

Bond Case Briefs

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ZONING - ILLINOIS

Gurba v. Community High School Dist. No. 155

Supreme Court of Illinois - September 24, 2015 - N.E.3d - 2015 IL 118332 - 2015 WL 5608249

Residential owners of property adjacent to high school filed suit against school Board of Education and high school district seeking to privately enforce city's zoning restrictions with respect to construction of new bleachers for high school football stadium.

Board filed third-party complaint against city and school superintendent, seeking declaratory judgment that city lacked authority to enforce its zoning and storm water ordinances against Board.

The Circuit Court entered summary judgment for city, based on determination that school property was subject to ordinances. Board appealed. The Appellate Court affirmed. Board and superintendent's petitions for leave to appeal were allowed.

The Supreme Court of Illinois held that:

- City had home rule authority to enforce zoning and storm water management ordinances on school property;
- City's exercise of home rule authority to enforce zoning and storm water management ordinances did not interfere with constitutional authority of General Assembly to regulate public education system;
- City's home rule authority to enforce ordinances on school property was not limited to school property that was not used for school purposes; and
- Nothing in Health/Life Safety Code for Public Schools had any bearing on city's home rule authority to enforce ordinances on school property.