



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4884

Introduced 1/19/2006, by Rep. George Scully, Jr.

SYNOPSIS AS INTRODUCED:

70 ILCS 2405/23.5
70 ILCS 2405/23.7

from Ch. 42, par. 317e.5
from Ch. 42, par. 317e.7

Amends the Sanitary District Act of 1917. In a Section that provides that a sanitary district may annex certain territory that is contiguous to it, strikes a provision stating that territory that is separated from the sanitary district by only a forest preserve district may be annexed to the sanitary district. Provides that any territory to be annexed to a sanitary district may be considered contiguous to the sanitary district notwithstanding that the territory is separated from the sanitary district by property that is owned by a forest preserve district, a public agency, or a not-for-profit corporation if the property does not require sanitary sewer service. Provides that the property owned by the forest preserve district, public agency, or not-for-profit corporation shall not be considered part of the sanitary district and shall not be subject to rights-of-way without the approval of the legal owner of the property. Effective immediately.

LRB094 16895 HLH 52174 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 Sanitary District Act of 1917 is amended by
5 changing Sections 23.5 and 23.7 as follows:

6 (70 ILCS 2405/23.5) (from Ch. 42, par. 317e.5)

7 Sec. 23.5. Any sanitary district may annex any territory
8 which is not within the corporate limits of the sanitary
9 district but which is contiguous to it and is served by the
10 sanitary district or by a municipality with sanitary sewers
11 that are connected and served by the sanitary district by the
12 passage of an ordinance to that effect by the board of
13 trustees, describing the territory to be annexed. A copy of the
14 ordinance with an accurate map of the annexed territory,
15 certified as correct by the clerk of the district shall be
16 filed with the county clerk of the county in which the annexed
17 territory is located. For purposes of this Act, a property is
18 served by a sanitary district if a sewer that is part of the
19 sanitary district's sewer system, part of the sewer system of a
20 municipality that is connected to the sanitary district, or
21 part of any other sewer system that connects to and is served
22 by the sanitary district has been extended to, across, or along
23 the property, whether or not the buildings on the property are
24 physically connected to the sewer.

25 ~~Territory that is not contiguous to a sanitary district but~~
26 ~~is separated from the sanitary district by only a forest~~
27 ~~preserve district may be annexed to the sanitary district under~~
28 ~~this Section. The territory included within the forest preserve~~
29 ~~district shall not be annexed to the sanitary district and~~
30 ~~shall not be subject to rights of way for access or services~~
31 ~~between the parts of the sanitary district separated by the~~
32 ~~forest preserve district without the approval of the governing~~

1 ~~body of the forest preserve district.~~

2 (Source: P.A. 90-697, eff. 8-7-98.)

3 (70 ILCS 2405/23.7) (from Ch. 42, par. 317e.7)

4 Sec. 23.7. For purposes of this Act, territory to be
5 organized as a sanitary district shall be considered to be
6 contiguous territory, and territory to be annexed to a sanitary
7 district shall be considered to be contiguous to the sanitary
8 district notwithstanding that the territory to be so organized
9 is divided by ~~one or more railroad rights of ways, public~~
10 ~~easements, or property owned by a public utility~~ or that the
11 territory to be so annexed is separated from the sanitary
12 district by one or more railroad rights-of-ways, public
13 easements, ~~or~~ property owned by a public utility, or property
14 owned by a forest preserve district or any public agency or
15 not-for-profit corporation, provided that the property does
16 not require sanitary sewer service. However, upon such
17 organization or annexation, the area included within any such
18 right-of-way, public easement, ~~or~~ property owned by a public
19 utility, or property owned by a forest preserve district or
20 any public agency or not-for-profit corporation shall not be
21 considered a part of or annexed to the sanitary district and
22 shall not be subject to rights-of-way for access or services
23 without the approval of the legal owner of the property.

24 (Source: P.A. 89-558, eff. 7-26-96.)

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