

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

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

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

31 For purposes of implementing ordinances regarding
32 developer donations or impact fees and only for the purpose
33 of expenditures thereof, "public grounds for schools" is
34 defined as including land or site improvements, which include

1 school buildings or other infrastructure necessitated 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 school district or held in a separate
6 account or escrow fund by any school district or county for a
7 school district, including impact fees or developer donations
8 held by any school district or county for a school district
9 before July 24, 2003.

10 No officer designated by a county board for the approval
11 of plats shall engage in the business of surveying, and no
12 map, plat or subdivision shall be received for record or have
13 any validity which has been prepared by or under the
14 direction of such plat officer.

15 It is the intention of this amendatory Act of 1990 to
16 repeal the language added to Section 25.09 of "An Act to
17 revise the law in relation to counties", approved March 31,
18 1874, by P.A. 86-614, Section 25.09 of that Act being the
19 predecessor of this Section.

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

21 (55 ILCS 5/5-1042) (from Ch. 34, par. 5-1042)

22 Sec. 5-1042. Maps, plats and subdivisions in certain
23 counties. In any county with a population not in excess of
24 500,000 located in the area served by the Northeastern
25 Illinois Metropolitan Planning Commission, a county board may
26 establish by ordinance or resolution of record reasonable
27 rules and regulations governing the location, width and
28 course of streets and highways, and the provision of public
29 grounds for schools, parks or playgrounds, in any map, plat
30 or subdivision of any block, lot or sub-lot or any part
31 thereof or any piece or parcel of land in the county, not
32 being within any city, village or incorporated town in the
33 county which rules and regulations may include such

1 reasonable requirements with respect to water supply and
2 sewage collection and treatment, and such reasonable
3 requirements with respect to street drainage and surfacing,
4 as may be established by the county board as minimum
5 requirements in the interest of the health, safety and
6 convenience of the public of the county; and may require by
7 ordinance or resolution of record that any map, plat or
8 subdivision shall be submitted to the county board or some
9 officer to be designated by the county board for its or his
10 approval in the manner provided in Section 5-1041, and to
11 require bonds and charge fees as provided in Section 5-1041.
12 This Section is subject to the provisions of Section 5-1123.

13 For purposes of implementing ordinances regarding
14 developer donations or impact fees and only for the purpose
15 of expenditures thereof, "public grounds for schools" is
16 defined as including land or site improvements, which include
17 school buildings or other infrastructure necessitated and
18 specifically and uniquely attributable to the development or
19 subdivision in question. This amendatory Act of the 93rd
20 General Assembly applies to all impact fees or developer
21 donations paid into a school district or held in a separate
22 account or escrow fund by any school district or county for a
23 school district, including impact fees or developer donations
24 held by any school district or county for a school district
25 before July 24, 2003.

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

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

29 (65 ILCS 5/11-12-5) (from Ch. 24, par. 11-12-5)

30 Sec. 11-12-5. Every plan commission and planning
31 department authorized by this division 12 has the following
32 powers and whenever in this division 12 the term plan

1 commission is used such term shall be deemed to include the
2 term planning department:

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

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

33 (3) To prepare and recommend to the corporate
34 authorities, from time to time, plans for specific

1 improvements in pursuance of the official comprehensive plan.

2 (4) To give aid to the municipal officials charged with
3 the direction of projects for improvements embraced within
4 the official plan, to further the making of these projects,
5 and, generally, to promote the realization of the official
6 comprehensive plan.

7 (5) To prepare and recommend to the corporate
8 authorities schemes for regulating or forbidding structures
9 or activities which may hinder access to solar energy
10 necessary for the proper functioning of solar energy systems,
11 as defined in Section 1.2 of The Comprehensive Solar Energy
12 Act of 1977, or to recommend changes in such schemes.

13 (6) To exercise such other powers germane to the powers
14 granted by this article as may be conferred by the corporate
15 authorities.

16 (7) For purposes of implementing ordinances regarding
17 developer donations or impact fees, and specifically for
18 expenditures thereof, "school grounds" is defined as
19 including land or site improvements, which include school
20 buildings or other infrastructure necessitated and
21 specifically and uniquely attributed to the development or
22 subdivision in question. This amendatory Act of the 93rd
23 General Assembly applies to all impact fees or developer
24 donations paid into a school district or held in a separate
25 account or escrow fund by any school district or municipality
26 for a school district, including impact fees or developer
27 donations held by any school district or municipality for a
28 school district before July 24, 2003.

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

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