

1 AN ACT in relation to school impact fees.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Counties Code is amended by changing
5 Sections 5-1041 and 5-1042 as follows:

6 (55 ILCS 5/5-1041) (from Ch. 34, par. 5-1041)

7 Sec. 5-1041. Maps, plats and subdivisions. A county
8 board may prescribe, by resolution or ordinance, reasonable
9 rules and regulations governing the location, width and
10 course of streets and highways and of floodplain, stormwater
11 and floodwater runoff channels and basins, and the provision
12 of necessary public grounds for schools, public libraries,
13 parks or playgrounds, in any map, plat or subdivision of any
14 block, lot or sub-lot or any part thereof or any piece or
15 parcel of land, not being within any city, village or
16 incorporated town. The rules and regulations may include
17 such reasonable requirements with respect to water supply and
18 sewage collection and treatment as may be established by the
19 Environmental Protection Agency, and such reasonable
20 requirements with respect to floodplain and stormwater
21 management as may be established by the County Stormwater
22 Management Committee established under Section 5-1062 of this
23 Code, and such reasonable requirements with respect to street
24 drainage and surfacing as may be established by the county
25 engineer or superintendent of highways and which by
26 resolution shall be deemed to be the minimum requirements in
27 the interest of the health, safety, education and convenience
28 of the public of the county; and may provide by resolution
29 that the map, plat or subdivision shall be submitted to the
30 county board or to some officer to be designated by the
31 county board for their or his approval. The county board

1 shall have a qualified engineer make an estimate of the
2 probable expenditures necessary to enable any person to
3 conform with the standards of construction established by the
4 board pursuant to the provisions of this Section. Except as
5 provided in Section 3 of the Public Construction Bond Act,
6 each person who seeks the county board's approval of a map,
7 plat or subdivision shall post a good and sufficient cash
8 bond, irrevocable letter of credit, surety bond, or other
9 adequate security with the county clerk, in a penal sum
10 sufficient to cover the estimate of expenditures made by the
11 estimating engineer. The cash bond, irrevocable letter of
12 credit, surety bond, or other adequate security shall be
13 conditioned upon faithful adherence to the rules and
14 regulations of the county board promulgated pursuant to the
15 authorization granted to it by this Section or by Section
16 5-1062 of this Code, and in such cases no such map, plat or
17 subdivision shall be entitled to record in the proper county
18 or have any validity until it has been so approved. If the
19 county board requires a cash bond, letter of credit, surety,
20 or any other method to cover the costs and expenses and to
21 insure completion of the requirements, the requirements shall
22 be subject to the provisions of Section 5-1123 of this Code.
23 This Section is subject to the provisions of Section 5-1123.

24 The county board may, by resolution, provide a schedule
25 of fees sufficient to reimburse the county for the costs
26 incurred in reviewing such maps, plats and subdivisions
27 submitted for approval to the county board. The fees
28 authorized by this Section are to be paid into the general
29 corporate fund of the county by the party desiring to have
30 the plat approved.

31 For purposes of implementing ordinances regarding
32 developer donations or impact fees and only for the purpose
33 of expenditures thereof, "public grounds for schools" is
34 defined as including land or site improvements, which include

1 school buildings or other infrastructure necessitated and
2 specifically and uniquely attributable to the development or
3 subdivision in question. This amendatory Act of the 93rd
4 General Assembly applies to all impact fees or developer
5 donations paid into a school district or held in a separate
6 account or escrow fund by any school district or county for a
7 school district.

8 No officer designated by a county board for the approval
9 of plats shall engage in the business of surveying, and no
10 map, plat or subdivision shall be received for record or have
11 any validity which has been prepared by or under the
12 direction of such plat officer.

13 It is the intention of this amendatory Act of 1990 to
14 repeal the language added to Section 25.09 of "An Act to
15 revise the law in relation to counties", approved March 31,
16 1874, by P.A. 86-614, Section 25.09 of that Act being the
17 predecessor of this Section.

18 (Source: P.A. 91-328, eff. 1-1-00; 92-479, eff. 1-1-02.)

19 (55 ILCS 5/5-1042) (from Ch. 34, par. 5-1042)

20 Sec. 5-1042. Maps, plats and subdivisions in certain
21 counties. In any county with a population not in excess of
22 500,000 located in the area served by the Northeastern
23 Illinois Metropolitan Planning Commission, a county board may
24 establish by ordinance or resolution of record reasonable
25 rules and regulations governing the location, width and
26 course of streets and highways, and the provision of public
27 grounds for schools, parks or playgrounds, in any map, plat
28 or subdivision of any block, lot or sub-lot or any part
29 thereof or any piece or parcel of land in the county, not
30 being within any city, village or incorporated town in the
31 county which rules and regulations may include such
32 reasonable requirements with respect to water supply and
33 sewage collection and treatment, and such reasonable

1 requirements with respect to street drainage and surfacing,
2 as may be established by the county board as minimum
3 requirements in the interest of the health, safety and
4 convenience of the public of the county; and may require by
5 ordinance or resolution of record that any map, plat or
6 subdivision shall be submitted to the county board or some
7 officer to be designated by the county board for its or his
8 approval in the manner provided in Section 5-1041, and to
9 require bonds and charge fees as provided in Section 5-1041.
10 This Section is subject to the provisions of Section 5-1123.

11 For purposes of implementing ordinances regarding
12 developer donations or impact fees and only for the purpose
13 of expenditures thereof, "public grounds for schools" is
14 defined as including land or site improvements, which include
15 school buildings or other infrastructure necessitated and
16 specifically and uniquely attributable to the development or
17 subdivision in question. This amendatory Act of the 93rd
18 General Assembly applies to all impact fees or developer
19 donations paid into a school district or held in a separate
20 account or escrow fund by any school district or county for a
21 school district.

22 (Source: P.A. 90-558, eff. 12-12-97.)

23 Section 10. The Illinois Municipal Code is amended by
24 changing Section 11-12-5 as follows:

25 (65 ILCS 5/11-12-5) (from Ch. 24, par. 11-12-5)

26 Sec. 11-12-5. Every plan commission and planning
27 department authorized by this division 12 has the following
28 powers and whenever in this division 12 the term plan
29 commission is used such term shall be deemed to include the
30 term planning department:

31 (1) To prepare and recommend to the corporate
32 authorities a comprehensive plan for the present and future

1 development or redevelopment of the municipality. Such plan
2 may be adopted in whole or in separate geographical or
3 functional parts, each of which, when adopted, shall be the
4 official comprehensive plan, or part thereof, of that
5 municipality. This plan may include reasonable requirements
6 with reference to streets, alleys, public grounds, and other
7 improvements hereinafter specified. The plan, as recommended
8 by the plan commission and as thereafter adopted in any
9 municipality in this state, may be made applicable, by the
10 terms thereof, to land situated within the corporate limits
11 and contiguous territory not more than one and one-half miles
12 beyond the corporate limits and not included in any
13 municipality. Such plan may be implemented by ordinances (a)
14 establishing reasonable standards of design for subdivisions
15 and for resubdivisions of unimproved land and of areas
16 subject to redevelopment in respect to public improvements as
17 herein defined; (b) establishing reasonable requirements
18 governing the location, width, course, and surfacing of
19 public streets and highways, alleys, ways for public service
20 facilities, curbs, gutters, sidewalks, street lights, parks,
21 playgrounds, school grounds, size of lots to be used for
22 residential purposes, storm water drainage, water supply and
23 distribution, sanitary sewers, and sewage collection and
24 treatment; and (c) may designate land suitable for annexation
25 to the municipality and the recommended zoning classification
26 for such land upon annexation.

27 (2) To recommend changes, from time to time, in the
28 official comprehensive plan.

29 (3) To prepare and recommend to the corporate
30 authorities, from time to time, plans for specific
31 improvements in pursuance of the official comprehensive plan.

32 (4) To give aid to the municipal officials charged with
33 the direction of projects for improvements embraced within
34 the official plan, to further the making of these projects,

1 and, generally, to promote the realization of the official
2 comprehensive plan.

3 (5) To prepare and recommend to the corporate
4 authorities schemes for regulating or forbidding structures
5 or activities which may hinder access to solar energy
6 necessary for the proper functioning of solar energy systems,
7 as defined in Section 1.2 of The Comprehensive Solar Energy
8 Act of 1977, or to recommend changes in such schemes.

9 (6) To exercise such other powers germane to the powers
10 granted by this article as may be conferred by the corporate
11 authorities.

12 (7) For purposes of implementing ordinances regarding
13 developer donations or impact fees, and specifically for
14 expenditures thereof, "school grounds" is defined as
15 including land or site improvements, which include school
16 buildings or other infrastructure necessitated and
17 specifically and uniquely attributed to the development or
18 subdivision in question. This amendatory Act of the 93rd
19 General Assembly applies to all impact fees or developer
20 donations paid into a school district or held in a separate
21 account or escrow fund by any school district or municipality
22 for a school district.

23 (Source: P.A. 86-614; 86-1039.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.