

ORDINANCE NO. FY2023-24-104
AN ORDINANCE PROVIDING FOR CASH CONTRIBUTIONS
AND THE DEDICATION OF CAPITAL IMPROVEMENT FEES

WHEREAS, the Fremont Public Library District is an Illinois municipal corporation organized and operating under the Illinois Library Code, 75 ILCS 8/5-1-0.1 et seq.; and

WHEREAS, the Library District has the authority to adopt ordinances and to promulgate rules and regulations which provide for the operation of the Library District; and

WHEREAS, continued residential development presents the Library District with special challenges. Land for new Library District facilities may need to be acquired, new facilities may need to be built, existing facilities may need to be renovated and additional library materials (such as books, periodicals, films, and recordings) and electronic data storage and retrieval facilities may need to be acquired. Because new development will require the Library District to incur costs to make services available, it is crucial that a means of addressing the impact specifically and uniquely attributable to the new development be provided so as to ensure that the Library District can absorb such impacts without burdening the existing taxpayers; and

WHEREAS, it is hereby found and determined that the public interest, convenience, health, welfare and safety requires the establishment of additional library facilities and sites to provide adequate educational and cultural services to new residents of the Library District; and

WHEREAS, it has been found and determined that the provision of library services to serve the immediate and future needs of residents and children of each new subdivision or planned unit development are essential to proper community enhancement, and to that end, the Library District has determined that the dedication of cash contributions shall be required of each subdivider or developer.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Library Trustees of the Fremont Public Library District, Lake County, Illinois, as follows:

Section One. Recitals. The foregoing recitals represent the purpose and intent of this ordinance and insofar as each does each recital is incorporated by reference as a substantive provision as though fully set forth herein.

Section Two. For the purpose of this ordinance, "capital expenditures" means the cost to erect a building to be used as a library, purchase a site for erecting such a building, purchase a building, repair, remodel, or improve an existing library building, build an addition to an existing library building, furnish necessary equipment for a library building, or acquire library materials (such as books, periodicals, films, and recordings) and electronic data storage and retrieval facilities. In order to defray capital expenditures incurred by the Library District which are specifically and uniquely attributable to the residential subdivisions and residential planned unit developments occurring within the Library District, a developer donation fee shall be paid to the Library District in the amount of **\$485** per residential unit regardless of the number of bedrooms.

- a. All developer donation fees which are collected pursuant to this Ordinance shall be used for capital expenditures.

- b. The fee shall be paid to the Library District prior to the time a building permit is issued for a residential dwelling unit. The Library District shall issue a paid receipt following payment.
- c. The fees shall be applicable to all residential subdivisions and planned unit developments unless other arrangements satisfactory to the Library District are made and an agreement is reached in writing.
- d. The fee shall be reviewed annually by the Board of Library Trustees.
- e. In the event the owner of the proposed development agrees to a developer donation agreement which is not inconsistent with the terms and conditions of this Ordinance, the Board delegates authority to the Library Director to execute such agreement on behalf of the Library District.

Section Three: Any objection to the fee shall be made prior to preliminary plat approval by the municipality (or the County of Lake if unincorporated) where the property is located.

(1) Procedure Timing.

All objections to any portion of this Ordinance or any other application of this Ordinance to a particular lot, subdivision or planned unit development, shall be referred to the Board of Library Trustees. An objection must be made, if at all, prior to the approval of the preliminary plat of subdivision or planned unit development by the municipality (or County of Lake) where the property is located. Where a plat of subdivision is not required, any objection must be made before the issuance of a building permit. A failure to object by such time shall constitute a waiver of the right to object to the provisions of this Ordinance.

(2) Form of Objection.

All objections shall be in writing and at a minimum contain the following information:

- a. Specific identification of the exact data, calculation or other determination to which an objection is being made;
- b. A detailed written basis for each and every objection made with specific reference to all data, written documentation, other evidence and/or testimony on which each and every objection is based;
- c. A specific detailed statement setting forth the proper data, calculation or determination which the objector believes should be implemented under this Ordinance with specific and detailed reference to any data, documentary information, other evidence and/or oral testimony supporting said position or belief;
- d. Copies of all data, and/or any other documentary evidence upon which the objector intends to rely;
- e. When any data is submitted, the objection shall make a specific reference as to the source of such data;
- f. Where any studies performed by or on the behalf of the objector or any other source are submitted, the objector shall further submit detailed information concerning the methods and procedures used in the study to collect and analyze data;
- g. Where any documentary or other evidence upon which the objector

relies refers to other sources of information and/or back-up materials from which data or information was gathered, the objector shall provide copies of such back-up data and/or information;

- h. The common description and P.I.N. of the properties affected by the objection.

(3) Waiver of Objections Not Made.

The written objection shall contain each and every objection being made. Any objections which are not specifically set forth in this written objection shall forever be deemed waived and shall not be considered at the hearing.

(4) Variances in the Form of the Objection.

Where any objector believes the information required to be contained in the objection creates an undue hardship, the objector shall include with its objection a sworn certification stating specific and detailed reasons why all the information required cannot be supplied and all reasons why the objector believes that requiring this information is an undue hardship.

(5) Procedure for Making an Objection.

Eight copies of every objection shall be served upon the Library Director. The objection shall be formally presented to the Library Board at the first regularly scheduled Library Board meeting which is 10 or more days after the date the objection is received by the Library Director. The objector and/or the objector's representative shall appear at the date scheduled for the presentment of the objection to the Library Board.

(6) Board Review.

The objection shall take place at a regularly scheduled Library Board meeting. The President of the Library Board shall preside over the objection and render decisions on any testimonial and/or evidentiary questions that arise with the advice of the attorney for the Library Board. The objector and Library Director shall have the right to be represented by counsel and the right to present oral and documentary evidence to the Library Board. The objector and the Library Board shall have the opportunity to cross examine each other's witnesses. Any member of the Library Board shall have the right to ask questions of any witness at any time. The objector and the Library District shall be provided the opportunity to present rebuttal testimony and/or documentation. After the objector and the Library District have submitted their testimony and documentation, the Library Board shall give interested members of the public the right to be heard. The Library Board shall have the right to continue the objection from time-to-time on its own motion or on the request of the objector and/or any district. The Library Board shall

deliberate in public and shall issue its written decision on each objection within 30 days of the conclusion of the meeting. The Library Board may accept or reject the objector's position in whole or in part and its decision may have general or specific applicability.

Section Four.

- (a) At the time the first donation is made, the subdivider or developer shall provide to the Library District a copy of the approved plat of subdivision or other document showing all lots which are proposed to be developed. In the event any amendments or changes are made to the approved plat of subdivision, the subdivider shall submit a revised plat of subdivision identifying all lots and showing all changes or revisions which have been made. The Library District shall use the plats of subdivision provided to mark off those lots for which the full cash donation has been paid.
- (b) Severability.
If any provision of this Ordinance regarding the payment of fees or the application thereof to any person or circumstances is declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the other provisions or applications of this Ordinance, the invalid provision shall be deemed stricken therefrom as if it were not a part hereof, ab initio, and the remainder of this Ordinance shall continue in full force and effect.

Section Five. Effective Date. This Ordinance shall become effective upon passage, approval and publication in pamphlet form according to law.

SO ORDAINED THIS 20th day of June, 2024, by the Board of Trustees of the Fremont Public Library District, Lake County, Illinois.

AYE:

NAY:

ABSENT:

APPROVED:

/S/ Jodie Nalezny, President

ATTEST:

/S/ Sharon Smogor, Secretary