

1 AN ACT concerning townships.

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

4 Section 5. The Township Code is amended by changing
5 Sections 240-5, 35-55, 85-10, 115-5, 140-5, and 245-5 as
6 follows:

7 (60 ILCS 1/240-5)

8 Sec. 240-5. Borrowing money. The township board may
9 borrow money from any bank or financial institution or, with
10 the approval of the highway commissioner, from a township
11 road district fund, if the money is to be repaid within 10
12 years ~~one--year~~ from the time it is borrowed. "Financial
13 institution" means any bank subject to the Illinois Banking
14 Act, any savings and loan association subject to the Illinois
15 Savings and Loan Act of 1985, and any federally chartered
16 commercial bank or savings and loan association organized and
17 operated in this State under the laws of the United States.
18 (Source: P.A. 86-1179; 88-62.)

19 (60 ILCS 1/35-55)

20 Sec. 35-55. Senior citizens services; authorization of
21 tax levy.

22 (a) The electors may authorize the township board to
23 levy a tax (at a rate of not more than 0.15% of the value, as
24 equalized and assessed by the Department of Revenue, of all
25 taxable property in the township) for the sole and exclusive
26 purpose of providing services to senior citizens under
27 Article 220 of the Township Code 270. If the board desires
28 to levy the tax, it shall order a referendum on the
29 proposition to be held at an election in accordance with the
30 general election law. The board shall certify the

1 proposition to the proper election officials, who shall
 2 submit the proposition to the voters at an election in
 3 accordance with the general election law. If a majority of
 4 the votes cast on the proposition is in favor of the
 5 proposition, the board may annually levy the tax in addition
 6 to any other taxes and not subject to the limitations set
 7 forth in Article 235 of the Township Code.

8 (b) If the township board of any township authorized to
 9 levy a tax under this Section pursuant to a referendum held
 10 before January 1, 1987, desires to increase the maximum rate
 11 of the tax to 0.15% of the value, as equalized and assessed
 12 by the Department of Revenue, of all taxable property in the
 13 township, it shall order a referendum on that proposition to
 14 be held at an election in accordance with the general
 15 election law. The board shall certify the proposition to the
 16 proper election officials, who shall submit the proposition
 17 to the voters at an election in accordance with the general
 18 election law. If a majority of the votes cast on the
 19 proposition is in favor of the proposition, the maximum tax
 20 rate shall be so increased.

21 (Source: P.A. 85-742; 88-62; revised 12-13-01.)

22 (60 ILCS 1/85-10)

23 Sec. 85-10. Township corporate powers.

24 (a) Every township has the corporate capacity to
 25 exercise the powers granted to it, or necessarily implied,
 26 and no others. Every township has the powers specified in
 27 this Section.

28 (b) A township may sue and be sued.

29 (c) A township may acquire (by purchase, gift, or
 30 legacy) and hold property, both real and personal, for the
 31 use of its inhabitants and may sell and convey that property.
 32 A township may purchase any real estate or personal property
 33 for public purposes under contracts providing for payment in

1 installments over a period of time of not more than 20 years
2 in the case of real estate and not more than 10 years in the
3 case of personal property. A township may finance the
4 purchase of any real estate or personal property for public
5 purpose under finance contracts providing for payment in
6 installments over a period of time of not more than 20 years
7 in the case of real estate and not more than 10 years in the
8 case of personal property. A township may construct a
9 township hall under contracts providing for payment over a
10 period of time of not more than 10 5 years. The interest on
11 the unpaid balance shall not exceed that permitted in the
12 Bond Authorization Act.

13 (d) A township may make all contracts necessary in the
14 exercise of the township's powers.

15 (e) A township may expend or contract for the
16 expenditure of any federal funds made available to the
17 township by law for any purpose for which taxes imposed upon
18 township property or property within the township may be
19 expended.

20 (f) A township may acquire (singly or jointly with a
21 municipality or municipalities) land or any interest in land
22 located within its township limits. The township may acquire
23 the land or interest by gift, purchase, or otherwise, but not
24 by condemnation. A township may (singly or jointly) improve
25 or arrange for the improvement of the land for industrial or
26 commercial purposes and may donate and convey the land or
27 interest in land so acquired and so improved to the Illinois
28 Development Finance Authority.

29 (g) (Blank)

30 (h) It is the policy of this State that all powers
31 granted either expressly or by necessary implication by this
32 Code, any other Illinois statute, or the Illinois
33 Constitution to townships may be exercised by those townships
34 notwithstanding effects on competition. It is the intention

1 of the General Assembly that the "State action exemption" to
2 the application of federal antitrust statutes be fully
3 available to townships to the extent their activities are
4 authorized by law as stated in this Code.

5 (i) A township may receive funds under the federal
6 Housing and Community Development Act of 1974 and may expend
7 or contract for the expenditure of those funds and other
8 township funds for the activities specified in Section 105 of
9 that Act. The powers granted under this subsection (i) are
10 in addition to powers otherwise possessed by a township and
11 shall not be construed as a limitation of those other powers.

12 (j) A township may establish reasonable fees for
13 recreation and instructional programs sponsored by the
14 township.

15 (Source: P.A. 88-62; incorporates 88-356 and 88-360; 88-670,
16 eff. 12-2-94; 89-331, eff. 8-17-95.)

17 (60 ILCS 1/115-5)

18 Sec. 115-5. Definitions. As used in this Article,
19 unless the context otherwise requires:

20 "Board" means the township board in counties having a
21 population of more than 150,000.

22 "Development of real property" means the constructing,
23 installing, planting or creating of any permanent or
24 temporary improvement of real property that has been acquired
25 for open space purposes.

26 "Open land" or "open space" means any space or area of
27 land or water of an area of 10 50 acres or more, the
28 preservation or the restriction of development or use of
29 which would (i) maintain or enhance the conservation of
30 natural or scenic resources; (ii) protect natural streams or
31 water supply; (iii) promote conservation of soils, wet lands,
32 or shores; (iv) afford or enhance public outdoor recreation
33 opportunities; (v) preserve flora and fauna, geological

1 features, historic sites, or other areas of educational or
2 scientific interest; (vi) enhance the value to the public of
3 abutting or neighboring highways, parks, or other public
4 lands; (vii) implement the plan of development adopted by the
5 planning commission of any municipality or county; or (viii)
6 promote orderly urban or suburban development. A township at
7 any time may release a specified parcel of land from an open
8 space plan and allow the development of the parcel to occur.
9 Once development (as defined in Section 115-55) has
10 commenced, the land shall no longer be eligible for
11 acquisition as open space or open land.

12 "Open space plan" means the written plan adopted by the
13 board to implement an open space program and includes
14 properly adopted amendments or additions to the plan.

15 "Open space program" means the acquisition of the fee or
16 of a lesser right or interest in tracts of open land in the
17 township for open space purposes.

18 "Open space purposes" includes (i) the preservation and
19 maintenance of open land, scenic roadways, and pathways; (ii)
20 the holding of real property described in clause (i), with or
21 without public access, for the education, pleasure, and
22 recreation of the public or for other open space values;
23 (iii) the preservation of portions of that property in their
24 natural condition and the development of other portions of
25 that property; (iv) the management and use of that property
26 in a manner and with restrictions that will leave it
27 unimpaired for the benefit of future generations; and (v)
28 otherwise promoting the conservation of the nature, flora and
29 fauna, natural environment, and natural resources of the
30 township.

31 (Source: P.A. 91-641, eff. 8-20-99.)

32 (60 ILCS 1/140-5)

33 Sec. 140-5. Petition and referendum for township hall.

1 (a) Whenever it is desired to build, purchase, or lease,
 2 for a longer period than 10 5 years, a township hall, a
 3 multi-purpose senior center, or a combined township hall and
 4 multi-purpose senior center in any township, at least 25
 5 electors of the township may, before the time of giving
 6 notice of the annual township meeting, file with the township
 7 clerk a petition in writing that the proposition of building,
 8 purchasing, or leasing a township hall, a multi-purpose
 9 senior center, or a combination township hall and
 10 multi-purpose senior center and issuing bonds for the
 11 building, purchase, or lease be submitted to the voters of
 12 the township at the next ensuing general election. The
 13 proposition shall be clearly stated in the petition
 14 substantially as follows: "Shall (name of township) borrow
 15 \$(amount) to (build, purchase, or lease) a (township hall,
 16 multi-purpose senior center, or combination multi-purpose
 17 township hall and senior center) and issue bonds for the
 18 (building, purchase, or lease)?" The petition shall be filed
 19 in the office of the township clerk.

20 (b) The township clerk shall certify the proposition to
 21 the proper election officials, who shall submit the
 22 proposition to the legal voters of the township at an
 23 election in accordance with the general election law. The
 24 form of the proposition shall be substantially as follows:

25 Shall (name of township) borrow \$(amount) to (
 26 build, purchase, or lease) a (township hall,
 27 multi-purpose senior center, or combination township hall
 28 and multi-purpose senior center) and issue bonds for the
 29 (building, purchase, or lease)?

30 The votes shall be recorded as "Yes" or "No".

31 (Source: P.A. 87-1254; 88-62.)

32 (60 ILCS 1/245-5)

33 Sec. 245-5. Resolution at township meeting for transfer

1 among township funds.

2 (a) The legal voters of a township at an annual township
3 meeting or at a special township meeting called for that
4 purpose may, by written resolution by a majority vote of the
5 legal voters present and voting on the resolution, transfer
6 from one or more township funds, including the general
7 assistance fund, to any other township fund or funds, or to
8 the general road and bridge fund, or to any fund raised by
9 taxation or bonds upon all the property in the township for
10 roads and bridges, the surplus of any fund or funds over and
11 above an amount necessary to meet township charges and
12 expenses until the time of receiving revenue levied at the
13 next annual township meeting. The fund or funds ordered
14 transferred shall be transferred and paid into the other fund
15 or funds and shall be paid out on proper orders of officers
16 authorized by law to expend the fund or funds.

17 (b) A resolution adopted under this Section shall
18 specify the estimated amount of the proper and necessary
19 charges and expenses of the township against the fund or
20 funds until the time of the receipt of revenue after the next
21 annual township meeting and the particular amount of surplus
22 of the township fund or funds to be paid over, shall
23 designate the particular fund or funds to be transferred to
24 and paid into, and shall be submitted to the township meeting
25 in writing or reduced to writing before any vote is taken on
26 it.

27 (c) Whenever it is desired to submit the resolution at a
28 special township meeting, a special township meeting may be
29 called when the supervisor, together with at least 25 voters
30 of the township, file with the township clerk a written
31 petition stating the purpose for which the special township
32 meeting is to be called. Upon the filing of the petition,
33 the township clerk shall give notice of the special township
34 meeting in the same manner and for the same length of time as

1 notice is required to be given of the annual township
2 meeting. The notice shall state the object of the special
3 meeting. The special meeting shall be held at the place of
4 the last annual township meeting.

5 (Source: P.A. 85-293; 88-62.)

6 Section 10. The Illinois Highway Code is amended by
7 changing Section 6-107.1 as follows:

8 (605 ILCS 5/6-107.1) (from Ch. 121, par. 6-107.1)

9 Sec. 6-107.1. Road districts may borrow money from any
10 bank or other financial institution or, in a township road
11 district and with the approval of the town board of trustees,
12 from the town fund, provided such money shall be repaid
13 within 10 years ~~one-year~~ from the time the money is borrowed.
14 "Financial institution" means any bank subject to the
15 Illinois Banking Act, any savings and loan association
16 subject to the Illinois Savings and Loan Act of 1985, and any
17 federally chartered commercial bank or savings and loan
18 association organized and operated in this State pursuant to
19 the laws of the United States.

20 (Source: P.A. 85-514; 86-1179.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.