

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 North Shore Water Reclamation District Act
5 is amended by changing Sections 3, 7, 7.7, and 28 as follows:

6 (70 ILCS 2305/3) (from Ch. 42, par. 279)

7 Sec. 3. Election of trustees; terms. The corporate
8 authority of the North Shore Water Reclamation District shall
9 consist of 5 trustees.

10 Within 20 days after the adoption of the Act, as provided
11 in Section 1, the county governing body shall proceed to divide
12 the sanitary district into 5 wards for the purpose of electing
13 trustees. One trustee shall be elected for each ward on the
14 date of the next regular county election. In each sanitary
15 district organized pursuant to the provisions of this Act prior
16 to the effective date of this amendatory Act of 1975, one
17 trustee shall be elected for each ward on the date of the
18 regular county election in the year 1976. However, the
19 population in no one ward shall be less than 1/6 of the
20 population of the whole district and the territory in each of
21 the wards shall be composed of contiguous territory in as
22 compact form as practicable. A portion of each ward shall abut
23 the west shore of Lake Michigan and the boundaries of the

1 respective wards shall coincide with precinct boundaries and
2 the boundaries of existing municipalities as nearly as
3 practicable. In the year 1981, and every 10 years thereafter,
4 the sanitary district board of trustees shall reapportion the
5 district, so that the respective wards shall conform as nearly
6 as practicable with the above requirements as to population,
7 shape and territory.

8 All trustees elected from 1994 through 2011 shall assume
9 office on the first Monday in December following the general
10 election. All trustees elected in 2012 or thereafter shall
11 assume office on the second Wednesday in December following the
12 general election.

13 In the year 1982, and every 10 years thereafter, following
14 each decennial Federal census, all 5 trustees shall be elected.
15 Immediately following each decennial redistricting, the
16 sanitary district board of trustees shall be randomly divided
17 into 2 groups, one of which shall consist of 3 wards and the
18 other shall consist of 2 wards. A random process shall again be
19 used to determine which trustees from one group shall serve
20 terms of 4 years, 4 years and 2 years; and which trustees from
21 the other group shall serve terms of 2 years, 4 years and 4
22 years.

23 Each of the trustees, upon entering the duties of their
24 respective offices, shall execute a bond with security, in the
25 amount and form to be approved by the corporate authorities,
26 payable to the district, in the penal sum of not less than

1 \$250,000.00, as directed by resolution or ordinance,
2 conditioned upon the faithful performance of the duties of the
3 office. Each bond shall be filed with and preserved by the
4 board secretary.

5 When a vacancy exists in the office of trustees of any
6 sanitary district organized under the provisions of this Act,
7 the vacancy shall be filled by appointment of an individual of
8 the same political party as that of the trustee who vacated the
9 seat by the president of the sanitary district board of
10 trustees, with the advice and consent of the sanitary district
11 board of trustees, until the next regular election at which
12 trustees of the sanitary district are elected, and shall be
13 made a matter of record in the office of the county clerk in
14 the county in which the district is located.

15 A majority of the board of trustees shall constitute a
16 quorum, but a smaller number may adjourn from day to day. No
17 trustee or employee of the district shall be directly or
18 indirectly interested in any contract, work or business of the
19 district, or the sale of any article, the expense, price or
20 consideration of which is paid by the district; nor in the
21 purchase of any real estate or other property belonging to the
22 district, or which shall be sold for taxes or assessments, or
23 by virtue of legal process at the suit of the district. The
24 trustees have the power to provide and adopt a corporate seal
25 for the district.

26 (Source: P.A. 98-162, eff. 8-2-13; 99-669, eff. 7-29-16.)

1 (70 ILCS 2305/7) (from Ch. 42, par. 283)

2 Sec. 7. Powers of the board of trustees. The board of
3 trustees of any sanitary district organized under this Act may
4 provide for the treatment of the sewage thereof and save and
5 preserve the water supplied to the inhabitants of such district
6 from contamination. For that purpose the board may construct
7 and maintain an enclosed conduit or conduits, main pipes,
8 wholly or partially submerged, buried or otherwise, and by
9 means of pumps or otherwise cause such sewage to flow or to be
10 forced through such conduit or conduits, pipe or pipes to and
11 into any ditch or canal constructed and operated by any other
12 sanitary district, after having first acquired the right so to
13 do. Such board may provide for the drainage of such district by
14 laying out, establishing, constructing and maintaining one or
15 more channels, drains, ditches and outlets for carrying off and
16 disposing of the drainage (including the sewage) of such
17 district, together with such adjuncts and additions thereto as
18 may be necessary or proper to cause such channels or outlets to
19 accomplish the end for which they are designed, in a
20 satisfactory manner, including pumps and pumping stations and
21 the operation of the same. Such board shall provide suitable
22 and modernly equipped sewage treatment works or plants for the
23 separation and treatment of all solids and deleterious matter
24 from the liquids, and shall treat and purify the residue of
25 such sewage so that when it flows into any lake, it will not

1 injuriously contaminate the waters thereof. The board shall
2 adopt any feasible method to accomplish the object for which
3 such sanitary district may be created, and may also provide
4 means whereby the sanitary district may reach and procure
5 supplies of water for diluting and flushing purposes. The board
6 of trustees of any sanitary district formed under this Act may
7 also enter into an agreement to sell, convey, or disburse
8 treated wastewater to any public or private entity located
9 within or outside of the boundaries of the sanitary district.
10 Any use of treated wastewater by any public or private entity
11 shall be subject to the orders of the Pollution Control Board.
12 The agreement may not exceed 20 years.

13 Nothing set forth in this Section may be construed to
14 empower, authorize or require such board of trustees to operate
15 a system of water works for the purpose of furnishing or
16 delivering water to any such municipality or to the inhabitants
17 thereof without payment therefor at such rates as the board may
18 determine. Nothing in this Act shall require a sanitary
19 district to extend service to any individual residence or other
20 building within the district, and it is the intent of the
21 Illinois General Assembly that any construction contemplated
22 by this Section shall be restricted to construction of works
23 and main or interceptor sewers, conduits, channels and similar
24 facilities, but not individual service lines. Nothing in this
25 Act contained authorizes the trustees to flow the sewage of
26 such district into Lake Michigan. Any such plan for sewage

1 disposal by any sanitary district organized hereunder is
2 prohibited, unless such sewage has been treated and purified as
3 provided in this Section, all laws of the Federal government
4 relating to the pollution of navigable waters have been
5 complied with, the approval of plans and constructions of
6 outlets and connection with any of the streams or navigable
7 bodies of water within or bordering upon the State has been
8 obtained from the Department of Natural Resources of the State.
9 The discharge of any sewage from any such district into any of
10 the streams or navigable bodies of water within or bordering
11 upon the State is subject to the orders of the Pollution
12 Control Board. Nothing in this Act contained may be construed
13 as superseding or in any manner limiting the provisions of the
14 Environmental Protection Act.

15 After the construction of such sewage disposal plant, if
16 the board finds that it will promote the prevention of
17 pollution of waters of the State, such board of trustees may
18 adopt ordinances or rules and regulations, prohibiting or
19 regulating the discharge to sewers of inadmissible wastes or
20 substances toxic to biological wastewater treatment processes.
21 Inadmissible wastes include those which create a fire or
22 explosion hazard in the sewer or treatment works; those which
23 will impair the hydraulic capacity of sewer systems; and those
24 which in any quantity, create a hazard to people, sewer
25 systems, treatment processes, or receiving waters. Substances
26 that may be toxic to wastewater treatment processes include

1 copper, chromium, lead, zinc, arsenic, ~~and~~ nickel, barium,
2 cadmium, mercury, selenium, silver, and any poisonous
3 compounds such as cyanide or radioactive wastes which pass
4 through wastewater treatment plants in hazardous
5 concentrations and menace users of the receiving waters. Such
6 ordinances or rules and regulations shall be effective
7 throughout the sanitary district, in the incorporated areas as
8 well as the unincorporated areas and all public sewers therein.
9 (Source: P.A. 97-500, eff. 8-23-11; 98-162, eff. 8-2-13.)

10 (70 ILCS 2305/7.7)

11 Sec. 7.7. Discharge into sewers of the sanitary district.

12 (a) As used in this Section:

13 "Executive director" means the executive director of the
14 sanitary district.

15 "Industrial wastes" means all solids, liquids, or gaseous
16 wastes resulting from any commercial, industrial,
17 manufacturing, agricultural, trade, or business operation or
18 process, or from the development, recovery, or processing of
19 natural resources.

20 "Other wastes" means decayed wood, sawdust, shavings,
21 bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals,
22 and all other substances except sewage and industrial wastes.

23 "Person" means any individual, firm, association, joint
24 venture, sole proprietorship, company, partnership, estate
25 copartnership, corporation, joint stock company, trust, school

1 district, unit of local government, or private corporation
2 organized or existing under the laws of this or any other state
3 or country.

4 "Sewage" means water-carried human wastes or a combination
5 of water-carried wastes from residences, buildings,
6 businesses, industrial establishments, institutions, or other
7 places together with any ground, surface, storm, or other water
8 that may be present.

9 (b) It shall be unlawful for any person to discharge
10 effluent, gaseous wastes, sewage, industrial wastes ~~waste~~, or
11 other wastes into the sewerage system of the sanitary district
12 or into any sewer tributary therewith, except upon the terms
13 and conditions that the sanitary district might reasonably
14 impose by way of ordinance, permit, rule, or regulation.

15 The sanitary district, in addition to all other powers
16 vested in it and in the interest of public health and safety,
17 or as authorized by subsections (b) and (c) of Section 46 of
18 the Environmental Protection Act, is hereby empowered to pass
19 all ordinances, rules, or regulations necessary to implement
20 this Section, including, but not limited to, the imposition of
21 charges based on factors that influence the cost of treatment,
22 including strength and volume, and including the right of
23 access during reasonable hours to the premises of a person for
24 enforcement of adopted ordinances, rules, or regulations.

25 (c) Whenever the sanitary district, acting through the
26 executive director, determines that effluent, gaseous wastes,

1 sewage, industrial wastes, or other wastes are being discharged
2 into the sewerage system and when, in the opinion of the
3 executive director, the discharge is in violation of an
4 ordinance, rules, or regulations adopted by the board of
5 trustees under this Section governing the discharge ~~industrial~~
6 ~~wastes or other wastes~~, the executive director shall order the
7 offending party to cease and desist. The order shall be served
8 by certified mail or personally on the owner, officer,
9 registered agent, or individual designated by permit.

10 In the event the offending party fails or refuses to
11 discontinue the discharge within 90 days after notification of
12 the cease and desist order, the executive director may order
13 the offending party to show cause before the board of trustees
14 of the sanitary district why the discharge should not be
15 discontinued. A notice shall be served on the offending party
16 directing him, her, or it to show cause before the board of
17 trustees why an order should not be entered directing the
18 discontinuance of the discharge. The notice shall specify the
19 time and place where a hearing will be held and shall be served
20 personally or by registered or certified mail at least 10 days
21 before the hearing; and, in the case of a unit of local
22 government or a corporation, the service shall be upon an
23 officer or agent thereof. After reviewing the evidence, the
24 board of trustees may issue an order to the party responsible
25 for the discharge, directing that within a specified period of
26 time the discharge be discontinued. The board of trustees may

1 also order the party responsible for the discharge to pay a
2 civil penalty in an amount specified by the board of trustees
3 that is not less than \$1,000 nor more than \$2,000 per day for
4 each day of discharge of effluent, gaseous wastes, sewage,
5 industrial wastes, or other wastes in violation of this Act as
6 provided in subsection (d). The board of trustees may also
7 order the party responsible for the violation to pay court
8 reporter costs and hearing officer fees in an amount not
9 exceeding \$3,000.

10 (d) The board of trustees shall establish procedures for
11 assessing civil penalties and issuing orders under subsection
12 (c) as follows:

13 (1) In making its orders and determinations, the board
14 of trustees shall take into consideration all the facts and
15 circumstances bearing on the activities involved and the
16 assessment of civil penalties as shown by the record
17 produced at the hearing.

18 (2) The board of trustees shall establish a panel of
19 one or more independent hearing officers to conduct all
20 hearings on the assessment of civil penalties and issuance
21 of orders under subsection (c). All hearing officers shall
22 be attorneys licensed to practice law in this State.

23 (3) The board of trustees shall promulgate procedural
24 rules governing the proceedings, the assessment of civil
25 penalties, and the issuance of orders.

26 (4) All hearings shall be on the record, and testimony

1 taken must be under oath and recorded stenographically.
2 Transcripts so recorded must be made available to any
3 member of the public or any party to the hearing upon
4 payment of the usual charges for transcripts. At the
5 hearing, the hearing officer may issue, in the name of the
6 board of trustees, notices of hearing requesting the
7 attendance and testimony of witnesses, the production of
8 evidence relevant to any matter involved in the hearing,
9 and may examine witnesses.

10 (5) The hearing officer shall conduct a full and
11 impartial hearing on the record, with an opportunity for
12 the presentation of evidence and cross-examination of the
13 witnesses. The hearing officer shall issue findings of
14 fact, conclusions of law, a recommended civil penalty, and
15 an order based solely on the record. The hearing officer
16 may also recommend, as part of the order, that the
17 discharge of effluent, gaseous wastes, sewage, industrial
18 wastes, or other wastes ~~waste~~ be discontinued within a
19 specified time.

20 (6) The findings of fact, conclusions of law,
21 recommended civil penalty, and order shall be transmitted
22 to the board of trustees along with a complete record of
23 the hearing.

24 (7) The board of trustees shall either approve or
25 disapprove the findings of fact, conclusions of law,
26 recommended civil penalty, and order. If the findings of

1 fact, conclusions of law, recommended civil penalty, or
2 order are rejected, the board of trustees shall remand the
3 matter to the hearing officer for further proceedings. If
4 the order is accepted by the board of trustees, it shall
5 constitute the final order of the board of trustees.

6 (8) The civil penalty specified by the board of
7 trustees shall be paid within 35 days after the party on
8 whom it is imposed receives a written copy of the order of
9 the board of trustees, unless the person or persons to whom
10 the order is issued seeks judicial review.

11 (9) If a person seeks judicial review of the order
12 assessing civil penalties, the person shall, within 35 days
13 after the date of the final order, pay the amount of the
14 civil penalties into an escrow account maintained by the
15 sanitary district for that purpose or file a bond
16 guaranteeing payment of the civil penalties if the civil
17 penalties are upheld on review.

18 (10) Civil penalties not paid by the times specified
19 above shall be delinquent and subject to a lien recorded
20 against the property of the person ordered to pay the
21 penalty. The foregoing provisions for asserting liens
22 against real estate by the sanitary district shall be in
23 addition to any other remedy or right of recovery that the
24 sanitary district may have with respect to the collection
25 or recovery of penalties and charges imposed by the
26 sanitary district. Judgment in a civil action brought by

1 the sanitary district to recover or collect the charges
2 shall not operate as a release and waiver of the lien upon
3 the real estate for the amount of the judgment. Only
4 satisfaction of the judgment or the filing of a release or
5 satisfaction of lien shall release the lien.

6 (e) The executive director may order a person to cease the
7 discharge of effluent, gaseous wastes, sewage, industrial
8 wastes, or other wastes ~~waste~~ upon a finding by the executive
9 director that the final order of the board of trustees entered
10 after a hearing to show cause has been violated. The executive
11 director shall serve the person with a copy of his or her order
12 either by certified mail or personally by serving the owner,
13 officer, registered agent, or individual designated by permit.
14 The order of the executive director shall also schedule an
15 expedited hearing before a hearing officer designated by the
16 board of trustees for the purpose of determining whether the
17 person has violated the final order of the board of trustees.
18 The board of trustees shall adopt rules of procedure governing
19 expedited hearings. In no event shall the hearing be conducted
20 less than 7 days after service of the executive director's
21 order.

22 At the conclusion of the expedited hearing, the hearing
23 officer shall prepare a report with his or her findings and
24 recommendations and transmit it to the board of trustees. If
25 the board of trustees, after reviewing the findings and
26 recommendations, and the record produced at the hearing,

1 determines that the person has violated the board of trustees'
2 final order, the board of trustees may authorize the
3 disconnection ~~plugging~~ of the sewer or direct the water
4 supplier to terminate service. The executive director shall
5 give not less than 10 days' written notice of the board of
6 trustees' order to the owner, officer, registered agent, or
7 individual designated by permit, as well as the owner of record
8 of the real estate and other parties known to be affected, that
9 the sewer will be disconnected or water service will be
10 terminated ~~plugged~~.

11 The foregoing provision for disconnecting ~~plugging~~ a sewer
12 or terminating water service shall be in addition to any other
13 remedy that the sanitary district may have to prevent violation
14 of its ordinances and orders of its board of trustees.

15 (f) A violation of the final order of the board of trustees
16 shall be considered a nuisance. If any person discharges
17 effluent, gaseous wastes, sewage, industrial wastes, or other
18 wastes into any waters contrary to the final order of the board
19 of trustees, the sanitary district, acting through the
20 executive director, has the power to commence an action or
21 proceeding in the circuit court in and for the county in which
22 the sanitary district is located for the purpose of having the
23 discharge stopped either by mandamus or injunction, or to
24 remedy the violation in any manner provided for in this
25 Section.

26 The court shall specify a time, not exceeding 20 days after

1 the service of the copy of the complaint, in which the party
2 complained of must plead to the complaint, and in the meantime,
3 the party may be restrained. In case of default or after
4 pleading, the court shall immediately inquire into the facts
5 and circumstances of the case and enter an appropriate judgment
6 in respect to the matters complained of. Appeals may be taken
7 as in other civil cases.

8 (g) The sanitary district, acting through the executive
9 director, has the power to commence an action or proceeding for
10 mandamus or injunction in the circuit court ordering a person
11 to cease its discharge, when, in the opinion of the executive
12 director, the person's discharge presents an imminent danger to
13 the public health, welfare, or safety; presents or may present
14 an endangerment to the environment; or threatens to interfere
15 with the operation of the sewerage system or a water
16 reclamation plant under the jurisdiction of the sanitary
17 district. The initiation of a show cause hearing is not a
18 prerequisite to the commencement by the sanitary district of an
19 action or proceeding for mandamus or injunction in the circuit
20 court. The court shall specify a time, not exceeding 20 days
21 after the service of a copy of the petition, in which the party
22 complained of must answer the petition, and in the meantime,
23 the party may be restrained. In case of default in answer or
24 after answer, the court shall immediately inquire into the
25 facts and circumstances of the case and enter an appropriate
26 judgment order in respect to the matters complained of. An

1 appeal may be taken from the final judgment in the same manner
2 and with the same effect as appeals are taken from judgment of
3 the circuit court in other actions for mandamus or injunction.

4 (h) Whenever the sanitary district commences an action
5 under subsection (f) of this Section, the court shall assess a
6 civil penalty of not less than \$1,000 nor more than \$10,000 for
7 each day the person violates the board of trustees' order.
8 Whenever the sanitary district commences an action under
9 subsection (g) of this Section, the court shall assess a civil
10 penalty of not less than \$1,000 nor more than \$10,000 for each
11 day the person violates the ordinance. Each day's continuance
12 of the violation is a separate offense. The penalties provided
13 in this Section plus interest at the rate set forth in the
14 Interest Act on unpaid penalties, costs, and fees, imposed by
15 the board of trustees under subsection (d); the reasonable
16 costs to the sanitary district of removal or other remedial
17 action caused by discharges in violation of this Act;
18 reasonable attorney's fees; court costs; other expenses of
19 litigation; and costs for inspection, sampling, analysis, and
20 administration related to the enforcement action against the
21 offending party are recoverable by the sanitary district in a
22 civil action.

23 (i) The board of trustees may establish fees for late
24 filing of reports with the sanitary district required by an
25 ordinance governing discharges. The sanitary district shall
26 provide by certified mail a written notice of the fee

1 assessment that states the person has 30 days after the receipt
2 of the notice to request a conference with the executive
3 director's designee to discuss or dispute the appropriateness
4 of the assessed fee. Unless a person objects to paying the fee
5 for filing a report late by timely requesting in writing a
6 conference with a designee of the executive director, that
7 person waives his or her right to a conference and the sanitary
8 district may impose a lien recorded against the property of the
9 person for the amount of the unpaid fee.

10 If a person requests a conference and the matter is not
11 resolved at the conference, the person subject to the fee may
12 request an administrative hearing before an impartial hearing
13 officer appointed under subsection (d) to determine the
14 person's liability for and the amount of the fee. If the
15 hearing officer finds that the late filing fees are owed to the
16 sanitary district, the sanitary district shall notify the
17 responsible person or persons of the hearing officer's
18 decision. If payment is not made within 30 days after the
19 notice, the sanitary district may impose a lien on the property
20 of the person or persons.

21 Any liens filed under this subsection shall apply only to
22 the property to which the late filing fees are related. A claim
23 for lien shall be filed in the office of the recorder of the
24 county in which the property is located. The filing of a claim
25 for lien by the sanitary district does not prevent the sanitary
26 district from pursuing other means for collecting late filing

1 fees. If a claim for lien is filed, the sanitary district shall
2 notify the person whose property is subject to the lien, and
3 the person may challenge the lien by filing an action in the
4 circuit court. The action shall be filed within 90 days after
5 the person receives the notice of the filing of the claim for
6 lien. The court shall hear evidence concerning the underlying
7 reasons for the lien only if an administrative hearing has not
8 been held under this subsection.

9 (j) To be effective service under this Section, a demand or
10 order sent by certified or registered mail to the last known
11 address need not be received by the offending party. Service of
12 the demand or order by registered or certified mail shall be
13 deemed effective upon deposit in the United States mail with
14 proper postage prepaid and addressed as provided in this
15 Section.

16 (k) The provisions of the Administrative Review Law and all
17 amendments and rules adopted pursuant to that Law apply to and
18 govern all proceedings for the judicial review of final
19 administrative decisions of the board of trustees in the
20 enforcement of any ordinance, rule, or regulation adopted under
21 this Act. The cost of preparing the record on appeal shall be
22 paid by the person seeking a review of an order or action
23 pursuant to the Administrative Review Law.

24 (l) The provisions of this Section are severable under
25 Section 1.31 of the Statute on Statutes.

26 (Source: P.A. 99-669, eff. 7-29-16.)

1 (70 ILCS 2305/28) (from Ch. 42, par. 296.8)

2 Sec. 28. Annexation of ~~contiguous~~ territory. The board of
3 trustees of any sanitary district may annex any territory which
4 is not within the corporate limits of the sanitary district,
5 provided:

6 (a) The territory is contiguous to the annexing
7 sanitary district or the territory is non-contiguous and
8 the owner or owners of record have entered into an
9 agreement requesting the annexation of the non-contiguous
10 territory; and

11 (b) The territory is served by the sanitary district or
12 by a municipality with sanitary sewers that are connected
13 and served by the sanitary district.

14 The annexation shall be accomplished only by ordinance and
15 the ordinance shall include a description of the annexed
16 territory. The ordinance annexing non-contiguous territory
17 shall designate the ward to which the land shall be assigned. A
18 copy of the ordinance and a map of the annexed territory
19 certified as true and accurate by the clerk of the annexing
20 sanitary district shall be filed with the county clerk of the
21 county in which the annexed territory is located. The new
22 boundary shall extend to the far side of any adjacent highway
23 and shall include all of every highway within the area annexed.
24 These highways shall be considered to be annexed even though
25 not included in the legal description set forth in the

1 annexation ordinance.

2 The territory to be annexed to the sanitary district shall
3 be considered to be contiguous to the sanitary district
4 notwithstanding that the territory to be annexed is divided by,
5 or that the territory to be annexed is separated from the
6 sanitary district by, one or more railroad rights-of-ways,
7 public easements, or properties owned by a public utility, a
8 forest preserve district, a public agency, or a not-for-profit
9 corporation.

10 (Source: P.A. 97-500, eff. 8-23-11.)

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