



Rep. Jack D. Franks

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09300HB3890ham001

LRB093 14076 MKM 48510 a

1 AMENDMENT TO HOUSE BILL 3890

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3890 by replacing  
3 everything after the enacting clause with the following:

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 board  
8 may prescribe, by resolution or ordinance, reasonable rules and  
9 regulations governing the location, width and course of streets  
10 and highways and of floodplain, stormwater and floodwater  
11 runoff channels and basins, and the provision of necessary  
12 public grounds for schools, public libraries, parks or  
13 playgrounds, in any map, plat or subdivision of any block, lot  
14 or sub-lot or any part thereof or any piece or parcel of land,  
15 not being within any city, village or incorporated town. The  
16 rules and regulations may include such reasonable requirements  
17 with respect to water supply and sewage collection and  
18 treatment as may be established by the Environmental Protection  
19 Agency, and such reasonable requirements with respect to  
20 floodplain and stormwater management as may be established by  
21 the County Stormwater Management Committee established under  
22 Section 5-1062 of this Code, and such reasonable requirements  
23 with respect to street drainage and surfacing as may be  
24 established by the county engineer or superintendent of

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

30 The county board may, by resolution, provide a schedule of  
31 fees sufficient to reimburse the county for the costs incurred  
32 in reviewing such maps, plats and subdivisions submitted for  
33 approval to the county board. The fees authorized by this  
34 Section are to be paid into the general corporate fund of the

1 county by the party desiring to have the plat approved.

2 For purposes of implementing ordinances regarding  
3 developer donations or impact fees and only for the purpose of  
4 expenditures thereof, "public grounds for schools" is defined  
5 as including land or site improvements, which include school  
6 buildings or other infrastructure necessitated and  
7 specifically and uniquely attributable to the development or  
8 subdivision in question. This amendatory Act of the 93rd  
9 General Assembly applies to all impact fees or developer  
10 donations paid into a school district or held in a separate  
11 account or escrow fund by any school district or county for a  
12 school district.

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

25 No officer designated by a county board for the approval of  
26 plats shall engage in the business of surveying, and no map,  
27 plat or subdivision shall be received for record or have any  
28 validity which has been prepared by or under the direction of  
29 such plat officer.

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

1 (Source: P.A. 92-479, eff. 1-1-02; 93-330, eff. 7-24-03.)

2 (55 ILCS 5/5-1042) (from Ch. 34, par. 5-1042)

3 Sec. 5-1042. Maps, plats and subdivisions in certain  
4 counties. In any county with a population not in excess of  
5 500,000 located in the area served by the Northeastern Illinois  
6 Metropolitan Planning Commission, a county board may establish  
7 by ordinance or resolution of record reasonable rules and  
8 regulations governing the location, width and course of streets  
9 and highways, and the provision of public grounds for schools,  
10 public libraries, parks or playgrounds, in any map, plat or  
11 subdivision of any block, lot or sub-lot or any part thereof or  
12 any piece or parcel of land in the county, not being within any  
13 city, village or incorporated town in the county which rules  
14 and regulations may include such reasonable requirements with  
15 respect to water supply and sewage collection and treatment,  
16 and such reasonable requirements with respect to street  
17 drainage and surfacing, as may be established by the county  
18 board as minimum requirements in the interest of the health,  
19 safety and convenience of the public of the county; and may  
20 require by ordinance or resolution of record that any map, plat  
21 or subdivision shall be submitted to the county board or some  
22 officer to be designated by the county board for its or his  
23 approval in the manner provided in Section 5-1041, and to  
24 require bonds and charge fees as provided in Section 5-1041.  
25 This Section is subject to the provisions of Section 5-1123.

26 For purposes of implementing ordinances regarding  
27 developer donations or impact fees and only for the purpose of  
28 expenditures thereof, "public grounds for schools" is defined  
29 as including land or site improvements, which include school  
30 buildings or other infrastructure necessitated and  
31 specifically and uniquely attributable to the development or  
32 subdivision in question. This amendatory Act of the 93rd  
33 General Assembly applies to all impact fees or developer

1 donations paid into a school district or held in a separate  
2 account or escrow fund by any school district or county for a  
3 school district.

4 For purposes of implementing ordinances regarding  
5 developer donations or impact fees and only for the purpose of  
6 expenditures thereof, "public libraries" is defined as  
7 including land or site improvements, including library  
8 buildings or other infrastructure necessitated by and  
9 specifically and uniquely attributable to the development or  
10 subdivision in question. This amendatory Act of the 93rd  
11 General Assembly applies to all impact fees or developer  
12 donations paid into a public library or library district or  
13 held in a separate account or escrow fund by any public library  
14 or library district or county for a public library or library  
15 district.

16 (Source: P.A. 93-330, eff. 7-24-03.)

17  
18 Section 10. The Illinois Municipal Code is amended by  
19 changing Section 11-12-5 as follows:

20 (65 ILCS 5/11-12-5) (from Ch. 24, par. 11-12-5)

21 Sec. 11-12-5. Every plan commission and planning  
22 department authorized by this division 12 has the following  
23 powers and whenever in this division 12 the term plan  
24 commission is used such term shall be deemed to include the  
25 term planning department:

26 (1) To prepare and recommend to the corporate authorities a  
27 comprehensive plan for the present and future development or  
28 redevelopment of the municipality. Such plan may be adopted in  
29 whole or in separate geographical or functional parts, each of  
30 which, when adopted, shall be the official comprehensive plan,  
31 or part thereof, of that municipality. This plan may include  
32 reasonable requirements with reference to streets, alleys,  
33 public grounds, and other improvements hereinafter specified.

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

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

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

25 (4) To give aid to the municipal officials charged with the  
26 direction of projects for improvements embraced within the  
27 official plan, to further the making of these projects, and,  
28 generally, to promote the realization of the official  
29 comprehensive plan.

30 (5) To prepare and recommend to the corporate authorities  
31 schemes for regulating or forbidding structures or activities  
32 which may hinder access to solar energy necessary for the  
33 proper functioning of solar energy systems, as defined in  
34 Section 1.2 of The Comprehensive Solar Energy Act of 1977, or

1 to recommend changes in such schemes.

2 (6) To exercise such other powers germane to the powers  
3 granted by this article as may be conferred by the corporate  
4 authorities.

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

15 (8) For purposes of implementing ordinances regarding  
16 developer donations or impact fees and only for the purpose of  
17 expenditures thereof, "public libraries" is defined as  
18 including land or site improvements, including library  
19 buildings or other infrastructure necessitated by and  
20 specifically and uniquely attributable to the development or  
21 subdivision in question. This amendatory Act of the 93rd  
22 General Assembly applies to all impact fees or developer  
23 donations paid into a public library or library district or  
24 held in a separate account or escrow fund by any public library  
25 or library district or municipality for a public library or  
26 library district.

27 (Source: P.A. 93-330, eff. 7-24-03.)

28 Section 99. Effective date. This Act takes effect upon  
29 becoming law."