



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3654

Introduced 2/9/2024, by Sen. Dale Fowler

SYNOPSIS AS INTRODUCED:

70 ILCS 1850/4

from Ch. 19, par. 404

Amends the Shawneetown Regional Port District Act. Allows the Port District to regulate the use of public-owned or municipal-owned property that is (i) within 7,000 feet of any navigable waterway within the District and (ii) within Shawnee Township, Bowlesville Township, or the Village of Old Shawneetown, but limits the regulation for the fulfillment of the Port District's purpose of commerce and economic development. Provides that the District's authority to regulate the use and construction of the property is superior to the authority of any unit of local government within the property, including the District's right to vacate streets, alleys, and easements within the property; to vacate ordinances or resolutions of units of local government relating to the property; to issue permits for the use of buildings or structures on the property; and otherwise adopt any ordinances or resolutions regarding the property as necessary to fulfill the District's purposes. Provides that the Port District may impose a charge of the throughput to a company for products being imported or exported through the Port District from navigable waters at a rate to be set by the Port District.

LRB103 39453 AWJ 69647 b

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 Shawneetown Regional Port District Act is
5 amended by changing Section 4 as follows:

6 (70 ILCS 1850/4) (from Ch. 19, par. 404)

7 Sec. 4. The Port District has the following rights and
8 powers:

9 1. To issue permits: for the construction of all wharves,
10 piers, dolphins, booms, weirs, breakwaters, bulkheads,
11 jetties, bridges or other structures of any kind, over, under,
12 in, or within 40 feet of any navigable waters within the Port
13 Districts; for the deposit of rock, earth, sand or other
14 material, or any matter of any kind or description in said
15 waters; except that nothing contained in this paragraph 1
16 shall be construed so that it will be deemed necessary to
17 obtain a permit from the District for the erection, operation,
18 or maintenance of any bridge crossing a waterway which serves
19 as a boundary between the State of Illinois and any other
20 State~~7~~ when said erection, operation,
21 performed by any city within the District;

22 2. To prevent or remove obstructions in navigable waters,
23 including the removal of wrecks;

1 3. To locate and establish dock lines and shore or harbor
2 lines;

3 4. To regulate the anchorage, moorage and speed of water
4 borne vessels and to establish and enforce regulations for the
5 operation of bridges, except nothing contained in this
6 paragraph shall be construed to give the District authority
7 to regulate the operation of any bridge crossing a water-way
8 which serves as a boundary between the State of Illinois and
9 any other State, when such operation is performed or to be
10 performed by any city within the District;

11 5. To acquire, own, construct, lease, operate and maintain
12 terminals, terminal facilities and port facilities, and to fix
13 and collect just, reasonable, and nondiscriminatory charges
14 for the use of such facilities. The charges so collected shall
15 be used to defray the reasonable expenses of the Port District
16 and to pay the principal of and interest on any revenue bonds
17 issued by the District;

18 6. To locate, establish and maintain a public airport,
19 public airports and public airport facilities within its
20 corporate limits or within or upon any body of water adjacent
21 thereto, and to construct, develop, expand, extend and improve
22 any such airport or airport facility;

23 7. To operate, maintain, manage, lease, sublease, and to
24 make and enter into contracts for the use, operation or
25 management of, and to provide rules and regulations for, the
26 operation, management or use of, any public airport or public

1 airport facility;

2 8. To fix, charge and collect reasonable rentals, tolls,
3 fees, and charges for the use of any public airport, or any
4 part thereof, or any public airport facility. The Port
5 District may impose a charge of the throughput to a company for
6 products being imported or exported through the Port District
7 from navigable waters at a rate to be set by the Port District;

8 9. To establish, maintain, extend and improve roadways and
9 approaches by land, water or air to any such airport and to
10 contract or otherwise provide, by condemnation if necessary,
11 for the removal of any airport hazard or the removal or
12 relocation of all private structures, railways, mains, pipes,
13 conduits, wires, poles, and all other facilities and equipment
14 which may interfere with the location, expansion, development,
15 or improvement of airports or with the safe approach thereto
16 or takeoff therefrom by aircraft, and to pay the cost of
17 removal or relocation; and, subject to the "Airport Zoning
18 Act", approved July 17, 1945, as amended, to adopt, administer
19 and enforce airport zoning regulations for territory which is
20 within its corporate limits or which extends not more than two
21 miles beyond its corporate limits;

22 10. To restrict the height of any object of natural growth
23 or structure or structures within the vicinity of any airport
24 or within the lines of an approach to any airport and, when
25 necessary, for the reduction in the height of any such
26 existing object or structure, to enter into an agreement for

1 such reduction or to accomplish same by condemnation;

2 11. To agree with the state or federal governments or with
3 any public agency in respect to the removal and relocation of
4 any object of natural growth, airport hazard or any structure
5 or building within the vicinity of any airport or within an
6 approach and which is owned or within the control of such
7 government or agency and to pay all or an agreed portion of the
8 cost of such removal or relocation;

9 12. For the prevention of accidents, for the furtherance
10 and protection of public health, safety and convenience in
11 respect to aeronautics, for the protection of property and
12 persons within the District from any hazard or nuisance
13 resulting from the flight of aircraft, for the prevention of
14 interference between, or collision of, aircraft while in
15 flight or upon the ground, for the prevention or abatement of
16 nuisances in the air or upon the ground or for the extension of
17 increase in the usefulness or safety of any public airport or
18 public airport facility owned by the District, the District
19 may regulate and restrict the flight of aircraft while within
20 or above the incorporated territory of the District;

21 13. To police its physical property only and all waterways
22 and to exercise police powers in respect thereto or in respect
23 to the enforcement of any rule or regulation provided by the
24 ordinances of the District and to employ and commission police
25 officers and other qualified persons to enforce the same. The
26 use of any such public airport or public airport facility of

1 the District shall be subject to the reasonable regulation and
2 control of the District and upon such reasonable terms and
3 conditions as shall be established by its Board. A regulatory
4 ordinance of the District adopted under any provisions of this
5 Section may provide for a suspension or revocation of any
6 rights or privileges within the control of the District for a
7 violation of any such regulatory ordinance. Nothing in this
8 Section or in other provisions of this Act shall be construed
9 to authorize the Board to establish or enforce any regulation
10 or rule in respect to aviation, or the operation or
11 maintenance of any airport facility within its jurisdiction,
12 which is in conflict with any federal or state law or
13 regulation applicable to the same subject matter;

14 14. To enter into agreements with the corporate
15 authorities or governing body of any other municipal
16 corporation or any political subdivision of this State to pay
17 the reasonable expense of services furnished by such municipal
18 corporation or political subdivision for or on account of
19 income producing properties of the District;

20 15. To enter into contracts dealing in any manner with the
21 objects and purposes of this Act.

22 16. To acquire, own, lease, sell or otherwise dispose of
23 interests in and to real property and improvements situate
24 thereon and in personal property necessary to fulfill the
25 purposes of the District;

26 17. To designate the fiscal year for the District.

1 18. To engage in any activity or operation which is
2 incidental to and in furtherance of efficient operation to
3 accomplish the District's primary purpose.

4 19. To regulate the use of public-owned or municipal-owned
5 property that is (i) within 7,000 feet of any navigable
6 waterway within the District and (ii) within Shawnee Township,
7 Bowlesville Township, or the Village of Old Shawneetown. The
8 regulation must fulfill the purpose of the Port District for
9 commerce and economic development, including, but not limited
10 to, regulation of wharfage areas, levees, mooring cells,
11 streets, roads, and alleys. The District's authority to
12 regulate the use and construction of the property is superior
13 to the authority of any unit of local government within the
14 property, including the District's right to vacate streets,
15 alleys, and easements within the property; to vacate
16 ordinances or resolutions of units of local government
17 relating to the property; to issue permits for the use of
18 buildings or structures on the property; and otherwise adopt
19 any ordinances or resolutions regarding the property as
20 necessary to fulfill the District's purposes.

21 (Source: Laws 1961, p. 2975.)