

LAW OFFICES OF
BELLATTI, FAY, BELLATTI & BEARD, LLP

Established in 1876

816 WEST STATE STREET
P. O. BOX 696
JACKSONVILLE, ILLINOIS 62651

TELEPHONE (217) 245-7111

FAX (217) 245-2832

E-MAIL bellatti@bellattilaw.com

www.bellattilaw.com

DANIEL J. BEARD
THOMAS L. VEITH
JEFFREY L. SOLTERMANN
C. MATTHEW A. SMITH

CLAY A. NORDSIEK
OF COUNSEL
EDDIE CARPENTER

JOHN A. BELLATTI 1876-1934
CHARLES A. BARNES 1907-1914
WALTER BELLATTI 1908-1963
PAUL D. MORIARTY 1914-1933
H. P. SAMUELL 1926-1938
WALTER R. BELLATTI 1939-2001
WILLIAM L. FAY 1945-2004
JOHN E. BELLATTI 1947-2008

May 13, 2019

Via **Email** village62638@speednet.com

Village of Franklin
Mayor Paul Turpin
112 Main
P.O. Box 119
Franklin, IL 62638

RE: ***One and One-half Mile Territorial Zoning***

Dear Mayor Turpin and Members of the Village Board:

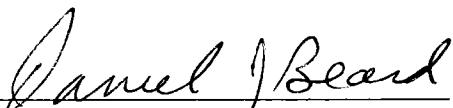
You have requested an opinion as to whether the Village of Franklin may exercise zoning control over the one and one-half perimeter surrounding the corporate boundaries of the Village of Franklin.

Section 5/11-13-1 of the Illinois Municipal Code grants the authority to each municipality to establish zoning and land use standards for all property within its corporate limits or within contiguous territory not more than one and one-half mile beyond the corporate limits, included in any municipality. (65 ILCS 5/11-13-1) Further, Section 5/11-13-2 of the Illinois Municipal Code provides that any municipality seeking to exercise such powers shall adopt a zoning ordinance, providing for a zoning commission. The Illinois Municipal Code sets forth the various requirements necessary for a municipality to adopt a zoning ordinance.

The power to regulate the one and one-half mile territorial zoning perimeter is contingent upon the municipality having adopted a zoning ordinance. It is our opinion that the Village of Franklin, at the present time, cannot exercise zoning authority over the one and one-half territory contiguous to its corporate boundaries, as it has not adopted a municipal zoning ordinance pursuant to the statute.

Thank you for your attention to this matter.

Very truly yours,
BELLATTI, FAY, BELLATTI & BEARD, LLP

By 
Daniel J. Beard
dbeard@bellattilaw.com

DJB:jc