



Rep. Rich Brauer

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09300SB2256ham001

LRB093 15885 MKM 52207 a

1 AMENDMENT TO SENATE BILL 2256

2 AMENDMENT NO. _____. Amend Senate Bill 2256 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Sections 2-3-5 and 11-151-2 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
24 Code.

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

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

21 In addition, contiguous territory not exceeding 2 square
22 miles in a county with a population of not less than 187,000
23 ~~300,000~~ and not more than 190,000 ~~350,000~~ that otherwise meets
24 the requirements of this Section may be incorporated as a
25 village pursuant to the provisions of this Section if (1) any
26 part of the territory is situated within 13 ~~2~~ miles of a county
27 with a population of less than 38,000 and more than 36,000
28 ~~150,000~~ and (2) a petition is filed in the manner provided in
29 this Section before January 1, 2005 ~~July 1, 2001~~. The
30 requirements of Section 2-3-18 concerning compatibility with
31 the official plan for development of the county shall not apply
32 to any territory seeking incorporation under this paragraph.
33 (Source: P.A. 90-190, eff. 7-24-97; 91-885, eff. 7-6-00.)

1 (65 ILCS 5/11-151-2) (from Ch. 24, par. 11-151-2)

2 Sec. 11-151-2. This Article does not apply to any public
3 water district whose territory is situated in 2 or more
4 municipalities, except where one of the municipalities is
5 incorporated after June 1, 2004 pursuant to the amendatory
6 changes to Section 2-3-5 made by this amendatory Act of the
7 93rd General Assembly. Nothing in this Article prohibits a
8 municipality from continuing to operate utility facilities
9 which it owns and operates, at the time territory is annexed to
10 the municipality, in that territory even though it is part of a
11 public water district.

12 (Source: P.A. 76-1356.)

13 Section 10. The Public Water District Act is amended by
14 changing Section 40 as follows:

15 (70 ILCS 3705/40) (from Ch. 111 2/3, par. 212.15)

16 Sec. 40.

17 When part of the territory of a district organized under
18 this Act is annexed by a municipality, the board of trustees
19 may enter such agreements as are permitted under Section
20 11-151-5 of the "Illinois Municipal Code". If all of such
21 territory is annexed by a municipality, the district shall be
22 abolished as provided in Section 11-151-4 of that Act and this
23 Act then becomes inapplicable to that territory. This Section
24 does not apply to any district whose territory is situated in 2
25 or more municipalities, except where one of the municipalities
26 is incorporated after June 1, 2004 pursuant to the amendatory
27 changes to Section 2-3-5 of the Illinois Municipal Code made by
28 this amendatory Act of the 93rd General Assembly.

29 Nothing in this Section authorizes a public water district
30 to provide water service to residents in territory within one
31 mile or less of the corporate limits of a municipality that
32 operates a public water supply and furnishes water service.

1 (Source: P.A. 76-1357.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".