

1 AN ACT concerning sanitation.

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

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 Sec. 11-141-7. Powers. The corporate authorities of any
8 municipality that owns and operates or that may hereafter own
9 and operate a sewerage system constructed or acquired under
10 the provisions of any law of this state may make, enact, and
11 enforce all needful rules, regulations, and ordinances for
12 the improvement, care, and protection of its sewerage system
13 and any other sewer or sewerage system, located outside the
14 corporate boundary of the municipality and not owned by it,
15 that directly or indirectly connects with the municipality's
16 sewerage system, which may be conducive to the preservation
17 of the public health, comfort, and convenience, and may
18 render the sewage carried in the sewerage system of the
19 municipality harmless in so far as it is reasonably possible
20 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
25 boundary, and to establish charges or rates for that purpose.
26 The corporate authorities of such a municipality may by
27 ordinance charge the users thereof, whether they be inside of
28 or outside of the municipality, for the use and service of
29 its sewerage system whether by direct or indirect connection
30 therewith, within or without the corporate boundary, and may
31 establish charges or rates for that purpose, provided however

1 that where such users are residents of another municipality
2 with whom there is a contract for use and service of the
3 sewerage system, then such charges or rates shall be made in
4 accordance with the terms of the contract, either directly to
5 the users or to the contracting municipality as may be
6 provided by the provisions of the contract. In making such
7 rates and charges the municipality may provide for a rate to
8 the outside users in excess of the rate fixed for the
9 inhabitants of said municipality as may be reasonable. Where
10 bonds are issued as provided in Sections 11-141-2 and
11 11-141-3, the corporate authorities shall establish rates or
12 charges as provided in this section, and these charges or
13 rates shall be sufficient at all times to pay the cost of
14 operation and maintenance, to provide an adequate
15 depreciation fund, and to pay the principal of and interest
16 upon all revenue bonds issued under Sections 11-141-2 and
17 11-141-3.

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

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

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

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

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

1 service that payment of the rate or charge for sewerage
2 service to the premises has become delinquent and (ii) shall
3 not resume water service until receiving a similar notice
4 that the delinquency has been removed. The provider of
5 sewerage service shall not request discontinuation of water
6 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
11 to 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
22 provision of this paragraph.

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

1 amount of the judgment.

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

3 (65 ILCS 5/11-141-16) (from Ch. 24, par. 11-141-16)

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

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

20 Except in counties with a population of more than 250,000
21 where the majority of the municipal sewerage system users are
22 located outside of the municipality's corporate limits, the
23 payment of delinquent charges for sewerage service to any
24 premises may be enforced by discontinuing either the water
25 service or the sewerage service to that premises, or both. A
26 rate or charge is delinquent if it is more than 30 days
27 overdue. Any public or municipal corporation or political
28 subdivision of the State furnishing water service to a
29 premises (i) shall discontinue that service upon receiving
30 written notice from the municipality providing sewerage
31 service that payment of the rate or charge for sewerage
32 service to the premises has become delinquent and (ii) shall
33 not resume water service until receiving a similar notice
34 that the delinquency has been removed. The provider of

1 sewerage service shall not request discontinuation of water
2 service before sending a notice of the delinquency to the
3 sewer user and affording the user an opportunity to be heard.
4 An investor-owned public utility providing water service
5 within a municipality that provides sewerage service may
6 contract with the municipality to discontinue water service
7 to a premises with respect to which the payment of a rate or
8 charge for sewerage service has become delinquent. The
9 municipality shall reimburse the privately owned public
10 utility, public or municipal corporation, or political
11 subdivision of the State for the reasonable cost of the
12 discontinuance and the resumption of water service, any lost
13 water service revenues, and the costs of discontinuing water
14 service. The municipality shall indemnify the privately owned
15 public utility, public or municipal corporation, or political
16 subdivision of the State for any judgment and related
17 attorney's fees resulting from an action based on any
18 provision of this paragraph.

19 The municipality also may, from time to time, sue the
20 occupant or user of the real estate in a civil action to
21 recover the money due for sewerage services, plus a
22 reasonable attorney's fee, to be fixed by the court. However,
23 whenever a judgment is entered in such a civil action, the
24 foregoing provision in this section with respect to filing
25 sworn statements of such delinquencies in the office of the
26 recorder and creating a lien against the real estate shall
27 not be effective as to the charges sued upon and no lien
28 shall exist thereafter against the real estate for that
29 delinquency. Judgment in such a civil action operates as a
30 release and waiver of the lien upon the real estate for the
31 amount of the judgment. The charge provided in this section
32 to be made against each user of an improvement or extension
33 shall be in addition to the charge, if any, made of all users
34 of the system under Section 11-141-7 and shall be kept

1 separate and distinct therefrom.

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

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

5 Section 10. The Sanitary District Revenue Bond Act is
6 amended by changing Sections 1 and 7 as follows:

7 (70 ILCS 3010/1) (from Ch. 42, par. 319.1)

8 Sec. 1. When used in this Act:

9 "Sewerage system" means and includes any or all of the
10 following: a sewage treatment plant or plants, collecting,
11 intercepting and outlet sewers, force mains, conduits,
12 lateral sewers and extensions, pumping stations, ejector
13 stations, and all other appurtenances, extensions, or
14 improvements necessary or useful and convenient for the
15 collection, treatment, and disposal, in a sanitary manner, of
16 sewage and industrial wastes. The term also includes the
17 disconnection of storm water drains and constructing outlets
18 therefor, where, in any case, such work is necessary to
19 relieve existing sanitary sewers of storm water loads, in
20 order to permit the efficient operation of such sanitary
21 sewers for collection, treatment, and disposal of sewage and
22 industrial wastes.

23 "Sanitary district" means a sanitary district organized
24 and created under any of the laws of the State of Illinois
25 having a population of less than 500,000 and also means a
26 sanitary district organized under the North Shore Sanitary
27 District Act and any drainage district which comes within the
28 terms of "An Act relating to drainage districts that collect
29 and convey sewage and other wastes through long, continued
30 and common usage of district drainage facilities", enacted by
31 the 73rd General Assembly.

32 "Board of trustees" means the board of trustees of a

1 sanitary district or the commissioners of a drainage
2 district.

3 "Municipality" means a city, village, or incorporated
4 town in the State of Illinois having a population of less
5 than 500,000.

6 "Corporate authorities" means the city council or similar
7 body of cities and the board of trustees or similar body of
8 villages or incorporated towns.

9 (Source: Laws 1963, p. 2986.)

10 (70 ILCS 3010/7) (from Ch. 42, par. 319.7)

11 Sec. 7. The board of trustees of any sanitary district
12 that owns and operates or that may hereafter own and operate
13 a sewerage system constructed or acquired under the
14 provisions of any law of this State has the power to make,
15 enact, and enforce all needful rules and regulations in the
16 construction, acquisition, improvement, extension,
17 management, and maintenance of its sewerage system and for
18 the use thereof. The board of trustees of such a sanitary
19 district also has the power to make, enact, and enforce all
20 needful rules, regulations, and ordinances for the
21 improvement, care, and protection of its sewerage system,
22 which may be conducive to the preservation of the public
23 health, comfort, and convenience, and to render the sewage of
24 the sanitary district harmless in so far as it is reasonably
25 possible to do so.

26 The board of trustees of such a sanitary district has the
27 power, by ordinance, to charge the inhabitants thereof for
28 the use and service of its sewerage system and to establish
29 charges or rates for that purpose. Where bonds are issued as
30 provided in sections 2 and 3 of this Act, the board of
31 trustees shall establish rates or charges as provided in this
32 section, and these charges or rates shall be sufficient at
33 all times to pay the cost of operation and maintenance, to

1 provide an adequate depreciation fund, and to pay the
2 principal of and interest upon all revenue bonds issued under
3 sections 2 and 3 hereof.

4 A depreciation fund is a fund for such replacements as
5 may be necessary from time to time for the continued
6 effective and efficient operation of the system. The
7 depreciation fund shall not be allowed to accumulate beyond a
8 reasonable amount necessary for that purpose, and shall not
9 be used for extensions to the system.

10 Charges or rates shall be established, revised, and
11 maintained by ordinance and become payable as the board of
12 trustees may determine by ordinance. Such charges or rates
13 shall be liens upon the real estate upon or for which
14 sewerage service is supplied; provided, however, such liens
15 shall not attach to such real estate until such charges or
16 rates have become delinquent as provided by the ordinance of
17 the sanitary district fixing a delinquency date. A lien is
18 created under the preceding sentence only if the sanitary
19 district sends to the owner or owners of record of the real
20 estate, as referenced by the taxpayer's identification
21 number, (i) a copy of each delinquency notice sent to the
22 person who is delinquent in paying the charges or rates or
23 other notice sufficient to inform the owner or owners of
24 record, as referenced by the taxpayer's identification
25 number, that the charges or rates have become delinquent and
26 (ii) a notice that unpaid charges or rates may create a lien
27 on the real estate under this Section. Nothing in this
28 Section shall be construed to give the sanitary district a
29 preference over the rights of any purchaser, mortgagee,
30 judgment creditor or other lien holder arising prior to the
31 filing in the office of the recorder of the county in which
32 such real estate is located, or in the office of the
33 registrar of titles of such county if the property affected
34 is registered under the Torrens System, of notice of said

1 lien. The notice shall consist of a sworn statement setting
2 out (1) a description of the real estate sufficient for the
3 identification thereof, upon or for which the sewerage
4 service was supplied, (2) the amount or amounts of money due
5 for such sewerage service, and (3) the date or dates when
6 such amount or amounts became delinquent. The sanitary
7 district shall send a copy of the notice of the lien to the
8 owner or owners of record of the real estate, as referenced
9 by the taxpayer's identification number. The sanitary
10 district shall have the power to foreclose such lien in like
11 manner and with like effect as in the foreclosure of
12 mortgages on real estate.

13 The payment of delinquent charges for sewerage service to
14 any premises may be enforced by discontinuing either the
15 water service or the sewerage service to that premises, or
16 both. A rate or charge is delinquent if it is more than 30
17 days overdue. Any public or municipal corporation or
18 political subdivision of the State furnishing water service
19 to a premises (i) shall discontinue that service upon
20 receiving written notice from the sanitary district in which
21 the premises lies that payment of the rate or charge for
22 sewerage service to the premises has become delinquent and
23 (ii) shall not resume water service until receiving a similar
24 notice that the delinquency has been removed. The provider of
25 sewerage service shall not request discontinuation of water
26 service before sending a notice of the delinquency to the
27 sewer user and affording the user an opportunity to be heard.
28 The sanitary district shall reimburse the public or municipal
29 corporation or political subdivision of the State for the
30 reasonable cost of the discontinuance and the resumption of
31 water service. The sanitary district may contract with any
32 privately owned public utility for the discontinuance of
33 water service to a premises with respect to which the payment
34 of a rate or charge for sewerage service has become

1 delinquent. The sanitary district shall reimburse the water
2 service provider for any lost water service revenues and the
3 costs of discontinuing water service, and shall indemnify the
4 water service provider for any judgment and related
5 attorney's fees resulting from an action based on any
6 provision of this paragraph.

7 The sanitary district also has the power, from time to
8 time, to sue the owner, occupant or user of that real estate,
9 or a person receiving any direct or indirect benefit from
10 such services, in a civil action to recover money due for
11 sewerage services, plus a reasonable attorney's fee, to be
12 fixed by the court; provided, however, that the sanitary
13 district shall give notice of its intention to bring such
14 action to the owner of record by regular mail not less than 7
15 days prior to filing such civil action.

16 Judgment in a civil action brought by the sanitary
17 district to recover or collect such charges shall not operate
18 as a release or waiver of the lien upon the real estate for
19 the amount of the judgment. Only satisfaction of the
20 judgment or the filing of a release and satisfaction of lien
21 shall release said lien. The lien for charges on account of
22 services or benefits provided for in this Section and the
23 rights created hereunder shall be in addition to and not in
24 derogation of the lien upon real estate created by and
25 imposed for general real estate taxes.

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