



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0927

Introduced 2/8/2007, by Rep. Jay C. Hoffman

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-141-7

from Ch. 24, par. 11-141-7

Amends the Illinois Municipal Code. Provides that the corporate authorities of any municipality that owns and operates a sewerage system may enforce payment of delinquent charges for its sewerage service by discontinuing water or sewerage service or both to the premises (now, the provision does not apply in counties with a population of more than 250,000 where the majority of the sewerage system's users are located outside of the municipality's corporate limits). Effective immediately.

LRB095 04058 MJR 24096 b

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 Illinois Municipal Code is amended by
5 changing Section 11-141-7 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 the
10 provisions of any law of this state may make, enact, and
11 enforce all needful rules, regulations, and ordinances for the
12 improvement, care, and protection of its sewerage system and
13 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 of
17 the public health, comfort, and convenience, and may render the
18 sewage carried in the sewerage system of the municipality
19 harmless in so far as it is reasonably possible to do so.

20 The corporate authorities of such a municipality may, by
21 ordinance, charge the inhabitants thereof for the use and
22 service of its sewerage system whether by direct or indirect
23 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

1 not be allowed to accumulate beyond a reasonable amount
2 necessary for that purpose, and shall not be used for
3 extensions to the system.

4 Charges or rates shall be established, revised, and
5 maintained by ordinance and become payable as the corporate
6 authorities may determine by ordinance.

7 Such charges or rates are liens upon the real estate upon
8 or for which sewerage service is supplied whenever the charges
9 or rates become delinquent as provided by the ordinance of the
10 municipality fixing a delinquency date. A lien is created under
11 the preceding sentence only if the municipality sends to the
12 owner or owners of record, as referenced by the taxpayer's
13 identification number, of the real estate (i) a copy of each
14 delinquency notice sent to the person who is delinquent in
15 paying the charges or rates or other notice sufficient to
16 inform the owner or owners of record, as referenced by the
17 taxpayer's identification number, that the charges or rates
18 have become delinquent and (ii) a notice that unpaid charges or
19 rates may create a lien on the real estate under this Section.
20 However, the municipality has no preference over the rights of
21 any purchaser, mortgagee, judgment creditor, or other lien
22 holder arising prior to the filing of the notice of such a lien
23 in the office of the recorder of the county in which such real
24 estate is located, or in the office of the registrar of titles
25 of such county if the property affected is registered under "An
26 Act concerning land titles", approved May 1, 1897, as amended.

1 This notice shall consist of a sworn statement setting out (1)
2 a description of such real estate sufficient for the
3 identification thereof, (2) the amount of money due for such
4 sewerage service, and (3) the date when such amount became
5 delinquent. The municipality shall send a copy of the notice of
6 the lien to the owner or owners of record of the real estate,
7 as referenced by the taxpayer's identification number. The
8 municipality has the power to foreclose this lien in the same
9 manner and with the same effect as in the foreclosure of
10 mortgages on real estate.

11 ~~The~~ Except in counties with a population of more than
12 250,000 where the majority of the municipal sewerage system
13 users are located outside of the municipality's corporate
14 ~~limits,~~ the payment of delinquent charges for sewerage service
15 to any premises may be enforced by discontinuing either the
16 water service or the sewerage service to that premises, or
17 both. A rate or charge is delinquent if it is more than 30 days
18 overdue. Any public or municipal corporation or political
19 subdivision of the State furnishing water service to a premises
20 (i) shall discontinue that service upon receiving written
21 notice from the municipality providing sewerage service that
22 payment of the rate or charge for sewerage service to the
23 premises has become delinquent and (ii) shall not resume water
24 service until receiving a similar notice that the delinquency
25 has been removed. The provider of sewerage service shall not
26 request discontinuation of water service before sending a

1 notice of the delinquency to the sewer user and affording the
2 user an opportunity to be heard. An investor-owned public
3 utility providing water service within a municipality that
4 provides sewerage service may contract with the municipality to
5 discontinue water service to a premises with respect to which
6 the payment of a rate or charge for sewerage service has become
7 delinquent. The municipality shall reimburse the privately
8 owned public utility, public or municipal corporation, or
9 political subdivision of the State for the reasonable cost of
10 the discontinuance and the resumption of water service, any
11 lost water service revenues, and the costs of discontinuing
12 water service. The municipality shall indemnify the privately
13 owned public utility, public or municipal corporation, or
14 political subdivision of the State for any judgment and related
15 attorney's fees resulting from an action based on any provision
16 of this paragraph.

17 The municipality also has the power, from time to time, to
18 sue the occupant or user of that real estate in a civil action
19 to recover money due for sewerage services, plus a reasonable
20 attorney's fee, to be fixed by the court. However, whenever a
21 judgment is entered in such a civil action, the foregoing
22 provisions in this section with respect to filing sworn
23 statements of such delinquencies in the office of the recorder
24 and creating a lien against the real estate shall not be
25 effective as to the charges sued upon and no lien shall exist
26 thereafter against the real estate for the 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.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.