



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB3061

Introduced 2/15/2018, by Sen. Laura M. Murphy

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-1-13

from Ch. 24, par. 7-1-13

Amends the Illinois Municipal Code. Provides that before a municipality may annex an area under 60 acres, the corporate authorities of the municipality must conduct at least 2 public hearings no less than 30 business days apart. Provides that during the first public hearing, the corporate authorities must provide persons interested in the annexation the opportunity to be heard. Provides that during the second or subsequent public hearing, the corporate authorities may adopt an ordinance annexing the area only if the municipality obtains consent to annex the area through a petition signed by: more than 70 percent of the registered voters of the area; and more than 70 percent of the owners of land in the area if the registered voters of the area do not own more than 70 percent of the land in the area. Provides that if the municipality cannot obtain consent it may file a petition in the circuit court in the county that the land is to be annexed requesting relief and that relief shall only be granted for existing public health and safety reasons that cannot be resolved without the annexation.

LRB100 19622 AWJ 34895 b

FISCAL NOTE ACT  
MAY APPLY

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  
5 changing Section 7-1-13 as follows:

6 (65 ILCS 5/7-1-13) (from Ch. 24, par. 7-1-13)

7 Sec. 7-1-13. Annexation.

8 (a) Whenever any unincorporated territory containing 60  
9 acres or less, is wholly bounded by (a) one or more  
10 municipalities, (b) one or more municipalities and a creek in a  
11 county with a population of 400,000 or more, or one or more  
12 municipalities and a river or lake in any county, (c) one or  
13 more municipalities and the Illinois State boundary, (d) except  
14 as provided in item (h) of this subsection (a), one or more  
15 municipalities and property owned by the State of Illinois,  
16 except highway right-of-way owned in fee by the State, (e) one  
17 or more municipalities and a forest preserve district or park  
18 district, (f) if the territory is a triangular parcel of less  
19 than 10 acres, one or more municipalities and an interstate  
20 highway owned in fee by the State and bounded by a frontage  
21 road, (g) one or more municipalities in a county with a  
22 population of more than 800,000 inhabitants and less than  
23 2,000,000 inhabitants and either a railroad or operating

1 property, as defined in the Property Tax Code (35 ILCS  
2 200/11-70), being immediately adjacent to, but exclusive of  
3 that railroad property, (h) one or more municipalities located  
4 within a county with a population of more than 800,000  
5 inhabitants and less than 2,000,000 inhabitants and property  
6 owned by the State, including without limitation a highway  
7 right-of-way owned in fee by the State, or (i) one or more  
8 municipalities and property on which a federally funded  
9 research facility in excess of 2,000 acres is located, that  
10 territory may be annexed by any municipality by which it is  
11 bounded in whole or in part, by the passage of an ordinance to  
12 that effect after notice is given as provided in subsection (b)  
13 of this Section. Land or property that is used for agricultural  
14 purposes or to produce agricultural goods shall not be annexed  
15 pursuant to item (g). Nothing in this Section shall subject any  
16 railroad property to the zoning or jurisdiction of any  
17 municipality annexing the property under this Section. The  
18 ordinance shall describe the territory annexed and a copy  
19 thereof together with an accurate map of the annexed territory  
20 shall be recorded in the office of the recorder of the county  
21 wherein the annexed territory is situated and a document of  
22 annexation shall be filed with the county clerk and County  
23 Election Authority. Nothing in this Section shall be construed  
24 as permitting a municipality to annex territory of a forest  
25 preserve district in a county with a population of 3,000,000 or  
26 more without obtaining the consent of the district pursuant to

1 Section 8.3 of the Cook County Forest Preserve District Act nor  
2 shall anything in this Section be construed as permitting a  
3 municipality to annex territory owned by a park district  
4 without obtaining the consent of the district pursuant to  
5 Section 8-1.1 of the Park District Code.

6 (b) The corporate authorities shall cause notice, stating  
7 that annexation of the territory described in the notice is  
8 contemplated under this Section, to be published once, in a  
9 newspaper of general circulation within the territory to be  
10 annexed, not less than 10 days before the passage of the  
11 annexation ordinance, and for land annexed pursuant to item (g)  
12 of subsection (a) of this Section, notice shall be given to the  
13 impacted land owners. The corporate authorities shall also, not  
14 less than 15 days before the passage of the annexation  
15 ordinance, serve written notice, either in person or, at a  
16 minimum, by certified mail, on the taxpayer of record of the  
17 proposed annexed territory as appears from the authentic tax  
18 records of the county. When the territory to be annexed lies  
19 wholly or partially within a township other than the township  
20 where the municipality is situated, the annexing municipality  
21 shall give at least 10 days prior written notice of the time  
22 and place of the passage of the annexation ordinance to the  
23 township supervisor of the township where the territory to be  
24 annexed lies. If the territory to be annexed lies within the  
25 unincorporated area of a county, then the annexing municipality  
26 shall give at least 10 days' prior written notice of the time

1 and place of the passage of the annexation ordinance to the  
2 corporate authorities of the county where the territory to be  
3 annexed lies.

4 (b-5) Notwithstanding any other provision in this  
5 Division, before a municipality may annex an area under 60  
6 acres under this Section, the corporate authorities of the  
7 municipality must conduct at least 2 public hearings. The  
8 hearings must be conducted not less than 30 business days  
9 apart. During the first public hearing, the corporate  
10 authorities must provide persons interested in the annexation  
11 the opportunity to be heard. During the second or subsequent  
12 public hearing, the corporate authorities may adopt an  
13 ordinance annexing the area only if the municipality obtains  
14 consent to annex the area through a petition signed by:

15 (1) more than 70% of the registered voters of the area;  
16 and  
17 (2) if the registered voters of the area do not own  
18 more than 70% of the land in the area, more than 70% of the  
19 owners of land in the area.

20 If the municipality cannot obtain consent, it may file a  
21 petition in the circuit court in the county that the land is to  
22 be annexed requesting relief. Relief shall only be granted for  
23 existing public health and safety reasons that cannot be  
24 resolved without the annexation.

25 (c) When notice is given as described in subsection (b) of  
26 this Section, no other municipality may annex the proposed

1 territory for a period of 60 days from the date the notice is  
2 mailed or delivered to the taxpayer of record unless that other  
3 municipality has initiated annexation proceedings or a valid  
4 petition as described in Section 7-1-2, 7-1-8, 7-1-11 or 7-1-12  
5 of this Code has been received by the municipality prior to the  
6 publication and mailing of the notices required in subsection  
7 (b).

8 (Source: P.A. 96-1000, eff. 7-2-10; 96-1048, eff. 7-14-10;  
9 96-1049, eff. 7-14-10; 97-333, eff. 8-12-11; 97-446, eff.  
10 8-19-11.)