



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5923

Introduced 2/10/2010, by Rep. Ed Sullivan, Jr.

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/2-3-5

from Ch. 24, par. 2-3-5

Amends the Illinois Municipal Code. In provisions concerning the incorporation of a village, provides that any contiguous territory not exceeding 0.7 square miles in a county of not less than 700,000 and not more than 750,000 inhabitants may be incorporated as a village under specified circumstances if the territory includes a contiguous lake of not less than 30 acres and not more than 40 acres. Provides for incorporation without the consent of any municipality located within 1.5 miles of the boundary line of the territory. Effective immediately.

LRB096 15275 RLJ 30366 b

HOUSING  
AFFORDABILITY  
IMPACT 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 2-3-5 as follows:

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

7 Sec. 2-3-5. Incorporation of village; petition.

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

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

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

1 village whether they will incorporate as a village under this  
2 Code.

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

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

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

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

9 In addition, contiguous territory not exceeding 0.7 square  
10 miles having not less than 1,400 and not more than 1,600  
11 inhabitants, as determined by the 2000 federal decennial  
12 census, living in dwellings other than those designed to be  
13 mobile, located in a county of not less than 700,000 and not  
14 more than 750,000 inhabitants, as determined by the 2000  
15 federal decennial census, that otherwise meets the  
16 requirements of this Section may be incorporated as a village  
17 pursuant to the provisions of this Section if the territory  
18 includes a contiguous body of water of not less than 30 acres  
19 and not more than 40 acres. The consent of a municipality need  
20 not be obtained before the territory may be incorporated. The  
21 requirements of Section 2-3-18 concerning compatibility with  
22 the official plan for development of the county shall not apply  
23 to any territory seeking incorporation under this paragraph.

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

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.