

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 600,000 and not
14 more than 650,000 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 45 acres. The petition to the court required
20 by this Section shall in the case of the area described in this
21 paragraph also include a comprehensive plan that specifically
22 details the services that the newly incorporated municipality
23 shall provide and the estimated initial annual cost of those
24 services. If the area is incorporated following referendum
25 approval, then the newly incorporated municipality must
26 directly provide or contract for 24-hours-per-day,

1 7-days-per-week law enforcement services. The consent of a
2 municipality need not be obtained before the territory may be
3 incorporated. The requirements of Section 2-3-18 concerning
4 compatibility with the official plan for development of the
5 county shall not apply to any territory seeking incorporation
6 under this paragraph.

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.