

SB3429



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3429

Introduced 2/8/2024, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

70 ILCS 2805/32a.5

from Ch. 42, par. 443a.5

Amends the Sanitary District Act of 1936. Provides that contiguous territory located within the boundaries of a sanitary district organized under the Act and upon the border of the district may become disconnected from the district without following specified procedures by ordinance or resolution of both the sanitary district and the unit of local government within which the territory is located if there are no outstanding bond payments or debts to be repaid. Effective immediately.

LRB103 37549 AWJ 67673 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 Sanitary District Act of 1936 is amended by
5 changing Section 32a.5 as follows:

6 (70 ILCS 2805/32a.5) (from Ch. 42, par. 443a.5)

7 Sec. 32a.5. Disconnection of contiguous territory on the
8 border of a district.

9 (a) Any contiguous territory located within the boundaries
10 of any sanitary district organized under this Act, and upon
11 the border of such district, may become disconnected from such
12 district in the manner provided in this Section. Ten per cent
13 or more of the legal voters resident in the territory sought to
14 be disconnected from such district, may petition the circuit
15 court for the county in which the original petition for the
16 organization of the district was filed, to cause the question
17 of such disconnection to be submitted to the legal voters of
18 such territory whether the territory shall be disconnected.
19 The petition shall be addressed to the court and shall contain
20 a definite description of the boundaries of such territory and
21 recite as a fact, that as of the date the petition is filed
22 there is no bonded indebtedness of the sanitary district
23 outstanding and that no special assessments for local

1 improvements were levied upon or assessed against any of the
2 lands within such territory or if so levied or assessed, that
3 all of such assessments have been fully paid and discharged
4 and that such territory is not, at the time of the filing of
5 such petition, and will not be, either benefited or served by
6 any work or improvements either then existing or then
7 authorized by the sanitary district. Upon filing such petition
8 in the office of the circuit clerk of the county in which the
9 original petition for the formation of such sanitary district
10 has been filed it is the duty of the court to consider the
11 boundaries of such territory and the facts upon which the
12 petition is founded. The court may alter the boundaries of
13 such territory and shall deny the prayer of the petition, if
14 the material allegations therein contained are not founded in
15 fact. The decision of the court is appealable as in other civil
16 cases.

17 Notice shall be given by the court of the time and place
18 when and where all persons interested will be heard
19 substantially as provided in and by Section 1 of this Act. The
20 conduct of the hearing on the question whether such territory
21 shall become disconnected shall be, as nearly as possible, in
22 accordance with Section 1 of this Act. The court shall certify
23 the question to the proper election officials who shall submit
24 the question at an election in accordance with the general
25 election law. The question shall be in substantially the
26 following form:

1 -----

2 For disconnection from sanitary district.

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4 Against disconnection from sanitary district.

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6 If a majority of the votes cast on the question shall be in
7 favor of disconnection, and if the trustees of such sanitary
8 district shall, by ordinance, disconnect such territory,
9 thereupon the court shall enter an appropriate order of record
10 in the court and thereafter such territory shall be deemed
11 disconnected from such sanitary district.

12 (b) Contiguous territory located within the boundaries of
13 a sanitary district organized under this Act and upon the
14 border of the district may become disconnected from the
15 district without following the procedures of subsection (a) by
16 ordinance or resolution of both the sanitary district and the
17 unit of local government within which the territory is located
18 if there are no outstanding bond payments or debts to be
19 repaid.

20 (Source: P.A. 100-201, eff. 8-18-17.)

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