

**SB0334**



**95TH GENERAL ASSEMBLY**

**State of Illinois**

**2007 and 2008**

**SB0334**

Introduced 2/7/2007, by Sen. Chris Lauzen

**SYNOPSIS AS INTRODUCED:**

55 ILCS 5/5-1041  
65 ILCS 5/11-15-1

from Ch. 34, par. 5-1041  
from Ch. 24, par. 11-15-1

Amends the Counties Code and the Illinois Municipal Code. With referendum approval, authorizes countywide impact fees on developers in Kendall, Boone, DeKalb, and Grundy Counties. The fees are to be used by the county to acquire land and construct buildings or other improvements on county property.

LRB095 10671 HLH 30902 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

**A BILL FOR**

1 AN ACT concerning local government.

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

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

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

7 Sec. 5-1041. Maps, plats and subdivisions; and countywide  
8 building construction impact fees.

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

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

1 county or have any validity until it has been so approved. If  
2 the county board requires a cash bond, letter of credit,  
3 surety, or any other method to cover the costs and expenses and  
4 to insure completion of the requirements, the requirements  
5 shall be subject to the provisions of Section 5-1123 of this  
6 Code. This Section is subject to the provisions of Section  
7 5-1123.

8 The county board may, by resolution, provide a schedule of  
9 fees sufficient to reimburse the county for the costs incurred  
10 in reviewing such maps, plats and subdivisions submitted for  
11 approval to the county board. The fees authorized by this  
12 Section are to be paid into the general corporate fund of the  
13 county by the party desiring to have the plat approved.

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

1 plat or subdivision shall be received for record or have any  
2 validity which has been prepared by or under the direction of  
3 such plat officer.

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

9 (b) The county boards of the Counties of Kendall, Boone,  
10 DeKalb, and Grundy, as prescribed in this Section, may impose a  
11 countywide building construction impact fee on developers  
12 undertaking a residential, multi-family, commercial, or  
13 industrial project that is being newly constructed,  
14 reconstructed, redeveloped, or otherwise developed that will  
15 generate additional demands for county services.

16 Before a county board of the County of Kendall, Boone,  
17 DeKalb, or Grundy passes an ordinance or resolution to impose a  
18 countywide construction impact fee as described in this  
19 Section, the respective county board shall first pass a  
20 resolution to submit the proposition to the electors of the  
21 county and the proposition must be approved by a majority of  
22 those voting on the question or questions. The county board may  
23 order the proposition to be submitted at any election. The  
24 county clerk shall certify the question or questions submitted  
25 by the county board to the proper election authority, who shall  
26 submit the proposition at an election in accordance with the

1 general election law. If the proposition is approved by a  
2 majority of those voting on the question or questions, the  
3 county board may impose the countywide building construction  
4 impact fee by ordinance, resolution, or developmental  
5 agreement.

6 The impact fee is intended to acquire land and construct  
7 buildings and other improvements on real property owned or  
8 leased by the county. The county is required to develop a  
9 capital improvement plan to justify the rational nexus of the  
10 impact fee. Total impact fees collected over time shall not  
11 exceed the amount to purchase required land, and construct and  
12 finance required buildings and improvements as specified in the  
13 capital improvement plan. The countywide building construction  
14 impact fee payable to a developer shall be based on a  
15 proportionate share of the costs outline in the county's  
16 capital development plan.

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

18 Section 10. The Illinois Municipal Code is amended by  
19 changing Section 11-15-1 as follows:

20 (65 ILCS 5/11-15-1) (from Ch. 24, par. 11-15-1)

21 Sec. 11-15-1. Approval of maps and plats; and countywide  
22 building construction impact fees.

23 (a) The corporate authorities may provide, by ordinance,  
24 that any map, plat, or subdivision of any block, lot, sub-lot,

1 or part thereof, or of any piece or parcel of land, shall be  
2 submitted to the corporate authorities, or to some officer to  
3 be designated by them, for their or his approval. In that case  
4 no such map, plat, or subdivision shall be entitled to record  
5 in the proper county, or have any validity until it has been so  
6 approved. If any municipality has adopted a subdivision  
7 ordinance pursuant to Division 12 of Article 11 of this code,  
8 as heretofore and hereinafter amended, all subdivision plats  
9 shall be submitted for approval and approved in the manner  
10 provided in such ordinance. Until approved by the corporate  
11 authorities, or such officer designated by them, no such map,  
12 plat or subdivision plat shall be entitled to record in the  
13 proper county, or have any validity whatever.

14 (b) Municipalities in the Counties of Kendall, Boone,  
15 DeKalb, and Grundy shall impose a countywide building  
16 construction impact fee on a developer undertaking any  
17 residential, multi-family, commercial, or industrial project  
18 that is being newly constructed, reconstructed, redeveloped,  
19 or otherwise developed that will generate additional demands  
20 for county services.

21 Before a municipality within the County of Kendall, Boone,  
22 DeKalb, or Grundy passes an ordinance or resolution to impose  
23 the county building impact fee as described in this Section,  
24 the respective county board shall first pass a resolution to  
25 submit the proposition to the electors of the county and the  
26 proposition must be approved by a majority of those voting on

1 the question or questions. The county board may order the  
2 proposition to be submitted at any election. The county clerk  
3 shall certify the question or questions submitted by the county  
4 board to the proper election authority, who shall submit the  
5 proposition at an election in accordance with the general  
6 election law.

7 If the proposition is approved by a majority of those  
8 voting on the question or questions, the county board may  
9 request the municipality to impose the countywide building  
10 construction impact fee by ordinance, resolution, or  
11 development agreement. The municipality shall impose the  
12 impact fee in accordance with the county's request. Remittance  
13 of the impact fees collected by a municipality shall be  
14 remitted to the county on a quarterly basis, or as mutually  
15 agree upon by the municipality and county. The municipality may  
16 charge the developer an additional administration fee not to  
17 exceed one-half percent of the impact fee.

18 The impact fee is intended to acquire land and construct  
19 buildings and other improvements on real property owned or  
20 leased by the county. The county is required to develop a  
21 capital improvement plan to justify the rational nexus of the  
22 impact fee. Total impact fees collected over time shall not  
23 exceed the amount to purchase required land, and construct and  
24 finance required buildings and improvements as specified in the  
25 capital improvement plan. The countywide building construction  
26 impact fee payable by a developer shall be based on a



1 proportionate share of the costs outlined in the county's  
2 capital improvement plan.

3 (Source: Laws 1961, p. 2425.)