



Sen. Todd Sieben

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09300HB0833sam001

LRB093 05637 WGH 50730 a

1 AMENDMENT TO HOUSE BILL 833

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 833 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 changing Sections 11-141-7 and 11-141-16 as follows:

6 (65 ILCS 5/11-141-7) (from Ch. 24, par. 11-141-7)

7 (Text of Section before amendment by P.A. 93-500)

8 Sec. 11-141-7. The corporate authorities of any  
9 municipality that owns and operates or that may hereafter own  
10 and operate a sewerage system constructed or acquired under the  
11 provisions of any law of this state may make, enact, and  
12 enforce all needful rules, regulations, and ordinances for the  
13 improvement, care, and protection of its sewerage system and  
14 any other sewer or sewerage system, located outside the  
15 corporate boundary of the municipality and not owned by it,  
16 that directly or indirectly connects with the municipality's  
17 sewerage system, which may be conducive to the preservation of  
18 the public health, comfort, and convenience, and may render the  
19 sewage carried in the sewerage system of the municipality  
20 harmless in so far as it is reasonably possible to do so.

21 The corporate authorities of such a municipality may, by  
22 ordinance, charge the inhabitants thereof for the use and  
23 service of its sewerage system whether by direct or indirect  
24 connection therewith within or without the corporate boundary,

1 and to establish charges or rates for that purpose. The  
2 corporate authorities of such a municipality may by ordinance  
3 charge the users thereof, whether they be inside of or outside  
4 of the municipality, for the use and service of its sewerage  
5 system whether by direct or indirect connection therewith,  
6 within or without the corporate boundary, and may establish  
7 charges or rates for that purpose, provided however that where  
8 such users are residents of another municipality with whom  
9 there is a contract for use and service of the sewerage system,  
10 then such charges or rates shall be made in accordance with the  
11 terms of the contract, either directly to the users or to the  
12 contracting municipality as may be provided by the provisions  
13 of the contract. In making such rates and charges the  
14 municipality may provide for a rate to the outside users in  
15 excess of the rate fixed for the inhabitants of said  
16 municipality as may be reasonable. Where bonds are issued as  
17 provided in Sections 11-141-2 and 11-141-3, the corporate  
18 authorities shall establish rates or charges as provided in  
19 this section, and these charges or rates shall be sufficient at  
20 all times to pay the cost of operation and maintenance, to  
21 provide an adequate depreciation fund, and to pay the principal  
22 of and interest upon all revenue bonds issued under Sections  
23 11-141-2 and 11-141-3.

24 A depreciation fund is a fund for such replacements as may  
25 be necessary from time to time for the continued effective and  
26 efficient operation of the system. The depreciation fund shall  
27 not be allowed to accumulate beyond a reasonable amount  
28 necessary for that purpose, and shall not be used for  
29 extensions to the system.

30 Charges or rates shall be established, revised, and  
31 maintained by ordinance and become payable as the corporate  
32 authorities may determine by ordinance.

33 Such charges or rates are liens upon the real estate upon  
34 or for which sewerage service is supplied whenever the charges

1 or rates become delinquent as provided by the ordinance of the  
2 municipality fixing a delinquency date. A lien is created under  
3 the preceding sentence only if the municipality sends to the  
4 owner or owners of record, as referenced by the taxpayer's  
5 identification number, of the real estate (i) a copy of each  
6 delinquency notice sent to the person who is delinquent in  
7 paying the charges or rates or other notice sufficient to  
8 inform the owner or owners of record, as referenced by the  
9 taxpayer's identification number, that the charges or rates  
10 have become delinquent and (ii) a notice that unpaid charges or  
11 rates may create a lien on the real estate under this Section.  
12 However, the municipality has no preference over the rights of  
13 any purchaser, mortgagee, judgment creditor, or other lien  
14 holder arising prior to the filing of the notice of such a lien  
15 in the office of the recorder of the county in which such real  
16 estate is located, or in the office of the registrar of titles  
17 of such county if the property affected is registered under "An  
18 Act concerning land titles", approved May 1, 1897, as amended.  
19 This notice shall consist of a sworn statement setting out (1)  
20 a description of such real estate sufficient for the  
21 identification thereof, (2) the amount of money due for such  
22 sewerage service, and (3) the date when such amount became  
23 delinquent. The municipality shall send a copy of the notice of  
24 the lien to the owner or owners of record of the real estate,  
25 as referenced by the taxpayer's identification number. The  
26 municipality has the power to foreclose this lien in the same  
27 manner and with the same effect as in the foreclosure of  
28 mortgages on real estate.

29 The municipality also has the power, from time to time, to  
30 sue the occupant or user of that real estate in a civil action  
31 to recover money due for sewerage services, plus a reasonable  
32 attorney's fee, to be fixed by the court. However, whenever a  
33 judgment is entered in such a civil action, the foregoing  
34 provisions in this section with respect to filing sworn

1 statements of such delinquencies in the office of the recorder  
2 and creating a lien against the real estate shall not be  
3 effective as to the charges sued upon and no lien shall exist  
4 thereafter against the real estate for the delinquency.  
5 Judgment in such a civil action operates as a release and  
6 waiver of the lien upon the real estate for the amount of the  
7 judgment.

8 (Source: P.A. 87-1197.)

9 (Text of Section after amendment by P.A. 93-500)

10 Sec. 11-141-7. Powers. The corporate authorities of any  
11 municipality that owns and operates or that may hereafter own  
12 and operate a sewerage system constructed or acquired under the  
13 provisions of any law of this state may make, enact, and  
14 enforce all needful rules, regulations, and ordinances for the  
15 improvement, care, and protection of its sewerage system and  
16 any other sewer or sewerage system, located outside the  
17 corporate boundary of the municipality and not owned by it,  
18 that directly or indirectly connects with the municipality's  
19 sewerage system, which may be conducive to the preservation of  
20 the public health, comfort, and convenience, and may render the  
21 sewage carried in the sewerage system of the municipality  
22 harmless in so far as it is reasonably possible to do so.

23 The corporate authorities of such a municipality may, by  
24 ordinance, charge the inhabitants thereof for the use and  
25 service of its sewerage system whether by direct or indirect  
26 connection therewith within or without the corporate boundary,  
27 and to establish charges or rates for that purpose. The  
28 corporate authorities of such a municipality may by ordinance  
29 charge the users thereof, whether they be inside of or outside  
30 of the municipality, for the use and service of its sewerage  
31 system whether by direct or indirect connection therewith,  
32 within or without the corporate boundary, and may establish  
33 charges or rates for that purpose, provided however that where

1 such users are residents of another municipality with whom  
2 there is a contract for use and service of the sewerage system,  
3 then such charges or rates shall be made in accordance with the  
4 terms of the contract, either directly to the users or to the  
5 contracting municipality as may be provided by the provisions  
6 of the contract. In making such rates and charges the  
7 municipality may provide for a rate to the outside users in  
8 excess of the rate fixed for the inhabitants of said  
9 municipality as may be reasonable. Where bonds are issued as  
10 provided in Sections 11-141-2 and 11-141-3, the corporate  
11 authorities shall establish rates or charges as provided in  
12 this section, and these charges or rates shall be sufficient at  
13 all times to pay the cost of operation and maintenance, to  
14 provide an adequate depreciation fund, and to pay the principal  
15 of and interest upon all revenue bonds issued under Sections  
16 11-141-2 and 11-141-3.

17 A depreciation fund is a fund for such replacements as may  
18 be necessary from time to time for the continued effective and  
19 efficient operation of the system. The depreciation fund shall  
20 not be allowed to accumulate beyond a reasonable amount  
21 necessary for that purpose, and shall not be used for  
22 extensions to the system.

23 Charges or rates shall be established, revised, and  
24 maintained by ordinance and become payable as the corporate  
25 authorities may determine by ordinance.

26 Such charges or rates are liens upon the real estate upon  
27 or for which sewerage service is supplied whenever the charges  
28 or rates become delinquent as provided by the ordinance of the  
29 municipality fixing a delinquency date. A lien is created under  
30 the preceding sentence only if the municipality sends to the  
31 owner or owners of record, as referenced by the taxpayer's  
32 identification number, of the real estate (i) a copy of each  
33 delinquency notice sent to the person who is delinquent in  
34 paying the charges or rates or other notice sufficient to

1 inform the owner or owners of record, as referenced by the  
2 taxpayer's identification number, that the charges or rates  
3 have become delinquent and (ii) a notice that unpaid charges or  
4 rates may create a lien on the real estate under this Section.  
5 However, the municipality has no preference over the rights of  
6 any purchaser, mortgagee, judgment creditor, or other lien  
7 holder arising prior to the filing of the notice of such a lien  
8 in the office of the recorder of the county in which such real  
9 estate is located, or in the office of the registrar of titles  
10 of such county if the property affected is registered under "An  
11 Act concerning land titles", approved May 1, 1897, as amended.  
12 This notice shall consist of a sworn statement setting out (1)  
13 a description of such real estate sufficient for the  
14 identification thereof, (2) the amount of money due for such  
15 sewerage service, and (3) the date when such amount became  
16 delinquent. The municipality shall send a copy of the notice of  
17 the lien to the owner or owners of record of the real estate,  
18 as referenced by the taxpayer's identification number. The  
19 municipality has the power to foreclose this lien in the same  
20 manner and with the same effect as in the foreclosure of  
21 mortgages on real estate.

22 Except in counties with a population of more than 250,000  
23 where the majority of the municipal sewerage system users are  
24 located outside of the municipality's corporate limits, the  
25 payment of delinquent charges for sewerage service or solid  
26 waste disposal service to any premises may be enforced by  
27 discontinuing any one or more of ~~either~~ the water service, the  
28 solid waste disposal service, or the sewerage service to that  
29 premises, ~~or both~~. A rate or charge is delinquent if it is more  
30 than 30 days overdue. Any public or municipal corporation or  
31 political subdivision of the State furnishing water service to  
32 a premises (i) shall discontinue that service upon receiving  
33 written notice from the municipality providing sewerage  
34 service or solid waste disposal service that payment of the

1 rate or charge for sewerage or solid waste disposal service to  
2 the premises has become delinquent and (ii) shall not resume  
3 water service until receiving a similar notice that the  
4 delinquency has been removed. The provider of sewerage or solid  
5 waste disposal service shall not request discontinuation of  
6 water service before sending a notice of the delinquency to the  
7 ~~sewer~~ user and affording the user an opportunity to be heard.  
8 An investor-owned public utility providing water service  
9 within a municipality that provides sewerage service may  
10 contract with the municipality to discontinue water service to  
11 a premises with respect to which the payment of a rate or  
12 charge for sewerage service has become delinquent. The  
13 municipality shall reimburse the privately owned public  
14 utility, public or municipal corporation, or political  
15 subdivision of the State for the reasonable cost of the  
16 discontinuance and the resumption of water service, any lost  
17 water service revenues, and the costs of discontinuing water  
18 service. The municipality shall indemnify the privately owned  
19 public utility, public or municipal corporation, or political  
20 subdivision of the State for any judgment and related  
21 attorney's fees resulting from an action based on any provision  
22 of this paragraph. In this paragraph, "solid waste" means that  
23 term as it is defined in Section 3.470 of the Environmental  
24 Protection Act and also means "garbage", "refuse", and "ashes"  
25 as those terms are defined in Section 11-19-2 of this Code.

26 The municipality also has the power, from time to time, to  
27 sue the occupant or user of that real estate in a civil action  
28 to recover money due for sewerage services, plus a reasonable  
29 attorney's fee, to be fixed by the court. However, whenever a  
30 judgment is entered in such a civil action, the foregoing  
31 provisions in this section with respect to filing sworn  
32 statements of such delinquencies in the office of the recorder  
33 and creating a lien against the real estate shall not be  
34 effective as to the charges sued upon and no lien shall exist

1 thereafter against the real estate for the delinquency.  
2 Judgment in such a civil action operates as a release and  
3 waiver of the lien upon the real estate for the amount of the  
4 judgment.

5 (Source: P.A. 93-500, eff. 6-1-04.)

6 (65 ILCS 5/11-141-16) (from Ch. 24, par. 11-141-16)

7 (Text of Section before amendment by P.A. 93-500)

8 Sec. 11-141-16. If after the public hearing the corporate  
9 authorities of the municipality adopt a resolution to proceed  
10 with the construction or acquisition of the project, the  
11 corporate authorities may make and enforce all needful rules  
12 and regulations in connection with the construction,  
13 acquisition, improvement, or extension, and with the  
14 management and maintenance of the project to be constructed or  
15 acquired. The corporate authorities also may establish the rate  
16 or charge to each user of the sewerage system or improvement or  
17 extension at a rate which will be sufficient to pay the  
18 principal and interest of any bonds, issued to pay the cost  
19 thereof, maintenance, and operation of the system,  
20 improvement, or extension and may provide an adequate  
21 depreciation fund therefor. Charges or rates shall be  
22 established, revised, and maintained by ordinance and become  
23 payable as the corporate authorities may determine by  
24 ordinance. Such charges or rates are liens upon the real estate  
25 upon or for which sewerage service is supplied whenever the  
26 charges or rates become delinquent as provided by the ordinance  
27 of the municipality fixing a delinquency date. A lien is  
28 created under the preceding sentence only if the municipality  
29 sends to the owner or owners of record of the real estate, as  
30 referenced by the taxpayer's identification number, (i) a copy  
31 of each delinquency notice sent to the person who is delinquent  
32 in paying the charges or rates or other notice sufficient to  
33 inform the owner or owners of record, as referenced by the



1 taxpayer's identification number, that the charges or rates  
2 have become delinquent and (ii) a notice that unpaid charges or  
3 rates may create a lien on the real estate under this Section.  
4 However, the municipality has no preference over the rights of  
5 any purchaser, mortgagee, judgment creditor, or other lien  
6 holder arising prior to the filing of the notice of such a lien  
7 in the office of the recorder of the county in which such real  
8 estate is located or in the office of the registrar of titles  
9 of such county if the property affected is registered under "An  
10 Act concerning land titles", approved May 1, 1897, as amended.  
11 This notice shall consist of a sworn statement setting out (1)  
12 a description of such real estate sufficient for the  
13 identification thereof, (2) the amount of money due for such  
14 sewerage service, and (3) the date when such amount became  
15 delinquent, (4) the owner of record of the premises. The  
16 municipality shall send a copy of the notice of the lien to the  
17 owner or owners of record of the real estate, as referenced by  
18 the taxpayer's identification number. The municipality may  
19 foreclose this lien in the same manner and with the same effect  
20 as in the foreclosure of mortgages on real estate.

21 The municipality also may, from time to time, sue the  
22 occupant or user of the real estate in a civil action to  
23 recover the money due for sewerage services, plus a reasonable  
24 attorney's fee, to be fixed by the court. However, whenever a  
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26 provision in this section with respect to filing sworn  
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30 thereafter against the real estate for that delinquency.  
31 Judgment in such a civil action operates as a release and  
32 waiver of the lien upon the real estate for the amount of the  
33 judgment. The charge provided in this section to be made  
34 against each user of an improvement or extension shall be in

1 addition to the charge, if any, made of all users of the system  
2 under Section 11-141-7 and shall be kept separate and distinct  
3 therefrom.

4 This amendatory Act of 1975 is not a limit on any  
5 municipality which is a home rule unit.

6 (Source: P.A. 87-1197.)

7 (Text of Section after amendment by P.A. 93-500)

8 Sec. 11-141-16. Powers; particular locality. If after the  
9 public hearing the corporate authorities of the municipality  
10 adopt a resolution to proceed with the construction or  
11 acquisition of the project, the corporate authorities may make  
12 and enforce all needful rules and regulations in connection  
13 with the construction, acquisition, improvement, or extension,  
14 and with the management and maintenance of the project to be  
15 constructed or acquired. The corporate authorities also may  
16 establish the rate or charge to each user of the sewerage  
17 system or improvement or extension at a rate which will be  
18 sufficient to pay the principal and interest of any bonds,  
19 issued to pay the cost thereof, maintenance, and operation of  
20 the system, improvement, or extension and may provide an  
21 adequate depreciation fund therefor. Charges or rates shall be  
22 established, revised, and maintained by ordinance and become  
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26 charges or rates become delinquent as provided by the ordinance  
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30 referenced by the taxpayer's identification number, (i) a copy  
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32 in paying the charges or rates or other notice sufficient to  
33 inform the owner or owners of record, as referenced by the

1 taxpayer's identification number, that the charges or rates  
2 have become delinquent and (ii) a notice that unpaid charges or  
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7 in the office of the recorder of the county in which such real  
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9 of such county if the property affected is registered under "An  
10 Act concerning land titles", approved May 1, 1897, as amended.  
11 This notice shall consist of a sworn statement setting out (1)  
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17 owner or owners of record of the real estate, as referenced by  
18 the taxpayer's identification number. The municipality may  
19 foreclose this lien in the same manner and with the same effect  
20 as in the foreclosure of mortgages on real estate.

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22 where the majority of the municipal sewerage system users are  
23 located outside of the municipality's corporate limits, the  
24 payment of delinquent charges for sewerage service or solid  
25 waste disposal service to any premises may be enforced by  
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29 than 30 days overdue. Any public or municipal corporation or  
30 political subdivision of the State furnishing water service to  
31 a premises (i) shall discontinue that service upon receiving  
32 written notice from the municipality providing sewerage or  
33 solid waste disposal service that payment of the rate or charge  
34 for sewerage or solid waste disposal service to the premises

1 has become delinquent and (ii) shall not resume water service  
2 until receiving a similar notice that the delinquency has been  
3 removed. The provider of sewerage service or solid waste  
4 disposal service shall not request discontinuation of water  
5 service before sending a notice of the delinquency to the ~~sewer~~  
6 user and affording the user an opportunity to be heard. An  
7 investor-owned public utility providing water service within a  
8 municipality that provides sewerage service may contract with  
9 the municipality to discontinue water service to a premises  
10 with respect to which the payment of a rate or charge for  
11 sewerage service has become delinquent. The municipality shall  
12 reimburse the privately owned public utility, public or  
13 municipal corporation, or political subdivision of the State  
14 for the reasonable cost of the discontinuance and the  
15 resumption of water service, any lost water service revenues,  
16 and the costs of discontinuing water service. The municipality  
17 shall indemnify the privately owned public utility, public or  
18 municipal corporation, or political subdivision of the State  
19 for any judgment and related attorney's fees resulting from an  
20 action based on any provision of this paragraph. In this  
21 paragraph, "solid waste" means that term as it is defined in  
22 Section 3.470 of the Environmental Protection Act and also  
23 means "garbage", "refuse", and "ashes" as those terms are  
24 defined in Section 11-19-2 of this Code.

25 The municipality also may, from time to time, sue the  
26 occupant or user of the real estate in a civil action to  
27 recover the money due for sewerage services, plus a reasonable  
28 attorney's fee, to be fixed by the court. However, whenever a  
29 judgment is entered in such a civil action, the foregoing  
30 provision in this section with respect to filing sworn  
31 statements of such delinquencies in the office of the recorder  
32 and creating a lien against the real estate shall not be  
33 effective as to the charges sued upon and no lien shall exist  
34 thereafter against the real estate for that delinquency.

1 Judgment in such a civil action operates as a release and  
2 waiver of the lien upon the real estate for the amount of the  
3 judgment. The charge provided in this section to be made  
4 against each user of an improvement or extension shall be in  
5 addition to the charge, if any, made of all users of the system  
6 under Section 11-141-7 and shall be kept separate and distinct  
7 therefrom.

8 This amendatory Act of 1975 is not a limit on any  
9 municipality which is a home rule unit.

10 (Source: P.A. 93-500, eff. 6-1-04.)

11 Section 95. No acceleration or delay. Where this Act makes  
12 changes in a statute that is represented in this Act by text  
13 that is not yet or no longer in effect (for example, a Section  
14 represented by multiple versions), the use of that text does  
15 not accelerate or delay the taking effect of (i) the changes  
16 made by this Act or (ii) provisions derived from any other  
17 Public Act.

18 Section 99. Effective date. This Act takes effect June 1,  
19 2004."