

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 2-3-5 as follows:

6 (65 ILCS 5/2-3-5) (from Ch. 24, par. 2-3-5)

7 Sec. 2-3-5. Whenever in any county of less than 150,000  
8 population as determined by the last preceding federal census,  
9 any area of contiguous territory, not exceeding 2 square miles,  
10 not already included within the corporate limits of any  
11 municipality, has residing thereon at least 200 inhabitants  
12 living in dwellings other than those designed to be mobile, and  
13 is owned by at least 30 different owners, it may be  
14 incorporated as a village as follows:

15 35 electors residing within the area may file with the  
16 circuit clerk of the county in which such area is situated a  
17 petition addressed to the circuit court for that county.

18 The petition shall set forth (1) a definite description of  
19 the lands intended to be embraced in the proposed village, (2)  
20 the number of inhabitants residing therein, (3) the name of the  
21 proposed village, and (4) a prayer that a question be submitted  
22 to the electors residing within the limits of the proposed  
23 village whether they will incorporate as a village under this

1 Code.

2 If the area contains fewer than 7,500 residents and lies  
3 within 1 1/2 miles of the boundary line of any existing  
4 municipality, the consent of the existing municipality must be  
5 obtained before the area may be incorporated. No area in a  
6 county with a population of 150,000 or more that is  
7 incorporating under the provisions of this Section shall need  
8 to obtain the consent of any existing municipality before the  
9 area may be incorporated.

10 In addition, any contiguous territory in a county of  
11 150,000 or more population which otherwise meets the  
12 requirements of this Section may be incorporated as a village  
13 pursuant to the provisions of this Section if (1) any part of  
14 such territory is situated within 10 miles of a county with a  
15 population less than 150,000 and a petition is filed pursuant  
16 to this Section before January 1, 1991 or (2) any part of the  
17 territory is situated within 25 miles of the Illinois state  
18 line in a county having a population, according to the 1990  
19 federal decennial census, of at least 150,000 but less than  
20 185,000 and a petition is filed pursuant to this Section before  
21 January 1, 1998.

22 In addition, contiguous territory not exceeding 2 square  
23 miles in a county with a population of not less than 187,000  
24 and not more than 190,000 that otherwise meets the requirements  
25 of this Section may be incorporated as a village pursuant to  
26 the provisions of this Section if (1) any part of the territory

1 is situated within 13 miles of a county with a population of  
2 less than 38,000 and more than 36,000 and (2) a petition is  
3 filed in the manner provided in this Section before January 1,  
4 2005. The requirements of Section 2-3-18 concerning  
5 compatibility with the official plan for development of the  
6 county shall not apply to any territory seeking incorporation  
7 under this paragraph.

8 In addition, contiguous territory not exceeding 13 square  
9 miles in a county with a population of not less than 21,000 and  
10 not more than 23,000, as determined by the last preceding  
11 federal census, that otherwise meets the requirements of this  
12 Section may be incorporated as a village pursuant to the  
13 provisions of this Section if the territory is located in a  
14 county that borders 2 states.

15 (Source: P.A. 93-1058, eff. 12-2-04.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.