

AN ACT concerning local government.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Sanitary District Act of 1936 is amended by changing Section 32a.5 as follows:

(70 ILCS 2805/32a.5) (from Ch. 42, par. 443a.5)

Sec. 32a.5. Disconnection of contiguous territory on the border of a district.

(a) Any contiguous territory located within the boundaries of any sanitary district organized under this Act, and upon the border of such district, may become disconnected from such district in the manner provided in this Section. Ten per cent or more of the legal voters resident in the territory sought to be disconnected from such district, may petition the circuit court for the county in which the original petition for the organization of the district was filed, to cause the question of such disconnection to be submitted to the legal voters of such territory whether the territory shall be disconnected. The petition shall be addressed to the court and shall contain a definite description of the boundaries of such territory and recite as a fact, that as of the date the petition is filed there is no bonded indebtedness of the sanitary district outstanding and that no special assessments for local

improvements were levied upon or assessed against any of the lands within such territory or if so levied or assessed, that all of such assessments have been fully paid and discharged and that such territory is not, at the time of the filing of such petition, and will not be, either benefited or served by any work or improvements either then existing or then authorized by the sanitary district. Upon filing such petition in the office of the circuit clerk of the county in which the original petition for the formation of such sanitary district has been filed it is the duty of the court to consider the boundaries of such territory and the facts upon which the petition is founded. The court may alter the boundaries of such territory and shall deny the prayer of the petition, if the material allegations therein contained are not founded in fact. The decision of the court is appealable as in other civil cases.

Notice shall be given by the court of the time and place when and where all persons interested will be heard substantially as provided in and by Section 1 of this Act. The conduct of the hearing on the question whether such territory shall become disconnected shall be, as nearly as possible, in accordance with Section 1 of this Act. The court shall certify the question to the proper election officials who shall submit the question at an election in accordance with the general election law. The question shall be in substantially the following form:

For disconnection from sanitary district.

Against disconnection from sanitary district.

If a majority of the votes cast on the question shall be in favor of disconnection, and if the trustees of such sanitary district shall, by ordinance, disconnect such territory, thereupon the court shall enter an appropriate order of record in the court and thereafter such territory shall be deemed disconnected from such sanitary district.

(b) Contiguous territory located within the boundaries of a sanitary district organized under this Act and upon the border of the district may become disconnected from the district without following the procedures of subsection (a) by ordinance or resolution of both the sanitary district and the unit of local government or another sanitary district within which the territory is located if (i) there are no outstanding bond payments or debts to be repaid or (ii) the acquiring sanitary district process of wastewater treatment exceeds the acquiree wastewater treatment process as defined by the United States Environmental Protection Agency's Primer for Municipal Wastewater Treatment Systems or a successor document.

(Source: P.A. 100-201, eff. 8-18-17.)

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