

**SB2580**



**95TH GENERAL ASSEMBLY**

**State of Illinois**

**2007 and 2008**

**SB2580**

Introduced 2/15/2008, by Sen. Dan Cronin

**SYNOPSIS AS INTRODUCED:**

65 ILCS 5/11-48.2-8 new

Amends the Illinois Municipal Code. Sets forth standing requirements with respect to municipal ordinances concerning the preservation of historic structures. Effective immediately.

LRB095 19887 HLH 46300 b

**A BILL FOR**

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 Illinois Municipal Code is amended by adding  
5 Section 11-48.2-8 as follows:

6 (65 ILCS 5/11-48.2-8 new)

7 Sec. 11-48.2-8. Preservation of historic structures. Any  
8 person or entity shall have standing and the right enforce the  
9 provisions of any municipal ordinance or regulation enacted  
10 pursuant to this Division or any ordinance or regulation  
11 enacted by a home rule unit of municipal government for the  
12 purpose of preserving or protecting areas or structures of  
13 historic, architectural, or cultural significance. In case any  
14 building or structure is demolished, constructed,  
15 reconstructed, altered, repaired, converted, or maintained, in  
16 violation of the foregoing, any person or entity that shows  
17 that his, her, or its property or person or other interest will  
18 be substantially affected by the alleged violation, in addition  
19 to other remedies, may institute any appropriate action or  
20 proceeding (i) to prevent the unlawful construction,  
21 reconstruction, alteration, repair, conversion, maintenance,  
22 or use, (ii) to prevent the occupancy of the building,  
23 structure, or land, (iii) to prevent any illegal act, conduct,

1 business, or use in or about the premises, or (iv) to restrain,  
2 correct, or abate the violation.

3 In any action or proceeding for a purpose mentioned in this  
4 Section, the court with jurisdiction over such action or  
5 proceeding has the power and in its discretion may issue a  
6 restraining order, writ of mandamus to any officer, or  
7 preliminary injunction, as well as a permanent injunction, upon  
8 such terms and under such conditions as will do justice and  
9 enforce the purposes set forth above.

10 If the court finds that the defendant has engaged in any of  
11 the foregoing prohibited activities, then the court shall allow  
12 the plaintiff a reasonable sum of money for the services of the  
13 plaintiff's attorney. This allowance shall be a part of the  
14 costs of the litigation assessed against the defendant and may  
15 be recovered as such.

16 A plaintiff need not prove any specific, special, or unique  
17 damages to himself or his property or any adverse effect upon  
18 his property from the alleged violation in order to maintain a  
19 suit under the foregoing.

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