

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
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
25 highways and which by resolution shall be deemed to be the
26 minimum requirements in the interest of the health, safety,
27 education and convenience of the public of the county; and may
28 provide by resolution that the map, plat or subdivision shall
29 be submitted to the county board or to some officer to be
30 designated by the county board for their or his approval. The
31 county board shall have a qualified engineer make an estimate
32 of the probable expenditures necessary to enable any person to

1 conform with the standards of construction established by the
2 board pursuant to the provisions of this Section. Except as
3 provided in Section 3 of the Public Construction Bond Act, each
4 person who seeks the county board's approval of a map, plat or
5 subdivision shall post a good and sufficient cash bond,
6 irrevocable letter of credit, surety bond, or other adequate
7 security with the county clerk, in a penal sum sufficient to
8 cover the estimate of expenditures made by the estimating
9 engineer. The cash bond, irrevocable letter of credit, surety
10 bond, or other adequate security shall be conditioned upon
11 faithful adherence to the rules and regulations of the county
12 board promulgated pursuant to the authorization granted to it
13 by this Section or by Section 5-1062 of this Code, and in such
14 cases no such map, plat or subdivision shall be entitled to
15 record in the proper county or have any validity until it has
16 been so approved. If the county board requires a cash bond,
17 letter of credit, surety, or any other method to cover the
18 costs and expenses and to insure completion of the
19 requirements, the requirements shall be subject to the
20 provisions of Section 5-1123 of this Code. This Section is
21 subject to the provisions of Section 5-1123.

22 The county board may, by resolution, provide a schedule of
23 fees sufficient to reimburse the county for the costs incurred
24 in reviewing such maps, plats and subdivisions submitted for
25 approval to the county board. The fees authorized by this
26 Section are to be paid into the general corporate fund of the
27 county by the party desiring to have the plat approved.

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

1 account or escrow fund by any school district or county for a
2 school district.

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

15 No officer designated by a county board for the approval of
16 plats shall engage in the business of surveying, and no map,
17 plat or subdivision shall be received for record or have any
18 validity which has been prepared by or under the direction of
19 such plat officer.

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

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

26 (55 ILCS 5/5-1042) (from Ch. 34, par. 5-1042)

27 Sec. 5-1042. Maps, plats and subdivisions in certain
28 counties. In any county with a population not in excess of
29 500,000 located in the area served by the Northeastern Illinois
30 Metropolitan Planning Commission, a county board may establish
31 by ordinance or resolution of record reasonable rules and
32 regulations governing the location, width and course of streets
33 and highways, and the provision of public grounds for schools,
34 public libraries, parks or playgrounds, in any map, plat or
35 subdivision of any block, lot or sub-lot or any part thereof or

1 any piece or parcel of land in the county, not being within any
2 city, village or incorporated town in the county which rules
3 and regulations may include such reasonable requirements with
4 respect to water supply and sewage collection and treatment,
5 and such reasonable requirements with respect to street
6 drainage and surfacing, as may be established by the county
7 board as minimum requirements in the interest of the health,
8 safety and convenience of the public of the county; and may
9 require by ordinance or resolution of record that any map, plat
10 or subdivision shall be submitted to the county board or some
11 officer to be designated by the county board for its or his
12 approval in the manner provided in Section 5-1041, and to
13 require bonds and charge fees as provided in Section 5-1041.
14 This Section is subject to the provisions of Section 5-1123.

15 For purposes of implementing ordinances regarding
16 developer donations or impact fees and only for the purpose of
17 expenditures thereof, "public grounds for schools" is defined
18 as including land or site improvements, which include school
19 buildings or other infrastructure necessitated 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 school district or held in a separate
24 account or escrow fund by any school district or county for a
25 school district.

26 For purposes of implementing ordinances regarding
27 developer donations or impact fees and only for the purpose of
28 expenditures thereof, "public libraries" is defined as
29 including land or site improvements, including library
30 buildings or other infrastructure necessitated by 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
34 donations paid into a public library or library district or
35 held in a separate account or escrow fund by any public library
36 or library district or county for a public library or library

1 district.

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

3 Section 10. The Illinois Municipal Code is amended by
4 changing Section 11-12-5 as follows:

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

6 Sec. 11-12-5. Every plan commission and planning
7 department authorized by this division 12 has the following
8 powers and whenever in this division 12 the term plan
9 commission is used such term shall be deemed to include the
10 term planning department:

11 (1) To prepare and recommend to the corporate authorities a
12 comprehensive plan for the present and future development or
13 redevelopment of the municipality. Such plan may be adopted in
14 whole or in separate geographical or functional parts, each of
15 which, when adopted, shall be the official comprehensive plan,
16 or part thereof, of that municipality. This plan may include
17 reasonable requirements with reference to streets, alleys,
18 public grounds, and other improvements hereinafter specified.
19 The plan, as recommended by the plan commission and as
20 thereafter adopted in any municipality in this state, may be
21 made applicable, by the terms thereof, to land situated within
22 the corporate limits and contiguous territory not more than one
23 and one-half miles beyond the corporate limits and not included
24 in any municipality. Such plan may be implemented by ordinances
25 (a) establishing reasonable standards of design for
26 subdivisions and for resubdivisions of unimproved land and of
27 areas subject to redevelopment in respect to public
28 improvements as herein defined; (b) establishing reasonable
29 requirements governing the location, width, course, and
30 surfacing of public streets and highways, alleys, ways for
31 public service facilities, curbs, gutters, sidewalks, street
32 lights, parks, playgrounds, school grounds, public libraries,
33 size of lots to be used for residential purposes, storm water
34 drainage, water supply and distribution, sanitary sewers, and

1 sewage collection and treatment; and (c) may designate land
2 suitable for annexation to the municipality and the recommended
3 zoning classification for such land upon annexation.

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

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

9 (4) To give aid to the municipal officials charged with the
10 direction of projects for improvements embraced within the
11 official plan, to further the making of these projects, and,
12 generally, to promote the realization of the official
13 comprehensive plan.

14 (5) To prepare and recommend to the corporate authorities
15 schemes for regulating or forbidding structures or activities
16 which may hinder access to solar energy necessary for the
17 proper functioning of solar energy systems, as defined in
18 Section 1.2 of The Comprehensive Solar Energy Act of 1977, or
19 to recommend changes in such schemes.

20 (6) To exercise such other powers germane to the powers
21 granted by this article as may be conferred by the corporate
22 authorities.

23 (7) For purposes of implementing ordinances regarding
24 developer donations or impact fees, and specifically for
25 expenditures thereof, "school grounds" is defined as including
26 land or site improvements, which include school buildings or
27 other infrastructure necessitated and specifically and
28 uniquely attributed to the development or subdivision in
29 question. This amendatory Act of the 93rd General Assembly
30 applies to all impact fees or developer donations paid into a
31 school district or held in a separate account or escrow fund by
32 any school district or municipality for a school district.

33 (8) For purposes of implementing ordinances regarding
34 developer donations or impact fees and only for the purpose of
35 expenditures thereof, "public libraries" is defined as
36 including land or site improvements, including library

1 buildings or other infrastructure necessitated by and
2 specifically and uniquely attributable to the development or
3 subdivision in question. This amendatory Act of the 93rd
4 General Assembly applies to all impact fees or developer
5 donations paid into a public library or library district or
6 held in a separate account or escrow fund by any public library
7 or library district or municipality for a public library or
8 library district.

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

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