



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0042

Introduced 12/15/2004, by Rep. Timothy L. Schmitz

SYNOPSIS AS INTRODUCED:

65 ILCS 5/2-3-5a

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

Amends the Illinois Municipal Code. Provides that if an area proposed to be incorporated as a village contains fewer than 7,500 residents and lies within 1 mile (now 1 1/2 miles) of the limits of any existing municipality, the consent of that municipality must be obtained before the area may be incorporated. Effective immediately.

LRB094 03640 MKM 33645 b

1 AN ACT concerning municipalities.

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 2-3-5a as follows:

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

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

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

16 (1) a legal description of the area intended to be
17 included in the proposed village,

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

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

20 (4) a prayer that the question of the incorporation of
21 the area as a village be submitted to the electors residing
22 within the limits of the proposed village.

23 If the area contains fewer than 7,500 residents and lies
24 within 1 mile ~~1 1/2 miles~~ of the limits of any existing
25 municipality, the consent of that municipality must be obtained
26 before the area may be incorporated.

27 (b) If, in a county having more than 240,000 but fewer than
28 400,000 inhabitants as determined by the last preceding federal
29 census, an area of contiguous territory contains at least 3
30 square miles and 5,000 inhabitants residing in permanent
31 dwellings, that area may be incorporated as a village in the
32 same manner as is provided in subsection (a). The consent of a

1 municipality need not be obtained.

2 (c) If, in a county having more than 316,000 but fewer than
3 318,000 inhabitants as determined by the last preceding federal
4 census, an area of contiguous territory that does not exceed
5 one square mile and between 1000 and 1500 inhabitants residing
6 in permanent dwellings, and is located within 10 miles of a
7 county with a population of less than 150,000 as determined by
8 the last preceding federal census, that area may be
9 incorporated as a village in the same manner as is provided in
10 subsection (a). The consent of a municipality need not be
11 obtained.

12 (Source: P.A. 91-680, eff. 6-1-00.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.