

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 Township Code is amended by changing Section
5 205-140 as follows:

6 (60 ILCS 1/205-140)

7 Sec. 205-140. Initiating proceedings for particular
8 locality; rates and charges; lien.

9 (a) A township board may initiate proceedings under
10 Sections 205-130 through 205-150 in the manner provided by
11 Section 205-20.

12 (b) The township board may establish the rate or charge to
13 each user of the waterworks system or sewerage system, or
14 combined waterworks and sewerage system, or improvement or
15 extension at a rate that will be sufficient to pay the
16 principal and interest of any bonds issued to pay the cost of
17 the system, improvement, or extension and the maintenance and
18 operation of the system, improvement, or extension and may
19 provide an adequate depreciation fund for the bonds. Charges or
20 rates shall be established, revised, and maintained by
21 ordinance and become payable as the township board determines
22 by ordinance.

23 (c) The charges or rates are liens upon the real estate

1 upon or for which sewerage service is supplied whenever the
2 charges or rates become delinquent as provided by the ordinance
3 of the board fixing a delinquency date.

4 (d) Notwithstanding any provision of law to the contrary,
5 the township shall conduct a cost study regarding the
6 connection charge of the township:

7 (1) before the township increases or creates a
8 connection charge;

9 (2) upon the request of the supervisor or a majority of
10 the township board of the township;

11 (3) upon the request of a majority of the mayors or
12 village presidents of the municipalities located within or
13 substantially within the township or township's facility
14 planning area; or

15 (4) upon the filing with the township board of a
16 petition signed by 10% or more of the customers who have
17 paid connection charges to the township in the previous 5
18 calendar years.

19 The cost study shall be conducted by an independent entity
20 within 6 months of action taken under paragraphs (1), (2), (3),
21 or (4) of this subsection (d). For purposes of subsections ~~this~~
22 ~~subsection~~ (d) and (e), the term "independent entity" shall
23 mean an engineering firm that has not entered into a contract
24 with any State agency, unit of local government, or
25 non-governmental entity for goods or services within the
26 township or township service area in the 24 months prior to

1 being contracted to perform the cost study. After performing a
2 cost study under this subsection (d), an independent entity may
3 not contract with any State agency, unit of local government,
4 or non-governmental entity for goods or services within the
5 township or township service area in the 24 months after
6 completion of the cost study other than to perform further cost
7 studies under this subsection (d). A township shall not be
8 required to conduct more than one cost study in a 60 ~~24~~ month
9 period under paragraphs ~~(1), (2),~~ (3), or (4) of this
10 subsection (d). The cost study must include, at a minimum, an
11 examination of similar water main and sewer connection charges
12 in neighboring units of local government or units of local
13 government similar in size or population. Following the
14 completion of the cost study, no increase or new connection
15 charge may be imposed unless the increase or new charge is
16 justified by the cost study. If the connection charge the
17 township charged prior to completion of the cost study is
18 higher than is justified by the cost study, the township shall
19 reduce its connection charge to the amount justified by the
20 cost study. For purposes of this subsection (d), "connection
21 charge" means any charge or fee, by whatever name, assessed to
22 recover the cost of connecting the customer's water main,
23 sewer, or water main and sewer service line to the township's
24 facilities, and includes only the direct and indirect costs of
25 physically tying the service line into the township's main.

26 (e) If a cost study has been conducted pursuant to

1 subsection (d) of this Section and a new cost study is
2 requested under paragraph (3) or (4) of subsection (d), the
3 township shall obtain a written quote from an independent
4 entity detailing the cost of the requested cost study and one
5 of the following shall occur prior to a new cost study
6 beginning:

7 (1) each township, village, and municipality whose
8 mayor or president requested the cost study under paragraph
9 (3) of subsection (d) shall pay a proportionate share of
10 the entire cost of the cost study as detailed in the
11 written quote required under this subsection (e); or

12 (2) the customers who signed the petition under
13 paragraph (4) of subsection (d) shall pay a pro rata share
14 of the entire cost of the cost study as detailed in written
15 quote required under this subsection (e).

16 Payments required under either paragraph (1) or (2) of this
17 subsection (e) shall be made to the township clerk, who shall
18 forward the same to the independent entity upon receipt of
19 entire amount of the written quote for the cost study. If the
20 entire amount of the written quote for the cost study has not
21 been received within 90 days from the township clerk providing
22 public note of the amount of the written quote, then those
23 amounts received by the township clerk shall be refunded to the
24 persons or entities which paid them.

25 (Source: P.A. 99-481, eff. 9-22-15.)

26 Section 99. Effective date. This Act takes effect January

1 1, 2016.