



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3291

Introduced 2/24/2011, by Rep. Joe Sosnowski

SYNOPSIS AS INTRODUCED:

65 ILCS 5/2-3-5
65 ILCS 5/2-3-5a

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

Amends the Illinois Municipal Code. Provides that any contiguous territory in a county with a population of 150,000 or more may be incorporated as a village if any part of the territory is situated within 25 miles of the Illinois state line in a county having a population, according to the 1990 federal decennial census, of at least 150,000 but less than 185,000, and a petition is filed before January 1, 2012 (now, 1998). Further provides that a specified petition to become incorporated as a village must include the name of the Homeowner's Association, if applicable.

LRB097 09301 KMW 49436 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 Illinois Municipal Code is amended by
5 changing Sections 2-3-5 and 2-3-5a 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. Whenever
8 in any county of less than 150,000 population as determined by
9 the last preceding federal census, any area of contiguous
10 territory, not exceeding 2 square miles, not already included
11 within the corporate limits of any municipality, has residing
12 thereon at least 200 inhabitants living in dwellings other than
13 those designed to be mobile, and is owned by at least 30
14 different owners, it may be incorporated as a village as
15 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, 2012 ~~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. 96-973, eff. 7-2-10.)

8 (65 ILCS 5/2-3-5a) (from Ch. 24, par. 2-3-5a)

9 Sec. 2-3-5a. Incorporation of village.

10 (a) Whenever in any county of 150,000 or more population as
11 determined by the last preceding federal census any area of
12 contiguous territory contains at least 4 square miles and 2500
13 inhabitants residing in permanent dwellings, that area may be
14 incorporated as a village if a petition filed by 250 electors
15 residing within that area is filed with the circuit clerk of
16 the county in which such area is located addressed to the
17 circuit court for that county. The petition must set forth:

18 (1) a legal description of the area intended to be
19 included in the proposed village, including the name of the
20 Homeowner's Association, if applicable,

21 (2) the number of residents in that area,

22 (3) the name of the proposed village, and

23 (4) a prayer that the question of the incorporation of
24 the area as a village be submitted to the electors residing
25 within the limits of the proposed village.

1 If the area contains fewer than 7,500 residents and lies
2 within 1 1/2 miles of the limits of any existing municipality,
3 the consent of that municipality must be obtained before the
4 area may be incorporated.

5 (b) If, in a county having more than 240,000 but fewer than
6 400,000 inhabitants as determined by the last preceding federal
7 census, an area of contiguous territory contains at least 3
8 square miles and 5,000 inhabitants residing in permanent
9 dwellings, that area may be incorporated as a village in the
10 same manner as is provided in subsection (a). The consent of a
11 municipality need not be obtained.

12 (c) If, in a county having more than 316,000 but fewer than
13 318,000 inhabitants as determined by the last preceding federal
14 census, an area of contiguous territory that does not exceed
15 one square mile and between 1000 and 1500 inhabitants residing
16 in permanent dwellings, and is located within 10 miles of a
17 county with a population of less than 150,000 as determined by
18 the last preceding federal census, that area may be
19 incorporated as a village in the same manner as is provided in
20 subsection (a). The consent of a municipality need not be
21 obtained.

22 (d) If, in a county having more than 400,000 but fewer than
23 410,000 inhabitants, as determined by the last preceding
24 federal census, an area of contiguous territory not exceeding
25 one square mile contains at least 400 inhabitants residing in
26 permanent dwellings and is located in a township adjacent to a

1 county of less than 150,000 inhabitants, as determined by the
2 last preceding federal census, then that area and the area
3 adjacent thereto and also within such township, not exceeding,
4 however, 4 square miles in total, may be incorporated as a
5 village in the same manner as provided in subsection (a).
6 Neither the consent of a municipality nor the finding of the
7 county board under Section 2-3-18, if otherwise applicable,
8 need be obtained.

9 (Source: P.A. 94-23, eff. 6-14-05.)