

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 Township Code is amended by changing
5 Sections 115-10, 115-20, 120-10, 125-10, and 125-15 and by
6 adding Section 125-12 as follows:

7 (60 ILCS 1/115-10)

8 Sec. 115-10. Open space plan; petition.

9 (a) A board desiring to enter upon an open space program
10 may do so only after adoption of an open space plan under
11 Section 115-15. The board shall commence preparation of an open
12 space plan under that Section only upon the filing with the
13 township clerk of a petition signed by not less than 5% or 50,
14 whichever is greater, of the registered voters of the township
15 (according to the voting registration records at the time the
16 petition is filed) recommending that the board commence
17 preparation of an open space plan. Within 5 business days after
18 the filing of the petition, the township clerk shall provide
19 public notice of the existence of the filed petition in the
20 same manner as notices of meetings of the township board are
21 provided. A hearing shall be conducted no less than 30 days
22 after the filing of the petition to determine the validity of
23 the petition, which may be challenged in accordance with the
24 general election law.

25 (b) A proposed open space plan shall (i) identify all open
26 land within the township that the board deems necessary to
27 acquire in order to accomplish the purposes of the open space
28 program; (ii) state the ways in which the acquisition of open
29 land will further open space purposes; (iii) state the
30 estimated costs of implementing the proposed plan; (iv) state
31 the approximate tax, per \$100 of assessed value, that will be
32 levied to provide the necessary funds for implementing the

1 proposed plan; (v) state the estimated timetable for
2 implementing the proposed plan; and (vi) establish standards
3 and procedures for establishing priorities for the acquisition
4 of parcels identified in the plan.

5 (Source: P.A. 85-1140; 88-62.)

6 (60 ILCS 1/115-20)

7 Sec. 115-20. Referendum on recommended plan; petition.

8 (a) If the board recommends adoption of the open space
9 plan, or if a subsequent petition is filed by not less than 5%
10 or 50, whichever is greater, of the registered voters of the
11 township (according to the voting registration records at the
12 time the petition is filed) recommending adoption of the open
13 space plan, then the Board, within 30 days of making of the
14 recommendation or the approval ~~filing~~ of the petition, shall
15 file a petition with the township clerk, requesting the clerk
16 to submit to the voters of the township the question of whether
17 the township shall adopt the open space plan and enter upon an
18 open space program, with the power to acquire open land by
19 purchase, condemnation (except townships in counties having a
20 population of more than 150,000 but not more than 250,000), or
21 otherwise in the township and with the power to issue bonds for
22 those purposes under this Article. Approval of a petition
23 recommending adoption of the open space plan shall be given if
24 the petition is determined to be valid following public notice
25 and a hearing consistent with the requirements of Section
26 115-10 for the initial petition. The total amount of bonds to
27 be issued under this Section may not exceed 5% of the valuation
28 of all taxable property in the township and shall be set forth
29 in the question as a dollar amount. The township clerk shall
30 certify that proposition to the proper election officials, who
31 shall submit the proposition to the township voters at the next
32 regular election. The referendum shall be conducted and notice
33 given in accordance with the general election law.

34 (b) The question submitted to the voters at the election
35 shall be in substantially the following form:

1 Shall (name of township) adopt the open space plan
2 considered at the public hearing on (date) and enter upon
3 an open space program, and shall the Township Board have
4 the power (i) to acquire open land by purchase (insert "
5 condemnation," if the township is in a county having a
6 population of more than 250,000) or otherwise, (ii) to
7 issue bonds for open space purposes in an amount not
8 exceeding \$(amount), and (iii) to levy a tax to pay the
9 principal of and interest on those bonds, as provided in
10 Article 115 of the Township Code?

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

12 (c) If a majority of the voters voting at the election on
13 the question vote in favor of the question, the township shall
14 thereafter adopt the open space plan recommended by the board
15 or by the petition of the registered voters of the township and
16 shall enter upon an open space program under this Article. If
17 the proposition does not receive the approval of a majority of
18 the voters voting at the election on the question, no
19 proposition may be submitted to the voters under this Section
20 less than 23 months after the date of the election.

21 (d) If a majority of the legal voters voting at referendum
22 in any township approved a proposition at the consolidated
23 election in 2001 in reliance upon and consistent with this
24 Section 115-20 as it existed prior to the effective date of
25 Public Act 91-847, then that referendum and all actions taken
26 in reliance thereon are hereby validated and are legally
27 binding in all respects.

28 (Source: P.A. 91-641, eff. 8-20-99; 91-847, eff. 6-22-00; 92-6,
29 eff. 6-7-01.)

30 (60 ILCS 1/120-10)

31 Sec. 120-10. Method of acquiring land. A township desiring
32 to procure lands for park purposes under this Article may
33 purchase the lands from the owner or owners or, in the
34 discretion of the township board, may acquire the lands by the
35 exercise of the power of eminent domain in the manner provided

1 by the laws of this State for taking or damaging private
2 property for public purposes. A township may not utilize
3 eminent domain powers with respect to lands located within the
4 boundaries of a municipality that is served by a municipal
5 recreation department, or a park district.

6 (Source: Laws 1915, p. 724; P.A. 88-62.)

7 (60 ILCS 1/125-10)

8 Sec. 125-10. Petition and referendum.

9 (a) Legal ~~One hundred legal~~ voters of a township numbering
10 no less than 5% or 50, whichever is greater, of the registered
11 voters of the township, may file a petition in writing in the
12 office of the circuit clerk in the county in which the township
13 is located, with a copy of such petition required to be filed
14 on the same day with the township clerk, asking that a
15 referendum be held to authorize the issuance of bonds for the
16 purpose of providing funds for the purchase and improvement of
17 one or more public parks in the township. The petition shall
18 designate the amount of bonds proposed to be issued for the
19 acquirement and improvement of the parks. Within 5 business
20 days after the filing of the petition, the township clerk shall
21 provide public notice of the existence of the filed petition in
22 the same manner as notices of meetings of the township board
23 are provided. After a hearing conducted no less than 30 days
24 after the filing of the petition, at which time the validity of
25 the petition may be challenged in accordance with the general
26 election law ~~Upon the filing of the petition,~~ the circuit
27 court, if it determines that the petition conforms with the
28 requirements of the law, shall certify the question to the
29 proper election officials, who shall submit the question at an
30 election to the legally qualified voters of the township. The
31 court shall designate the election at which the question shall
32 be submitted. The notice of the referendum shall state the
33 amount of bonds proposed to be issued and identify any specific
34 park acquisition or improvement projects intended to be
35 supported by the bond proceeds, and the notice shall be given

1 and the referendum conducted in accordance with the general
2 election law.

3 (b) The proposition at the referendum shall be ~~in~~
4 substantially in one of the following forms ~~form~~:

5 Form A

6 Shall (name of township) be authorized to issue park
7 bonds to the amount of \$(amount) for the purpose of
8 procuring and improving one or more small parks?

9 Form B

10 Shall (name of township) be authorized to issue park
11 bonds to the amount of \$ (amount) for the purpose of
12 (identify specific park acquisition or improvement
13 projects)?

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

15 (c) If a majority of the votes cast upon the proposition
16 are in favor of the issuance of bonds, the township supervisor
17 and township clerk shall issue the bonds of the township not
18 exceeding the amount voted upon at the township election. The
19 bonds shall become due not more than 20 years after their date,
20 shall be in denominations of \$100 or any multiple of \$100, and
21 shall bear interest, evidenced by coupons, at the rate of not
22 exceeding 5% per annum, payable semiannually.

23 (Source: Laws 1915, p. 722; P.A. 81-1489; 88-62.)

24 (60 ILCS 1/125-12 new)

25 Sec. 125-12. Public hearing following referendum approval.

26 (a) Before the bonds shall be sold, the township board
27 shall hold at least one public hearing on the subject of how
28 the bond proceeds may be spent. In addition to providing no
29 less than 15 days' advance public notice of such hearing in a
30 manner consistent with meetings of the township board, notice
31 of such public hearing shall be provided to all municipalities

1 and park districts located within the township. All interested
2 residents and local government officials within the township
3 shall be afforded an opportunity to be heard during the public
4 hearing.

5 (b) When Form A of the referendum question is used, the
6 township shall consider all legitimate park acquisition and
7 improvement projects that are submitted in connection with the
8 public hearing. When Form B of the referendum question is used,
9 the township shall consider only those park acquisition and
10 improvement projects that were identified in the question.

11 (60 ILCS 1/125-15)

12 Sec. 125-15. Supervisor's and clerk's certificate; tax;
13 board of park commissioners.

14 (a) The bonds shall be sold, and the proceeds shall be
15 used, solely for the purpose of procuring and improving one or
16 more parks in the township; specifically, the bond proceeds may
17 be used in connection with one or more acquisition projects,
18 one or more improvement projects, or a combination thereof. The
19 bond proceeds may be used to support projects at parks operated
20 by the township or, through grants or intergovernmental
21 agreements, at parks operated by a municipality or park
22 district. At or before the time of the delivery of the bonds
23 for value, the township supervisor and township clerk shall
24 file with the county clerk of the county in which the township
25 is situated their certificate in writing, under their
26 signatures, stating the amount of bonds to be issued, their
27 denomination, and the rate of interest and where payable. The
28 certificate shall include a form of the bond to be issued.

29 (b) The supervisor and clerk shall levy a direct annual tax
30 upon all the taxable property in the township sufficient to pay
31 the principal and interest of the bonds as and when they
32 respectively mature. The certificate filed with the county
33 clerk is full and complete authority to the county clerk to
34 extend the tax named in the certificate upon all the taxable
35 property in the township. The tax is in addition to all other

1 taxes authorized by law.

2 (c) If there is a board of park commissioners invested by
3 law with control over any park that lies wholly or in part in
4 the township, the duties required of the supervisor and clerk
5 by this Section and subsection (c) of Section 125-10 shall be
6 performed by the board of park commissioners or under its
7 authority.

8 (Source: P.A. 84-550; 88-62.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.