



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2613

Introduced 2/18/2005, by Rep. Robert S. Molaro, Lou Lang, Sidney H. Mathias and Angelo Saviano

SYNOPSIS AS INTRODUCED:

60 ILCS 1/115-10

60 ILCS 1/115-20

Amends the Township Code. Provides that when a petition is filed, signed by not less than 5% or 50 of the registered voters of the township, whichever is greater, that recommends that the board commence the preparation of an open space plan, the township clerk shall provide a public notice within 5 business days after the petition is filed, by the regular notice procedures, of the existence of the filed petition. Provides that a hearing shall be conducted no less than 30 days after the petition was filed to determine the validity of the petition, which may be challenged in accord with the general election law. Provides that a subsequent petition to adopt the open space plan that the township board adopted shall be approved if the petition is determined to be valid following a public notice and a public hearing. Effective immediately.

LRB094 10976 AJO 41576 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 and 115-20 as follows:

6 (60 ILCS 1/115-10)

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

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

35 (b) The question submitted to the voters at the election

1 shall be in substantially the following form:

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

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

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

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

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

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