



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/09/04, by Patricia Reid Lindner

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1041

from Ch. 34, par. 5-1041

55 ILCS 5/5-1042

from Ch. 34, par. 5-1042

Amends the Counties Code. Allows counties to impose a development impact fee by ordinance, resolution, or development agreement to undertake capital improvements, including the acquisition of land, improvements to the county highway system and to county buildings, and equipment and staffing. Sets forth requirements for setting the amount of the impact fee. Requires that the impact fees be deposited into interest bearing accounts designated solely for capital improvements for each school district, park district, library district, or fire protection district located in the county and affected by the new development, and provides that the county is accountable to each of those units of local government for the expenditure of those moneys. Effective immediately.

LRB093 16519 BDD 47351 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning counties.

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, 5-1042, and 5-1041.1 as follows:

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

7 Sec. 5-1041. Maps, plats and subdivisions; impact fees.

8 (a) A county board may prescribe, by resolution or
9 ordinance, reasonable rules and regulations governing the
10 location, width and course of streets and highways and of
11 floodplain, stormwater and floodwater runoff channels and
12 basins, and any land acquisition under subsection (b) ~~the~~
13 ~~provision of necessary public grounds for schools, public~~
14 ~~libraries, parks or playgrounds,~~ in any map, plat or
15 subdivision of any block, lot or sub-lot or any part thereof or
16 any piece or parcel of land, not being within any city, village
17 or incorporated town. The rules and regulations may include
18 such reasonable requirements with respect to water supply and
19 sewage collection and treatment as may be established by the
20 Environmental Protection Agency, and such reasonable
21 requirements with respect to floodplain and stormwater
22 management as may be established by the County Stormwater
23 Management Committee established under Section 5-1062 of this
24 Code, and such reasonable requirements with respect to street
25 drainage and surfacing as may be established by the county
26 engineer or superintendent of highways and which by resolution
27 shall be deemed to be the minimum requirements in the interest
28 of the health, safety, education and convenience of the public
29 of the county; and may provide by resolution that the map, plat
30 or subdivision shall be submitted to the county board or to
31 some officer to be designated by the county board for their or
32 his approval. The county board shall have a qualified engineer

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

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

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

1 donations paid into a school district or held in a separate
2 account or escrow fund by any school district or county for a
3 school district.

4 No officer designated by a county board for the approval of
5 plats shall engage in the business of surveying, and no map,
6 plat or subdivision shall be received for record or have any
7 validity which has been prepared by or under the direction of
8 such plat officer.

9 It is the intention of this amendatory Act of 1990 to
10 repeal the language added to Section 25.09 of "An Act to revise
11 the law in relation to counties", approved March 31, 1874, by
12 P.A. 86-614, Section 25.09 of that Act being the predecessor of
13 this Section.

14 (b) A county may impose a development impact fee by
15 ordinance, resolution, or development agreement to undertake
16 capital improvements, including the acquisition of land,
17 improvements to the county highway system and to county
18 buildings, and equipment and staffing.

19 An impact fee payable by a developer may not exceed a
20 proportionate share of the costs incurred by the county or by a
21 school district, park district, library district, or fire
22 protection district located in the county that are specifically
23 and uniquely attributable to the new development made by the
24 developer paying the fee. The county must work with and include
25 representatives of affected school districts, park districts,
26 library districts, and fire protection districts in assessing
27 development impact fees on behalf of the applicable districts.
28 In calculating the amount of an impact fee under this Section,
29 the county must consider, without limitation, (i) the demand
30 for the capital improvement generated by the development, (ii)
31 the acreage required for the capital improvement, and (iii) the
32 value of each acre of land.

33 All development impact fees collected under this Section
34 shall be deposited into interest bearing accounts designated
35 solely for capital improvements for each unit of local
36 government affected by the new development. The county is

1 accountable to each of those units of local government for the
2 expenditure of those moneys.

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

4 (55 ILCS 5/5-1042) (from Ch. 34, par. 5-1042)

5 Sec. 5-1042. Maps, plats and subdivisions and impact fees
6 in certain counties.

7 (a) In any county with a population not in excess of
8 500,000 located in the area served by the Northeastern Illinois
9 Metropolitan Planning Commission, a county board may establish
10 by ordinance or resolution of record reasonable rules and
11 regulations governing the location, width and course of streets
12 and highways, and any land acquisition under subsection (b) ~~the~~
13 ~~provision of public grounds for schools, parks or playgrounds,~~
14 in any map, plat or subdivision of any block, lot or sub-lot or
15 any part thereof or any piece or parcel of land in the county,
16 not being within any city, village or incorporated town in the
17 county which rules and regulations may include such reasonable
18 requirements with respect to water supply and sewage collection
19 and treatment, and such reasonable requirements with respect to
20 street drainage and surfacing, as may be established by the
21 county board as minimum requirements in the interest of the
22 health, safety and convenience of the public of the county; and
23 may require by ordinance or resolution of record that any map,
24 plat or subdivision shall be submitted to the county board or
25 some officer to be designated by the county board for its or
26 his approval in the manner provided in Section 5-1041, and to
27 require bonds and charge fees as provided in Section 5-1041.
28 This Section is subject to the provisions of Section 5-1123.

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

1 General Assembly applies to all impact fees or developer
2 donations paid into a school district or held in a separate
3 account or escrow fund by any school district or county for a
4 school district.

5 (b) A county may impose a development impact fee by
6 ordinance, resolution, or development agreement to undertake
7 capital improvements, including the acquisition of land,
8 improvements to the county highway system and to county
9 buildings, and equipment and staffing.

10 An impact fee payable by a developer may not exceed a
11 proportionate share of the costs incurred by the county or by a
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23 value of each acre of land.

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25 shall be deposited into interest bearing accounts designated
26 solely for capital improvements for each unit of local
27 government affected by the new development. The county is
28 accountable to each of those units of local government for the
29 expenditure of those moneys.

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

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.