

# SB3029



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB3029

Introduced 4/8/2008, by Sen. Christine Radogno

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-139-2

from Ch. 24, par. 11-139-2

Amends the Illinois Municipal Code. Provides that a municipality may not acquire, construct, or maintain a waterworks or sewerage system outside of its corporate boundaries without the approval by referendum of a majority of the voters residing in the territory outside of the corporate boundaries that will be served by the waterworks or sewerage system. Effective immediately.

LRB095 20423 HLH 48030 b

A BILL FOR

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 11-139-2 as follows:

6 (65 ILCS 5/11-139-2) (from Ch. 24, par. 11-139-2)

7 Sec. 11-139-2. Any municipality may acquire, or construct,  
8 and maintain and operate a combined waterworks and sewerage  
9 system either within or without the corporate limits thereof. A  
10 municipality owning and operating a waterworks or sewerage  
11 system may provide for the inclusion of that waterworks or  
12 sewerage system or the combination of the 2 in a combined  
13 waterworks and sewerage system under this Division 139, and in  
14 connection therewith may provide for paying or refunding any  
15 unpaid obligations which are payable solely from the revenue of  
16 or which are secured by a mortgage of that waterworks or  
17 sewerage system, or any part thereof included in the combined  
18 waterworks and sewerage system. Any municipality owning and  
19 operating a combined waterworks and sewerage system may also  
20 provide for paying or refunding any unpaid obligations which  
21 are payable solely from the revenue of the combined waterworks  
22 and sewerage system. A municipality owning, acquiring, or  
23 constructing and providing for the operation of a combined

1 waterworks and sewerage system may improve and extend that  
2 system, and may impose and collect charges or rates for the use  
3 of that system as provided in this Division 139. A municipality  
4 may also, when determined by its corporate authorities to be in  
5 the public interest and necessary for the protection of the  
6 public health or in the best interests of the municipality and  
7 its environs, enter into and perform contracts, whether  
8 long-term or short-term, with any other municipality within a  
9 radius of 25 miles of its corporate limits and construct water  
10 mains to such municipality and supply water to such  
11 municipalities on the request of any such municipality;  
12 provided, that such water mains be constructed and that such  
13 municipality purchase water on a long term basis at rates  
14 sufficient to amortize the cost of the construction of such  
15 water mains and pay the cost of maintenance and operation  
16 thereof, as hereinafter provided in this Division 139, and also  
17 with any industrial establishment for the provision and  
18 operation by the municipality of sewerage facilities, either  
19 within or without the corporate limits of such municipality, to  
20 abate or reduce the pollution of waters caused by discharges of  
21 industrial wastes by the industrial establishment and the  
22 payment periodically by such municipality or municipalities or  
23 the industrial establishment to the municipality of amounts at  
24 least sufficient, in the determination of such corporate  
25 authorities, to compensate the municipality for the cost of  
26 providing (including payment of principal and interest

1 charges, if any) and of operating and maintaining any such  
2 facilities. This amendatory Act is not a prohibition upon the  
3 contractual and associational powers granted by Article VII,  
4 Section 10 of the Constitution.

5 Notwithstanding any other provision of law, on and after  
6 the effective date of this amendatory Act of the 95th General  
7 Assembly, a municipality may not acquire, construct, or  
8 maintain a waterworks or sewerage system outside of its  
9 corporate boundaries without the approval by referendum of a  
10 majority of the voters residing in the territory outside of the  
11 corporate boundaries that will be served by the waterworks or  
12 sewerage system. The question may be placed on the ballot  
13 either (i) by a petition signed by at least 10% of the voters  
14 residing in that territory and filed with the city clerk or  
15 (ii) by an ordinance or resolution adopted by the corporate  
16 authorities of the municipality. The question shall be  
17 certified to the proper election authorities, who shall submit  
18 the proposition to the electors in the territory at the next  
19 general election in accordance with the general election law.  
20 The question shall be in substantially the following form:

21 "Shall (municipality) be allowed to (acquire,  
22 construct, maintain) a waterworks or sewerage system  
23 outside of its corporate boundaries?"

24 Votes shall be recorded as "yes" or "no". If a majority of  
25 the voters in the territory outside of the boundaries of the  
26 municipality that will be served by the waterworks or sewerage

1 system are in favor of the proposition, then the municipality  
2 may acquire, construct, or maintain the waterworks or sewerage  
3 system.

4 (Source: P.A. 77-2837.)

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