

AN ACT concerning local government.

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

Section 5. The North Shore Water Reclamation District Act is amended by changing Sections 3, 7, 7.7, and 28 as follows:

(70 ILCS 2305/3) (from Ch. 42, par. 279)

Sec. 3. Election of trustees; terms. The corporate authority of the North Shore Water Reclamation District shall consist of 5 trustees.

Within 20 days after the adoption of the Act, as provided in Section 1, the county governing body shall proceed to divide the sanitary district into 5 wards for the purpose of electing trustees. One trustee shall be elected for each ward on the date of the next regular county election. In each sanitary district organized pursuant to the provisions of this Act prior to the effective date of this amendatory Act of 1975, one trustee shall be elected for each ward on the date of the regular county election in the year 1976. However, the population in no one ward shall be less than 1/6 of the population of the whole district and the territory in each of the wards shall be composed of contiguous territory in as compact form as practicable. A portion of each ward shall abut the west shore of Lake Michigan and the boundaries of the

respective wards shall coincide with precinct boundaries and the boundaries of existing municipalities as nearly as practicable. In the year 1981, and every 10 years thereafter, the sanitary district board of trustees shall reapportion the district, so that the respective wards shall conform as nearly as practicable with the above requirements as to population, shape and territory.

All trustees elected from 1994 through 2011 shall assume office on the first Monday in December following the general election. All trustees elected in 2012 or thereafter shall assume office on the second Wednesday in December following the general election.

In the year 1982, and every 10 years thereafter, following each decennial Federal census, all 5 trustees shall be elected. Immediately following each decennial redistricting, the sanitary district board of trustees shall be randomly divided into 2 groups, one of which shall consist of 3 wards and the other shall consist of 2 wards. A random process shall again be used to determine which trustees from one group shall serve terms of 4 years, 4 years and 2 years; and which trustees from the other group shall serve terms of 2 years, 4 years and 4 years.

Each of the trustees, upon entering the duties of their respective offices, shall execute a bond with security, in the amount and form to be approved by the corporate authorities, payable to the district, in the penal sum of not less than

\$250,000.00, as directed by resolution or ordinance, conditioned upon the faithful performance of the duties of the office. Each bond shall be filed with and preserved by the board secretary.

When a vacancy exists in the office of trustees of any sanitary district organized under the provisions of this Act, the vacancy shall be filled by appointment of an individual of the same political party as that of the trustee who vacated the seat by the president of the sanitary district board of trustees, with the advice and consent of the sanitary district board of trustees, until the next regular election at which trustees of the sanitary district are elected, and shall be made a matter of record in the office of the county clerk in the county in which the district is located.

A majority of the board of trustees shall constitute a quorum, but a smaller number may adjourn from day to day. No trustee or employee of the district shall be directly or indirectly interested in any contract, work or business of the district, or the sale of any article, the expense, price or consideration of which is paid by the district; nor in the purchase of any real estate or other property belonging to the district, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the district. The trustees have the power to provide and adopt a corporate seal for the district.

(Source: P.A. 98-162, eff. 8-2-13; 99-669, eff. 7-29-16.)

(70 ILCS 2305/7) (from Ch. 42, par. 283)

Sec. 7. Powers of the board of trustees. The board of trustees of any sanitary district organized under this Act may provide for the treatment of the sewage thereof and save and preserve the water supplied to the inhabitants of such district from contamination. For that purpose the board may construct and maintain an enclosed conduit or conduits, main pipes, wholly or partially submerged, buried or otherwise, and by means of pumps or otherwise cause such sewage to flow or to be forced through such conduit or conduits, pipe or pipes to and into any ditch or canal constructed and operated by any other sanitary district, after having first acquired the right so to do. Such board may provide for the drainage of such district by laying out, establishing, constructing and maintaining one or more channels, drains, ditches and outlets for carrying off and disposing of the drainage (including the sewage) of such district, together with such adjuncts and additions thereto as may be necessary or proper to cause such channels or outlets to accomplish the end for which they are designed, in a satisfactory manner, including pumps and pumping stations and the operation of the same. Such board shall provide suitable and modernly equipped sewage treatment works or plants for the separation and treatment of all solids and deleterious matter from the liquids, and shall treat and purify the residue of such sewage so that when it flows into any lake, it will not

injuriously contaminate the waters thereof. The board shall adopt any feasible method to accomplish the object for which such sanitary district may be created, and may also provide means whereby the sanitary district may reach and procure supplies of water for diluting and flushing purposes. The board of trustees of any sanitary district formed under this Act may also enter into an agreement to sell, convey, or disburse treated wastewater to any public or private entity located within or outside of the boundaries of the sanitary district. Any use of treated wastewater by any public or private entity shall be subject to the orders of the Pollution Control Board. The agreement may not exceed 20 years.

Nothing set forth in this Section may be construed to empower, authorize or require such board of trustees to operate a system of water works for the purpose of furnishing or delivering water to any such municipality or to the inhabitants thereof without payment therefor at such rates as the board may determine. Nothing in this Act shall require a sanitary district to extend service to any individual residence or other building within the district, and it is the intent of the Illinois General Assembly that any construction contemplated by this Section shall be restricted to construction of works and main or interceptor sewers, conduits, channels and similar facilities, but not individual service lines. Nothing in this Act contained authorizes the trustees to flow the sewage of such district into Lake Michigan. Any such plan for sewage

disposal by any sanitary district organized hereunder is prohibited, unless such sewage has been treated and purified as provided in this Section, all laws of the Federal government relating to the pollution of navigable waters have been complied with, the approval of plans and constructions of outlets and connection with any of the streams or navigable bodies of water within or bordering upon the State has been obtained from the Department of Natural Resources of the State. The discharge of any sewage from any such district into any of the streams or navigable bodies of water within or bordering upon the State is subject to the orders of the Pollution Control Board. Nothing in this Act contained may be construed as superseding or in any manner limiting the provisions of the Environmental Protection Act.

After the construction of such sewage disposal plant, if the board finds that it will promote the prevention of pollution of waters of the State, such board of trustees may adopt ordinances or rules and regulations, prohibiting or regulating the discharge to sewers of inadmissible wastes or substances toxic to biological wastewater treatment processes. Inadmissible wastes include those which create a fire or explosion hazard in the sewer or treatment works; those which will impair the hydraulic capacity of sewer systems; and those which in any quantity, create a hazard to people, sewer systems, treatment processes, or receiving waters. Substances that may be toxic to wastewater treatment processes include

copper, chromium, lead, zinc, arsenic, ~~and nickel,~~ barium, cadmium, mercury, selenium, silver, and any poisonous compounds such as cyanide or radioactive wastes which pass through wastewater treatment plants in hazardous concentrations and menace users of the receiving waters. Such ordinances or rules and regulations shall be effective throughout the sanitary district, in the incorporated areas as well as the unincorporated areas and all public sewers therein. (Source: P.A. 97-500, eff. 8-23-11; 98-162, eff. 8-2-13.)

(70 ILCS 2305/7.7)

Sec. 7.7. Discharge into sewers of the sanitary district.

(a) As used in this Section:

"Executive director" means the executive director of the sanitary district.

"Industrial wastes" means all solids, liquids, or gaseous wastes resulting from any commercial, industrial, manufacturing, agricultural, trade, or business operation or process, or from the development, recovery, or processing of natural resources.

"Other wastes" means decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals, and all other substances except sewage and industrial wastes.

"Person" means any individual, firm, association, joint venture, sole proprietorship, company, partnership, estate copartnership, corporation, joint stock company, trust, school

district, unit of local government, or private corporation organized or existing under the laws of this or any other state or country.

"Sewage" means water-carried human wastes or a combination of water-carried wastes from residences, buildings, businesses, industrial establishments, institutions, or other places together with any ground, surface, storm, or other water that may be present.

(b) It shall be unlawful for any person to discharge effluent, gaseous wastes, sewage, industrial wastes ~~waste~~, or other wastes into the sewerage system of the sanitary district or into any sewer tributary therewith, except upon the terms and conditions that the sanitary district might reasonably impose by way of ordinance, permit, rule, or regulation.

The sanitary district, in addition to all other powers vested in it and in the interest of public health and safety, or as authorized by subsections (b) and (c) of Section 46 of the Environmental Protection Act, is hereby empowered to pass all ordinances, rules, or regulations necessary to implement this Section, including, but not limited to, the imposition of charges based on factors that influence the cost of treatment, including strength and volume, and including the right of access during reasonable hours to the premises of a person for enforcement of adopted ordinances, rules, or regulations.

(c) Whenever the sanitary district, acting through the executive director, determines that effluent, gaseous wastes,

sewage, industrial wastes, or other wastes are being discharged into the sewerage system and when, in the opinion of the executive director, the discharge is in violation of an ordinance, rules, or regulations adopted by the board of trustees under this Section governing the discharge ~~industrial wastes or other wastes~~, the executive director shall order the offending party to cease and desist. The order shall be served by certified mail or personally on the owner, officer, registered agent, or individual designated by permit.

In the event the offending party fails or refuses to discontinue the discharge within 90 days after notification of the cease and desist order, the executive director may order the offending party to show cause before the board of trustees of the sanitary district why the discharge should not be discontinued. A notice shall be served on the offending party directing him, her, or it to show cause before the board of trustees why an order should not be entered directing the discontinuance of the discharge. The notice shall specify the time and place where a hearing will be held and shall be served personally or by registered or certified mail at least 10 days before the hearing; and, in the case of a unit of local government or a corporation, the service shall be upon an officer or agent thereof. After reviewing the evidence, the board of trustees may issue an order to the party responsible for the discharge, directing that within a specified period of time the discharge be discontinued. The board of trustees may

also order the party responsible for the discharge to pay a civil penalty in an amount specified by the board of trustees that is not less than \$1,000 nor more than \$2,000 per day for each day of discharge of effluent, gaseous wastes, sewage, industrial wastes, or other wastes in violation of this Act as provided in subsection (d). The board of trustees may also order the party responsible for the violation to pay court reporter costs and hearing officer fees in an amount not exceeding \$3,000.

(d) The board of trustees shall establish procedures for assessing civil penalties and issuing orders under subsection (c) as follows:

(1) In making its orders and determinations, the board of trustees shall take into consideration all the facts and circumstances bearing on the activities involved and the assessment of civil penalties as shown by the record produced at the hearing.

(2) The board of trustees shall establish a panel of one or more independent hearing officers to conduct all hearings on the assessment of civil penalties and issuance of orders under subsection (c). All hearing officers shall be attorneys licensed to practice law in this State.

(3) The board of trustees shall promulgate procedural rules governing the proceedings, the assessment of civil penalties, and the issuance of orders.

(4) All hearings shall be on the record, and testimony

taken must be under oath and recorded stenographically. Transcripts so recorded must be made available to any member of the public or any party to the hearing upon payment of the usual charges for transcripts. At the hearing, the hearing officer may issue, in the name of the board of trustees, notices of hearing requesting the attendance and testimony of witnesses, the production of evidence relevant to any matter involved in the hearing, and may examine witnesses.

(5) The hearing officer shall conduct a full and impartial hearing on the record, with an opportunity for the presentation of evidence and cross-examination of the witnesses. The hearing officer shall issue findings of fact, conclusions of law, a recommended civil penalty, and an order based solely on the record. The hearing officer may also recommend, as part of the order, that the discharge of effluent, gaseous wastes, sewage, industrial wastes, or other wastes ~~waste~~ be discontinued within a specified time.

(6) The findings of fact, conclusions of law, recommended civil penalty, and order shall be transmitted to the board of trustees along with a complete record of the hearing.

(7) The board of trustees shall either approve or disapprove the findings of fact, conclusions of law, recommended civil penalty, and order. If the findings of

fact, conclusions of law, recommended civil penalty, or order are rejected, the board of trustees shall remand the matter to the hearing officer for further proceedings. If the order is accepted by the board of trustees, it shall constitute the final order of the board of trustees.

(8) The civil penalty specified by the board of trustees shall be paid within 35 days after the party on whom it is imposed receives a written copy of the order of the board of trustees, unless the person or persons to whom the order is issued seeks judicial review.

(9) If a person seeks judicial review of the order assessing civil penalties, the person shall, within 35 days after the date of the final order, pay the amount of the civil penalties into an escrow account maintained by the sanitary district for that purpose or file a bond guaranteeing payment of the civil penalties if the civil penalties are upheld on review.

(10) Civil penalties not paid by the times specified above shall be delinquent and subject to a lien recorded against the property of the person ordered to pay the penalty. The foregoing provisions for asserting liens against real estate by the sanitary district shall be in addition to any other remedy or right of recovery that the sanitary district may have with respect to the collection or recovery of penalties and charges imposed by the sanitary district. Judgment in a civil action brought by

the sanitary district to recover or collect the charges shall not operate as a release and waiver of the lien upon the real estate for the amount of the judgment. Only satisfaction of the judgment or the filing of a release or satisfaction of lien shall release the lien.

(e) The executive director may order a person to cease the discharge of effluent, gaseous wastes, sewage, industrial wastes, or other wastes ~~waste~~ upon a finding by the executive director that the final order of the board of trustees entered after a hearing to show cause has been violated. The executive director shall serve the person with a copy of his or her order either by certified mail or personally by serving the owner, officer, registered agent, or individual designated by permit. The order of the executive director shall also schedule an expedited hearing before a hearing officer designated by the board of trustees for the purpose of determining whether the person has violated the final order of the board of trustees. The board of trustees shall adopt rules of procedure governing expedited hearings. In no event shall the hearing be conducted less than 7 days after service of the executive director's order.

At the conclusion of the expedited hearing, the hearing officer shall prepare a report with his or her findings and recommendations and transmit it to the board of trustees. If the board of trustees, after reviewing the findings and recommendations, and the record produced at the hearing,

determines that the person has violated the board of trustees' final order, the board of trustees may authorize the disconnection ~~plugging~~ of the sewer or direct the water supplier to terminate service. The executive director shall give not less than 10 days' written notice of the board of trustees' order to the owner, officer, registered agent, or individual designated by permit, as well as the owner of record of the real estate and other parties known to be affected, that the sewer will be disconnected or water service will be terminated ~~plugged~~.

The foregoing provision for disconnecting ~~plugging~~ a sewer or terminating water service shall be in addition to any other remedy that the sanitary district may have to prevent violation of its ordinances and orders of its board of trustees.

(f) A violation of the final order of the board of trustees shall be considered a nuisance. If any person discharges effluent, gaseous wastes, sewage, industrial wastes, or other wastes into any waters contrary to the final order of the board of trustees, the sanitary district, acting through the executive director, has the power to commence an action or proceeding in the circuit court in and for the county in which the sanitary district is located for the purpose of having the discharge stopped either by mandamus or injunction, or to remedy the violation in any manner provided for in this Section.

The court shall specify a time, not exceeding 20 days after

the service of the copy of the complaint, in which the party complained of must plead to the complaint, and in the meantime, the party may be restrained. In case of default or after pleading, the court shall immediately inquire into the facts and circumstances of the case and enter an appropriate judgment in respect to the matters complained of. Appeals may be taken as in other civil cases.

(g) The sanitary district, acting through the executive director, has the power to commence an action or proceeding for mandamus or injunction in the circuit court ordering a person to cease its discharge, when, in the opinion of the executive director, the person's discharge presents an imminent danger to the public health, welfare, or safety; presents or may present an endangerment to the environment; or threatens to interfere with the operation of the sewerage system or a water reclamation plant under the jurisdiction of the sanitary district. The initiation of a show cause hearing is not a prerequisite to the commencement by the sanitary district of an action or proceeding for mandamus or injunction in the circuit court. The court shall specify a time, not exceeding 20 days after the service of a copy of the petition, in which the party complained of must answer the petition, and in the meantime, the party may be restrained. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances of the case and enter an appropriate judgment order in respect to the matters complained of. An

appeal may be taken from the final judgment in the same manner and with the same effect as appeals are taken from judgment of the circuit court in other actions for mandamus or injunction.

(h) Whenever the sanitary district commences an action under subsection (f) of this Section, the court shall assess a civil penalty of not less than \$1,000 nor more than \$10,000 for each day the person violates the board of trustees' order. Whenever the sanitary district commences an action under subsection (g) of this Section, the court shall assess a civil penalty of not less than \$1,000 nor more than \$10,000 for each day the person violates the ordinance. Each day's continuance of the violation is a separate offense. The penalties provided in this Section plus interest at the rate set forth in the Interest Act on unpaid penalties, costs, and fees, imposed by the board of trustees under subsection (d); the reasonable costs to the sanitary district of removal or other remedial action caused by discharges in violation of this Act; reasonable attorney's fees; court costs; other expenses of litigation; and costs for inspection, sampling, analysis, and administration related to the enforcement action against the offending party are recoverable by the sanitary district in a civil action.

(i) The board of trustees may establish fees for late filing of reports with the sanitary district required by an ordinance governing discharges. The sanitary district shall provide by certified mail a written notice of the fee

assessment that states the person has 30 days after the receipt of the notice to request a conference with the executive director's designee to discuss or dispute the appropriateness of the assessed fee. Unless a person objects to paying the fee for filing a report late by timely requesting in writing a conference with a designee of the executive director, that person waives his or her right to a conference and the sanitary district may impose a lien recorded against the property of the person for the amount of the unpaid fee.

If a person requests a conference and the matter is not resolved at the conference, the person subject to the fee may request an administrative hearing before an impartial hearing officer appointed under subsection (d) to determine the person's liability for and the amount of the fee. If the hearing officer finds that the late filing fees are owed to the sanitary district, the sanitary district shall notify the responsible person or persons of the hearing officer's decision. If payment is not made within 30 days after the notice, the sanitary district may impose a lien on the property of the person or persons.

Any liens filed under this subsection shall apply only to the property to which the late filing fees are related. A claim for lien shall be filed in the office of the recorder of the county in which the property is located. The filing of a claim for lien by the sanitary district does not prevent the sanitary district from pursuing other means for collecting late filing

fees. If a claim for lien is filed, the sanitary district shall notify the person whose property is subject to the lien, and the person may challenge the lien by filing an action in the circuit court. The action shall be filed within 90 days after the person receives the notice of the filing of the claim for lien. The court shall hear evidence concerning the underlying reasons for the lien only if an administrative hearing has not been held under this subsection.

(j) To be effective service under this Section, a demand or order sent by certified or registered mail to the last known address need not be received by the offending party. Service of the demand or order by registered or certified mail shall be deemed effective upon deposit in the United States mail with proper postage prepaid and addressed as provided in this Section.

(k) The provisions of the Administrative Review Law and all amendments and rules adopted pursuant to that Law apply to and govern all proceedings for the judicial review of final administrative decisions of the board of trustees in the enforcement of any ordinance, rule, or regulation adopted under this Act. The cost of preparing the record on appeal shall be paid by the person seeking a review of an order or action pursuant to the Administrative Review Law.

(l) The provisions of this Section are severable under Section 1.31 of the Statute on Statutes.

(Source: P.A. 99-669, eff. 7-29-16.)

(70 ILCS 2305/28) (from Ch. 42, par. 296.8)

Sec. 28. Annexation of ~~contiguous~~ territory. The board of trustees of any sanitary district may annex any territory which is not within the corporate limits of the sanitary district, provided:

(a) The territory is contiguous to the annexing sanitary district or the territory is non-contiguous and the owner or owners of record have entered into an agreement requesting the annexation of the non-contiguous territory; and

(b) The territory is served by the sanitary district or by a municipality with sanitary sewers that are connected and served by the sanitary district.

The annexation shall be accomplished only by ordinance and the ordinance shall include a description of the annexed territory. The ordinance annexing non-contiguous territory shall designate the ward to which the land shall be assigned. A copy of the ordinance and a map of the annexed territory certified as true and accurate by the clerk of the annexing sanitary district shall be filed with the county clerk of the county in which the annexed territory is located. The new boundary shall extend to the far side of any adjacent highway and shall include all of every highway within the area annexed. These highways shall be considered to be annexed even though not included in the legal description set forth in the

annexation ordinance.

The territory to be annexed to the sanitary district shall be considered to be contiguous to the sanitary district notwithstanding that the territory to be annexed is divided by, or that the territory to be annexed is separated from the sanitary district by, one or more railroad rights-of-ways, public easements, or properties owned by a public utility, a forest preserve district, a public agency, or a not-for-profit corporation.

(Source: P.A. 97-500, eff. 8-23-11.)

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