
8 included within the prior business improvement district, the  
9 remaining revenues shall be spent to benefit only the real  
10 property within the boundaries of the prior business  
11 improvement district. If the renewed business improvement  
12 district does not include real property included in the prior  
13 business improvement district, the remaining revenues  
14 attributable to that real property shall be refunded to the  
15 property owners of that real property.

16 Section 65. Amendments.

17 (a) Only upon the written request of the district  
18 management association may the governing body amend the  
19 ordinance adopting the district plan upon which the  
20 establishment or renewal of the business improvement district  
21 was based as set forth in this Section.

22 (b) Amendments that provide for any change to the source  
23 or sources of financing, including the method and basis of  
24 levying the assessment or an increase in the maximum annual  
25 district charge or the maximum total district charges for the

1 term of the business improvement district, or that provide for  
2 any change to the procedures for renewal may be adopted by the  
3 governing body by ordinance if, after a public hearing, the  
4 governing body determines that it is in the public interest to  
5 authorize the change to the source or sources of financing or  
6 to authorize the change to the procedures for renewal.

7 (c) Amendments that provide for a change to the boundaries  
8 of a business improvement district may be adopted by the  
9 governing body by ordinance if, after a public hearing, the  
10 governing body determines that it is in the public interest to  
11 authorize the change to the boundaries of the business  
12 improvement district and, if applicable, that all newly  
13 included property will benefit from the activities and  
14 improvements provided. The governing body may change the  
15 boundaries of a business improvement district by either  
16 expanding or reducing the existing boundaries. If the change  
17 to the boundaries is an expansion to existing boundaries, the  
18 expansion area must be contiguous with an existing boundary  
19 and the assessments upon property owners in the expansion area  
20 shall be established pursuant to Section 20. The governing  
21 body may consider an expansion to the boundaries of a business  
22 improvement district only upon receipt of a written petition  
23 of property owners within the proposed expansion area that  
24 conforms to the petition signature requirements set forth in  
25 Section 80. Any revenues that are unspent at the time of an  
26 amendment expanding the boundaries of a business improvement

1 district shall be spent to benefit only the real property  
2 within the prior boundaries of the business improvement  
3 district. If the change to the boundaries is a reduction to  
4 existing boundaries, any revenues that are unspent at the time  
5 of the amendment and are associated with real property that is  
6 being removed from the business improvement district, then  
7 those remaining revenues shall be refunded to the property  
8 owners of the real property. Any amendment that changes the  
9 boundaries of a business improvement district shall provide an  
10 updated map of the business improvement district that reflects  
11 the expansion or reduction of its boundaries.

12 (d) Notice shall be given and public hearings shall be  
13 held in accordance with Sections 85 and 90.

14 (e) An amendment not provided for in subsection (b) or (c)  
15 may be adopted by the governing body by ordinance without  
16 notice and a public hearing if the governing body determines  
17 that the amendment is consistent with the objectives of the  
18 district plan and is in the public interest to approve the  
19 amendment, but the amendment may not create any additional  
20 obligations, burdens, requirements, liabilities, or  
21 restrictions for the business improvement district or the  
22 district management association other than those that are  
23 expressly contemplated by the district plan.

24 Section 70. Reports.

25 (a) The district management association shall prepare or

1 have prepared a report for each fiscal year, except the first  
2 fiscal year, for which district charges are to be levied and  
3 collected to pay the costs of activities and improvements. The  
4 district management association's first report shall be  
5 submitted after the first year of operation of the business  
6 improvement district.

7 (b) The report shall be submitted to the governing body,  
8 and to each property owner subject to a district charge upon  
9 request, and shall be made available for public inspection.  
10 The report shall refer to the business improvement district by  
11 name, specify the fiscal year to which the report applies,  
12 and, with respect to that fiscal year, shall contain, but is  
13 not limited to, all the following information:

14 (1) The anticipated activities and improvements to be  
15 provided in that fiscal year.

16 (2) An estimate of the cost of providing the  
17 anticipated activities and improvements in that fiscal  
18 year.

19 (3) The estimated amount of any surplus or deficit  
20 revenues to be carried over from a previous fiscal year.

21 (c) In addition to the annual reporting requirement, the  
22 district management association shall notify the governing  
23 body of any proposed infrastructure or capital project in  
24 excess of \$50,000 within a reasonable time.

25 Section 75. Dissolution.

1 (a) After a public hearing on the subject of dissolution,  
2 the governing body may dissolve by ordinance any business  
3 improvement district in either of the following circumstances:

4 (1) If the governing body finds there has been  
5 misappropriation of funds, malfeasance, or a violation of  
6 law in connection with the management of the business  
7 improvement district; or

8 (2) Each year during the term of the business  
9 improvement district, there shall be a 60-day period in  
10 which property owners who paid more than 50% of the total  
11 of district charges levied in the prior year may request  
12 dissolution of a business improvement district by a  
13 written petition that conforms to the petition signature  
14 requirements set forth in Section 80. The first period  
15 shall begin 60 days prior to one year after the date of  
16 establishment of the district and shall continue for 60  
17 days. The next 60-day period shall begin 60 days prior to 2  
18 years after the date of the establishment of the district.  
19 Each successive year during the term of the district shall  
20 have a 60-day period beginning 60 days after the  
21 anniversary of the date of the establishment of the  
22 district.

23 (b) The governing body shall adopt a resolution of  
24 intention to dissolve the business improvement district prior  
25 to a public hearing required by this section. The resolution  
26 shall state the reason for the dissolution, shall state the

1 time and place of the public hearing, and shall contain a  
2 proposal to dispose of any assets acquired with the revenues  
3 of district charges levied on behalf of the business  
4 improvement district in accordance with subsection (d).

5 (c) Notice shall be given and public hearings shall be  
6 held in accordance with Sections 85 and 90.

7 (d) Upon the dissolution or expiration without renewal of  
8 a district, and after all outstanding debts are paid, any  
9 remaining revenues derived from the levy of district charges,  
10 including any remaining revenues from district charges  
11 collected after dissolution, or derived from the sale of  
12 assets acquired with these revenues or from bond reserve or  
13 construction funds, shall be either: (i) refunded to the  
14 property owners then located or operating within the business  
15 improvement district in which district charges were levied by  
16 applying the same method and basis that was used to calculate  
17 the district charges levied in the fiscal year in which the  
18 district dissolves or expires; or (ii) spent on activities or  
19 improvements specified in the district plan under a valid and  
20 enforceable contract executed by the district management  
21 association prior to the dissolution. If the dissolution  
22 occurs before district charges are levied for the fiscal year,  
23 the method and basis that was used to calculate district  
24 charges levied in the immediate prior fiscal year shall be  
25 used to calculate the amount of any refund.



1           Section 80. Petition signature requirements. Any petition  
2           required by this Act must be signed by property owners in the  
3           proposed business improvement district or proposed expanded  
4           area of a business improvement district, as the case may be,  
5           who cumulatively are expected to pay more than 20% of the total  
6           of the district charges proposed to be levied. However, where  
7           the proposed business improvement district or proposed  
8           expanded area of a business improvement district is located  
9           wholly or in part in the downtown area, then the petition must  
10          be signed by property owners in the proposed business  
11          improvement district or expanded area of a business  
12          improvement district, as the case may be, who are expected to  
13          cumulatively pay more than 50% of the total of the district  
14          charges proposed to be levied. All signatures for a petition  
15          to establish or expand a business improvement district must be  
16          collected within a period ending no more than 120 days from the  
17          initiation of the petition, which date shall be specified on  
18          the petition.

19          Section 85. Manner of notice. The notice of any public  
20          hearing required under this Act shall be given by publication  
21          and mailing. Notice by publication shall be given by  
22          publication at least once not less than 15 days prior to the  
23          public hearing in a newspaper of general circulation within  
24          the governmental unit. Notice by mailing shall be given by  
25          depositing the notice in the United States mail addressed to

1 each owner subject to a district charge. Notice shall be  
2 mailed not less than 10 days prior to the time set for the  
3 public hearing. The mailed notice shall enclose, or include  
4 information allowing a property owner to obtain, a copy of the  
5 proposed district plan.

6 Section 90. Public hearings. At a public hearing held  
7 pursuant to this Act, any interested person, including all  
8 property owners owning real property located within a proposed  
9 or existing business improvement district, may file with the  
10 clerk written objections to or statements in support of, and  
11 may be heard orally, with respect to any matter embodied in the  
12 district plan or concerning the management of the business  
13 improvement district. The governing body shall hear and  
14 consider all statements and objections at the public hearing.  
15 The governing body may adjourn a public hearing to another  
16 date without further notice other than a motion fixing the  
17 time and place the public hearing will reconvene.

18 Section 95. Existing law. This Act provides an alternative  
19 method of financing certain activities and improvements. The  
20 provisions of this Act do not affect or limit any other  
21 provisions of law authorizing or providing for the furnishing  
22 of activities or improvements or the raising of revenue for  
23 these purposes. Every special service area established  
24 pursuant to the Special Service Area Tax Law is unaffected by

1 this Act.

2 Section 97. Contesting validity. The validity of a  
3 business improvement district created or amended, district  
4 plan established, or district charge imposed under this Act  
5 may not be contested in any action or proceeding unless the  
6 action or proceeding is commenced within 30 days after the  
7 formation ordinance is adopted or, with respect to amendments  
8 under Section 65, within 30 days after an amendment has been  
9 approved. If a party appeals a final judgment, the party  
10 filing the appeal shall request discretionary acceleration  
11 under Supreme Court Rule 311(b).

12 Section 99. Effective date. This Act takes effect 120 days  
13 after becoming law."