



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3433

Introduced 2/27/2007, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-3-6

from Ch. 24, par. 7-3-6

Amends the Municipal Code. Provides that territory may not be disconnected from the municipality unless at least 25% of the boundary of the territory is located on the border of the municipality (now, territory may not be disconnected unless the territory is located on the border of the municipality). Provides that territory may not be disconnected if zoning and public health ordinances (instead of zoning ordinances only) will be unreasonably disrupted. Requires public notice of a petition to disconnect. Provides that taxpayers may appear and defend against the petition. Provides that the petition shall be denied if the court finds that the future development of the property may be inconsistent with the municipality's comprehensive land use plan or inconsistent with the trend of development. Provides that land that has been disconnected shall not be subdivided into lots and blocks within 5 years (instead of 1 year) from the date of disconnection. Effective immediately.

LRB095 08571 HLH 28754 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 7-3-6 as follows:

6 (65 ILCS 5/7-3-6) (from Ch. 24, par. 7-3-6)

7 Sec. 7-3-6. The owner or owners of record of any area of
8 land consisting of one or more tracts, lying within the
9 corporate limits of any municipality may have such territory
10 disconnected which (1) contains 20 or more acres; (2) at least
11 25% of the boundary of the territory to be disconnected is
12 located on the border of the municipality; (3) if disconnected,
13 will not result in the isolation of any part of the
14 municipality from the remainder of the municipality, (4) if
15 disconnected, the growth prospects and comprehensive plan and
16 zoning and public health ordinances, if any, of such
17 municipality will not be unreasonably disrupted, (5) if
18 disconnected, no substantial disruption will result to
19 existing municipal services, and any such services as the
20 municipality shall provide ~~service facilities~~, such as, but not
21 limited to, sewer systems, street lighting, water mains,
22 garbage collection and fire protection, (6) if disconnected the
23 municipality will not be unduly harmed through loss of tax

1 revenue in the future. The procedure for disconnection shall be
2 as follows: The owner or owners of record of any such area of
3 land shall file a petition in the circuit court of the county
4 where the land is situated, alleging facts in support of the
5 disconnection. The municipality from which disconnection is
6 sought shall be made a defendant, and it, or any taxpayer
7 residing in that municipality, may appear and defend against
8 the petition. Public notice shall be given of the filing of the
9 petition to disconnect in a newspaper of general circulation in
10 the municipality, within 20 days of filing the petition with
11 the circuit court. The notice shall inform all taxpayers of
12 their right to appear and defend against the petition, and
13 shall identify the territory to be disconnected, the court in
14 which the petition shall be heard, and the name and docket
15 number of the petition. The municipality and any taxpayer who
16 shall appear may assert as defenses against disconnection of
17 the territory, the adverse impact future development of the
18 territory may have on the municipality, the inconsistency of
19 the future development of the territory, once disconnected,
20 with the comprehensive plan and inconsistency with the trend of
21 development in the municipality. If the court finds that the
22 future development of the property may be inconsistent with the
23 municipality's comprehensive land use plan, or inconsistent
24 with the trend of development, the court shall deny the
25 petition for disconnection. If the court finds that the
26 allegations of the petition are true and that the area of land

1 is entitled to disconnection it shall order the specified land
2 disconnected from the designated municipality, only the court
3 finds that the future development of the territory to be
4 disconnected is not inconsistent with the municipal land use
5 plan or the trend of development. If the circuit court finds
6 that the allegations contained in the petition are not true,
7 the court shall enter an order dismissing the petition.

8 An area of land, or any part thereof, disconnected under
9 the provisions of this section from a municipality which was
10 incorporated at least 2 years prior to the date of the filing
11 of such petition for disconnection shall not be subdivided into
12 lots and blocks within 5 years ~~1 year~~ from the date of such
13 disconnecting. A plat of any such proposed subdivision shall
14 not be accepted for recording or registration within such one
15 year period, unless the land comprising such proposed
16 subdivision shall have been thereafter incorporated into a
17 municipality.

18 (Source: P.A. 83-1362.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.