

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 Counties Code is amended by changing Section
5 5-1095 as follows:

6 (55 ILCS 5/5-1095) (from Ch. 34, par. 5-1095)

7 Sec. 5-1095. Community antenna television systems;
8 satellite transmitted television programming.

9 (a) The County Board may license, tax or franchise the
10 business of operating a community antenna television system or
11 systems within the County and outside of a municipality, as
12 defined in Section 1-1-2 of the Illinois Municipal Code.

13 When an area is annexed to a municipality, the annexing
14 municipality shall thereby become the franchising authority
15 with respect to that portion of any community antenna
16 television system that, immediately before annexation, had
17 provided cable television services within the annexed area
18 under a franchise granted by the county, and the owner of that
19 community antenna television system shall thereby be
20 authorized to provide cable television services within the
21 annexed area under the terms and provisions of the existing
22 franchise. In that instance, the franchise shall remain in
23 effect until, by its terms, it expires, except that any
24 franchise fees payable under the franchise shall be payable
25 only to the county for a period of 5 years or until, by its
26 terms, the franchise expires, whichever occurs first. After the
27 5 year period, any franchise fees payable under the franchise
28 shall be paid to the annexing municipality. In any instance in
29 which a duly franchised community antenna television system is
30 providing cable television services within the annexing
31 municipality at the time of annexation, the annexing
32 municipality may permit that franchisee to extend its community

1 antenna television system to the annexed area under terms and
2 conditions that are no more burdensome nor less favorable to
3 that franchisee than those imposed under any community antenna
4 television franchise applicable to the annexed area at the time
5 of annexation. The authorization to extend cable television
6 service to the annexed area and any community antenna
7 television system authorized to provide cable television
8 services within the annexed area at the time of annexation
9 shall not be subject to the provisions of subsection (e) of
10 this Section.

11 (b) "Community antenna television system" as used in this
12 Section, means any facility which is constructed in whole or in
13 part in, on, under or over any highway or other public place
14 and which is operated to perform for hire the service of
15 receiving and amplifying the signals broadcast by one or more
16 television stations and redistributing such signals by wire,
17 cable or other means to members of the public who subscribe to
18 such service except that such term does not include (i) any
19 system which serves fewer than 50 subscribers or (ii) any
20 system which serves only the residents of one or more apartment
21 dwellings under common ownership, control or management, and
22 commercial establishments located on the premises of such
23 dwellings.

24 (c) The authority hereby granted does not include the
25 authority to license or franchise telephone companies subject
26 to the jurisdiction of the Illinois Commerce Commission or the
27 Federal Communications Commission in connection with
28 furnishing circuits, wires, cables or other facilities to the
29 operator of a community antenna television system.

30 The County Board may, in the course of franchising such
31 community antenna television system, grant to such franchisee
32 the authority and the right and permission to use all public
33 streets, rights of way, alleys, ways for public service
34 facilities, parks, playgrounds, school grounds, or other
35 public grounds, in which such county may have an interest, for
36 the construction, installation, operation, maintenance,

1 alteration, addition, extension or improvement of a community
2 antenna television system.

3 Any charge imposed by a community antenna television system
4 franchised pursuant to this Section for the raising or removal
5 of cables or lines to permit passage on, to or from a street
6 shall not exceed the reasonable costs of work reasonably
7 necessary to safely permit such passage. Pursuant to
8 subsections (h) and (i) of Section 6 of Article VII of the
9 Constitution of the State of Illinois, the General Assembly
10 declares the regulation of charges which may be imposed by
11 community antenna television systems for the raising or removal
12 of cables or lines to permit passage on, to or from streets is
13 a power or function to be exercised exclusively by the State
14 and not to be exercised or performed concurrently with the
15 State by any unit of local government, including any home rule
16 unit.

17 The County Board may, upon written request by the
18 franchisee of a community antenna television system, exercise
19 its right of eminent domain solely for the purpose of granting
20 an easement right no greater than 8 feet in width, extending no
21 greater than 8 feet from any lot line for the purpose of
22 extending cable across any parcel of property in the manner
23 provided for by the law of eminent domain, provided, however,
24 such franchisee deposits with the county sufficient security to
25 pay all costs incurred by the county in the exercise of its
26 right of eminent domain.

27 Except as specifically provided otherwise in this Section,
28 this Section is not a limitation on any home rule county.

29 (d) The General Assembly finds and declares that
30 satellite-transmitted television programming should be
31 available to those who desire to subscribe to such programming
32 and that decoding devices should be obtainable at reasonable
33 prices by those who are unable to obtain satellite-transmitted
34 television programming through duly franchised community
35 antenna television systems.

36 In any instance in which a person is unable to obtain

1 satellite-transmitted television programming through a duly
2 franchised community antenna television system either because
3 the municipality and county in which such person resides has
4 not granted a franchise to operate and maintain a community
5 antenna television system, or because the duly franchised
6 community antenna television system operator does not make
7 cable television services available to such person, any
8 programming company that delivers satellite-transmitted
9 television programming in scrambled or encrypted form shall
10 ensure that devices for decryption of such programming are made
11 available to such person, through the local community antenna
12 television operator or directly, for purchase or lease at
13 prices reasonably related to the cost of manufacture and
14 distribution of such devices.

15 A programming company that directly delivers
16 satellite-transmitted television programming in scrambled or
17 encrypted form through devices for decryption of that
18 programming or that delivers this programming through a local
19 community antenna television operator shall not charge a
20 customer who purchased or leased devices for reception or
21 decryption of satellite television programming a fee in
22 conjunction with the disconnection or removal of the devices. A
23 programming company or community antenna television operator
24 shall not charge a customer a fee for any devices for reception
25 or decryption after disconnection. A programming company or
26 community antenna television operator that installed devices
27 for reception or encryption must remove without any charge, at
28 a reasonable time and in a workman-like manner, any devices for
29 reception or decryption that it installed or caused to be
30 installed at the premises of the customer.

31 (e) The General Assembly finds and declares that, in order
32 to ensure that community antenna television services are
33 provided in an orderly, competitive and economically sound
34 manner, the best interests of the public will be served by the
35 establishment of certain minimum standards and procedures for
36 the granting of additional cable television franchises.

1 Subject to the provisions of this subsection, the authority
2 granted under subsection (a) hereof shall include the authority
3 to license, franchise and tax more than one cable operator to
4 provide community antenna television services within the
5 territorial limits of a single franchising authority. For
6 purposes of this subsection (e), the term:

7 (i) "Existing cable television franchise" means a
8 community antenna television franchise granted by a county
9 which is in use at the time such county receives an
10 application or request by another cable operator for a
11 franchise to provide cable antenna television services
12 within all or any portion of the territorial area which is
13 or may be served under the existing cable television
14 franchise.

15 (ii) "Additional cable television franchise" means a
16 franchise pursuant to which community antenna television
17 services may be provided within the territorial areas, or
18 any portion thereof, which may be served under an existing
19 cable television franchise.

20 (iii) "Franchising Authority" is defined as that term
21 is defined under Section 602(9) of the Cable Communications
22 Policy Act of 1984, Public Law 98-549.

23 (iv) "Cable operator" is defined as that term is
24 defined under Section 602(4) of the Cable Communications
25 Policy Act of 1984, Public Law 98-549.

26 Before granting an additional cable television franchise,
27 the franchising authority shall:

28 (1) Give written notice to the owner or operator of any
29 other community antenna television system franchised to
30 serve all or any portion of the territorial area to be
31 served by such additional cable television franchise,
32 identifying the applicant for such additional franchise
33 and specifying the date, time and place at which the
34 franchising authority shall conduct public hearings to
35 consider and determine whether such additional cable
36 television franchise should be granted.

1 (2) Conduct a public hearing to determine the public
2 need for such additional cable television franchise, the
3 capacity of public rights-of-way to accommodate such
4 additional community antenna television services, the
5 potential disruption to existing users of public
6 rights-of-way to be used by such additional franchise
7 applicant to complete construction and to provide cable
8 television services within the proposed franchise area,
9 the long term economic impact of such additional cable
10 television system within the community, and such other
11 factors as the franchising authority shall deem
12 appropriate.

13 (3) Determine, based upon the foregoing factors,
14 whether it is in the best interest of the county to grant
15 such additional cable television franchise.

16 (4) If the franchising authority shall determine that
17 it is in the best interest of the county to do so, it may
18 grant the additional cable television franchise. Except as
19 provided in paragraph (5) of this subsection (e), no such
20 additional cable television franchise shall be granted
21 under terms or conditions more favorable or less burdensome
22 to the applicant than those required under the existing
23 cable television franchise, including but not limited to
24 terms and conditions pertaining to the territorial extent
25 of the franchise, system design, technical performance
26 standards, construction schedules, performance bonds,
27 standards for construction and installation of cable
28 television facilities, service to subscribers, public
29 educational and governmental access channels and
30 programming, production assistance, liability and
31 indemnification, and franchise fees.

32 (5) Unless the existing cable television franchise
33 provides that any additional cable television franchise
34 shall be subject to the same terms or substantially
35 equivalent terms and conditions as those of the existing
36 cable television franchise, the franchising authority may

1 grant an additional cable television franchise under
2 different terms and conditions than those of the existing
3 franchise, in which event the franchising authority shall
4 enter into good faith negotiations with the existing
5 franchisee and shall, within 120 days after the effective
6 date of the additional cable television franchise, modify
7 the existing cable television franchise in a manner and to
8 the extent necessary to ensure that neither the existing
9 cable television franchise nor the additional cable
10 television franchise, each considered in its entirety,
11 provides a competitive advantage over the other, provided
12 that prior to modifying the existing cable television
13 franchise, the franchising authority shall have conducted
14 a public hearing to consider the proposed modification. No
15 modification in the terms and conditions of the existing
16 cable television franchise shall oblige the existing cable
17 television franchisee (1) to make any additional payment to
18 the franchising authority, including the payment of any
19 additional franchise fee, (2) to engage in any additional
20 construction of the existing cable television system or,
21 (3) to modify the specifications or design of the existing
22 cable television system; and the inclusion of the factors
23 identified in items (2) and (3) shall not be considered in
24 determining whether either franchise considered in its
25 entirety, has a competitive advantage over the other except
26 to the extent that the additional franchisee provides
27 additional video or data services or the equipment or
28 facilities necessary to generate and or carry such service.
29 No modification in the terms and conditions of the existing
30 cable television franchise shall be made if the existing
31 cable television franchisee elects to continue to operate
32 under all terms and conditions of the existing franchise.

33 If within the 120 day period the franchising authority
34 and the existing cable television franchisee are unable to
35 reach agreement on modifications to the existing cable
36 television franchise, then the franchising authority shall

1 modify the existing cable television franchise, effective
2 45 days thereafter, in a manner, and only to the extent,
3 that the terms and conditions of the existing cable
4 television franchise shall no longer impose any duty or
5 obligation on the existing franchisee which is not also
6 imposed under the additional cable television franchise;
7 however, if by the modification the existing cable
8 television franchisee is relieved of duties or obligations
9 not imposed under the additional cable television
10 franchise, then within the same 45 days and following a
11 public hearing concerning modification of the additional
12 cable television franchise within that 45 day period, the
13 franchising authority shall modify the additional cable
14 television franchise to the extent necessary to insure that
15 neither the existing cable television franchise nor the
16 additional cable television franchise, each considered in
17 its entirety, shall have a competitive advantage over the
18 other.

19 No county shall be subject to suit for damages based upon
20 the county's determination to grant or its refusal to grant an
21 additional cable television franchise, provided that a public
22 hearing as herein provided has been held and the franchising
23 authority has determined that it is in the best interest of the
24 county to grant or refuse to grant such additional franchise,
25 as the case may be.

26 It is declared to be the law of this State, pursuant to
27 paragraphs (h) and (i) of Section 6 of Article VII of the
28 Illinois Constitution, that the establishment of minimum
29 standards and procedures for the granting of additional cable
30 television franchises as provided in this subsection (e) is an
31 exclusive State power and function that may not be exercised
32 concurrently by a home rule unit.

33 (Source: P.A. 90-14, eff. 7-1-97; 90-285, eff. 7-31-97.)

34 Section 10. The Illinois Municipal Code is amended by
35 changing Section 11-42-11 as follows:

1 (65 ILCS 5/11-42-11) (from Ch. 24, par. 11-42-11)

2 Sec. 11-42-11. Community antenna television systems;
3 satellite transmitted television programming.

4 (a) The corporate authorities of each municipality may
5 license, franchise and tax the business of operating a
6 community antenna television system as hereinafter defined. In
7 municipalities with less than 2,000,000 inhabitants, the
8 corporate authorities may, under the limited circumstances set
9 forth in this Section, own (or lease as lessee) and operate a
10 community antenna television system; provided that a
11 municipality may not acquire, construct, own, or operate a
12 community antenna television system for the use or benefit of
13 private consumers or users, and may not charge a fee for that
14 consumption or use, unless the proposition to acquire,
15 construct, own, or operate a cable antenna television system
16 has been submitted to and approved by the electors of the
17 municipality in accordance with subsection (f). Before
18 acquiring, constructing, or commencing operation of a
19 community antenna television system, the municipality shall
20 comply with the following:

21 (1) Give written notice to the owner or operator of any
22 other community antenna television system franchised to
23 serve all or any portion of the territorial area to be
24 served by the municipality's community antenna television
25 system, specifying the date, time, and place at which the
26 municipality shall conduct public hearings to consider and
27 determine whether the municipality should acquire,
28 construct, or commence operation of a community antenna
29 television system. The public hearings shall be conducted
30 at least 14 days after this notice is given.

31 (2) Publish a notice of the hearing in 2 or more
32 newspapers published in the county, city, village,
33 incorporated town, or town, as the case may be. If there is
34 no such newspaper, then notice shall be published in any 2
35 or more newspapers published in the county and having a

1 general circulation throughout the community. The public
2 hearings shall be conducted at least 14 days after this
3 notice is given.

4 (3) Conduct a public hearing to determine the means by
5 which construction, maintenance, and operation of the
6 system will be financed, including whether the use of tax
7 revenues or other fees will be required.

8 (b) The words "community antenna television system" shall
9 mean any facility which is constructed in whole or in part in,
10 on, under or over any highway or other public place and which
11 is operated to perform for hire the service of receiving and
12 amplifying the signals broadcast by one or more television
13 stations and redistributing such signals by wire, cable or
14 other means to members of the public who subscribe to such
15 service; except that such definition shall not include (i) any
16 system which serves fewer than fifty subscribers, or (ii) any
17 system which serves only the residents of one or more apartment
18 dwellings under common ownership, control or management, and
19 commercial establishments located on the premises of such
20 dwellings.

21 (c) The authority hereby granted does not include authority
22 to license, franchise or tax telephone companies subject to
23 jurisdiction of the Illinois Commerce Commission or the Federal
24 Communications Commission in connection with the furnishing of
25 circuits, wires, cables, and other facilities to the operator
26 of a community antenna television system.

27 The corporate authorities of each municipality may, in the
28 course of franchising such community antenna television
29 system, grant to such franchisee the authority and the right
30 and permission to use all public streets, rights of way,
31 alleys, ways for public service facilities, parks,
32 playgrounds, school grounds, or other public grounds, in which
33 such municipality may have an interest, for the construction,
34 installation, operation, maintenance, alteration, addition,
35 extension or improvement of a community antenna television
36 system.

1 Any charge imposed by a community antenna television system
2 franchised pursuant to this Section for the raising or removal
3 of cables or lines to permit passage on, to or from a street
4 shall not exceed the reasonable costs of work reasonably
5 necessary to safely permit such passage. Pursuant to
6 subsections (h) and (i) of Section 6 of Article VII of the
7 Constitution of the State of Illinois, the General Assembly
8 declares the regulation of charges which may be imposed by
9 community antenna television systems for the raising or removal
10 of cables or lines to permit passage on, to or from streets is
11 a power or function to be exercised exclusively by the State
12 and not to be exercised or performed concurrently with the
13 State by any unit of local government, including any home rule
14 unit.

15 The municipality may, upon written request by the
16 franchisee of a community antenna television system, exercise
17 its right of eminent domain solely for the purpose of granting
18 an easement right no greater than 8 feet in width, extending no
19 greater than 8 feet from any lot line for the purpose of
20 extending cable across any parcel of property in the manner
21 provided by the law of eminent domain, provided, however, such
22 franchisee deposits with the municipality sufficient security
23 to pay all costs incurred by the municipality in the exercise
24 of its right of eminent domain.

25 (d) The General Assembly finds and declares that
26 satellite-transmitted television programming should be
27 available to those who desire to subscribe to such programming
28 and that decoding devices should be obtainable at reasonable
29 prices by those who are unable to obtain satellite-transmitted
30 television programming through duly franchised community
31 antenna television systems.

32 In any instance in which a person is unable to obtain
33 satellite-transmitted television programming through a duly
34 franchised community antenna television system either because
35 the municipality and county in which such person resides has
36 not granted a franchise to operate and maintain a community

1 antenna television system, or because the duly franchised
2 community antenna television system operator does not make
3 cable television services available to such person, any
4 programming company that delivers satellite-transmitted
5 television programming in scrambled or encrypted form shall
6 ensure that devices for decryption ~~description~~ of such
7 programming are made available to such person, through the
8 local community antenna television operator or directly, for
9 purchase or lease at prices reasonably related to the cost of
10 manufacture and distribution of such devices.

11 A programming company that directly delivers
12 satellite-transmitted television programming in scrambled or
13 encrypted form through devices for decryption of that
14 programming or that delivers this programming through a local
15 community antenna television operator shall not charge a
16 customer who purchased or leased devices for reception or
17 decryption of satellite television programming a fee in
18 conjunction with the disconnection or removal of the devices. A
19 programming company or community antenna television operator
20 shall not charge a customer a fee for any devices for reception
21 or decryption after disconnection. A programming company or
22 community antenna television operator that installed devices
23 for reception or encryption must remove without any charge, at
24 a reasonable time and in a workman-like manner, any devices for
25 reception or decryption that it installed or caused to be
26 installed at the premises of the customer.

27 (e) The General Assembly finds and declares that, in order
28 to ensure that community antenna television services are
29 provided in an orderly, competitive and economically sound
30 manner, the best interests of the public will be served by the
31 establishment of certain minimum standards and procedures for
32 the granting of additional cable television franchises.

33 Subject to the provisions of this subsection, the authority
34 granted under subsection (a) hereof shall include the authority
35 to license, franchise and tax more than one cable operator to
36 provide community antenna television services within the

1 corporate limits of a single franchising authority. For
2 purposes of this subsection (e), the term:

3 (i) "Existing cable television franchise" means a
4 community antenna television franchise granted by a
5 municipality which is in use at the time such municipality
6 receives an application or request by another cable
7 operator for a franchise to provide cable antenna
8 television services within all or any portion of the
9 territorial area which is or may be served under the
10 existing cable television franchise.

11 (ii) "Additional cable television franchise" means a
12 franchise pursuant to which community antenna television
13 services may be provided within the territorial areas, or
14 any portion thereof, which may be served under an existing
15 cable television franchise.

16 (iii) "Franchising Authority" is defined as that term
17 is defined under Section 602(9) of the Cable Communications
18 Policy Act of 1984, Public Law 98-549, but does not include
19 any municipality with a population of 1,000,000 or more.

20 (iv) "Cable operator" is defined as that term is
21 defined under Section 602(4) of the Cable Communications
22 Policy Act of 1984, Public Law 98-549.

23 Before granting an additional cable television franchise,
24 the franchising authority shall:

25 (1) Give written notice to the owner or operator of any
26 other community antenna television system franchised to
27 serve all or any portion of the territorial area to be
28 served by such additional cable television franchise,
29 identifying the applicant for such additional franchise
30 and specifying the date, time and place at which the
31 franchising authority shall conduct public hearings to
32 consider and determine whether such additional cable
33 television franchise should be granted.

34 (2) Conduct a public hearing to determine the public
35 need for such additional cable television franchise, the
36 capacity of public rights-of-way to accommodate such

1 additional community antenna television services, the
2 potential disruption to existing users of public
3 rights-of-way to be used by such additional franchise
4 applicant to complete construction and to provide cable
5 television services within the proposed franchise area,
6 the long term economic impact of such additional cable
7 television system within the community, and such other
8 factors as the franchising authority shall deem
9 appropriate.

10 (3) Determine, based upon the foregoing factors,
11 whether it is in the best interest of the municipality to
12 grant such additional cable television franchise.

13 (4) If the franchising authority shall determine that
14 it is in the best interest of the municipality to do so, it
15 may grant the additional cable television franchise.
16 Except as provided in paragraph (5) of this subsection (e),
17 no such additional cable television franchise shall be
18 granted under terms or conditions more favorable or less
19 burdensome to the applicant than those required under the
20 existing cable television franchise, including but not
21 limited to terms and conditions pertaining to the
22 territorial extent of the franchise, system design,
23 technical performance standards, construction schedules,
24 performance bonds, standards for construction and
25 installation of cable television facilities, service to
26 subscribers, public educational and governmental access
27 channels and programming, production assistance, liability
28 and indemnification, and franchise fees.

29 (5) Unless the existing cable television franchise
30 provides that any additional cable television franchise
31 shall be subject to the same terms or substantially
32 equivalent terms and conditions as those of the existing
33 cable television franchise, the franchising authority may
34 grant an additional cable television franchise under
35 different terms and conditions than those of the existing
36 franchise, in which event the franchising authority shall

1 enter into good faith negotiations with the existing
2 franchisee and shall, within 120 days after the effective
3 date of the additional cable television franchise, modify
4 the existing cable television franchise in a manner and to
5 the extent necessary to ensure that neither the existing
6 cable television franchise nor the additional cable
7 television franchise, each considered in its entirety,
8 provides a competitive advantage over the other, provided
9 that prior to modifying the existing cable television
10 franchise, the franchising authority shall have conducted
11 a public hearing to consider the proposed modification. No
12 modification in the terms and conditions of the existing
13 cable television franchise shall oblige the existing cable
14 television franchisee (1) to make any additional payment to
15 the franchising authority, including the payment of any
16 additional franchise fee, (2) to engage in any additional
17 construction of the existing cable television system or,
18 (3) to modify the specifications or design of the existing
19 cable television system; and the inclusion of the factors
20 identified in items (2) and (3) shall not be considered in
21 determining whether either franchise considered in its
22 entirety, has a competitive advantage over the other except
23 to the extent that the additional franchisee provides
24 additional video or data services or the equipment or
25 facilities necessary to generate and or carry such service.
26 No modification in the terms and conditions of the existing
27 cable television franchise shall be made if the existing
28 cable television franchisee elects to continue to operate
29 under all terms and conditions of the existing franchise.

30 If within the 120 day period the franchising authority
31 and the existing cable television franchisee are unable to
32 reach agreement on modifications to the existing cable
33 television franchise, then the franchising authority shall
34 modify the existing cable television franchise, effective
35 45 days thereafter, in a manner, and only to the extent,
36 that the terms and conditions of the existing cable

1 television franchise shall no longer impose any duty or
2 obligation on the existing franchisee which is not also
3 imposed under the additional cable television franchise;
4 however, if by the modification the existing cable
5 television franchisee is relieved of duties or obligations
6 not imposed under the additional cable television
7 franchise, then within the same 45 days and following a
8 public hearing concerning modification of the additional
9 cable television franchise within that 45 day period, the
10 franchising authority shall modify the additional cable
11 television franchise to the extent necessary to insure that
12 neither the existing cable television franchise nor the
13 additional cable television franchise, each considered in
14 its entirety, shall have a competitive advantage over the
15 other.

16 No municipality shall be subject to suit for damages based
17 upon the municipality's determination to grant or its refusal
18 to grant an additional cable television franchise, provided
19 that a public hearing as herein provided has been held and the
20 franchising authority has determined that it is in the best
21 interest of the municipality to grant or refuse to grant such
22 additional franchise, as the case may be.

23 It is declared to be the law of this State, pursuant to
24 paragraphs (h) and (i) of Section 6 of Article VII of the
25 Illinois Constitution, that the establishment of minimum
26 standards and procedures for the granting of additional cable
27 television franchises by municipalities with a population less
28 than 1,000,000 as provided in this subsection (e) is an
29 exclusive State power and function that may not be exercised
30 concurrently by a home rule unit.

31 (f) No municipality may acquire, construct, own, or operate
32 a community antenna television system unless the corporate
33 authorities adopt an ordinance. The ordinance must set forth
34 the action proposed; describe the plant, equipment, and
35 property to be acquired or constructed; and specifically
36 describe the manner in which the construction, acquisition, and

1 operation of the system will be financed.

2 The ordinance may not take effect until the question of
3 acquiring, construction, owning, or operating a community
4 antenna television system has been submitted to the electors of
5 the municipality at a regular election and approved by a
6 majority of the electors voting on the question. The corporate
7 authorities must certify the question to the proper election
8 authority, which must submit the question at an election in
9 accordance with the Election Code.

10 The question must be submitted in substantially the
11 following form:

12 Shall the ordinance authorizing the municipality to
13 (insert action authorized by ordinance) take effect?

14 The votes must be recorded as "Yes" or "No".

15 If a majority of electors voting on the question vote in
16 the affirmative, the ordinance shall take effect.

17 Not more than 30 or less than 15 days before the date of
18 the referendum, the municipal clerk must publish the ordinance
19 at least once in one or more newspapers published in the
20 municipality or, if no newspaper is published in the
21 municipality, in one or more newspapers of general circulation
22 within the municipality.

23 (Source: P.A. 90-285, eff. 7-31-97; 91-648, eff. 1-1-00.)