

SB0213



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0213

Introduced 1/31/2019, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-139-1
65 ILCS 5/11-139-8

from Ch. 24, par. 11-139-1
from Ch. 24, par. 11-139-8

Amends the Combined Waterworks and Sewerage Systems Division of the Illinois Municipal Code. Modifies the definition of "sewerage system" to include storm water collection, treatment, and distribution infrastructure and disposal of storm water. Provides that charges a municipality may charge to inhabitants include storm water utility charges to offset the cost of owning, maintaining, and improving local storm water infrastructure.

LRB101 06686 AWJ 51713 b

FISCAL NOTE ACT
MAY APPLY

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 Sections 11-139-1 and 11-139-8 as follows:

6 (65 ILCS 5/11-139-1) (from Ch. 24, par. 11-139-1)

7 Sec. 11-139-1. When used in this Division 139, "waterworks"
8 means and includes a waterworks system in its entirety or any
9 integral part thereof, including mains, hydrants, meters,
10 valves, standpipes, storage tanks, pump tanks, intakes, wells,
11 impounding reservoirs, pumps, machinery, purification plants,
12 softening apparatus, and all other elements, useful in
13 connection with a water supply or water distribution system.

14 "Sewerage system" means and includes any or all of the
15 following: a sewerage treatment plant or plants, collecting,
16 intercepting and outlet sewers, lateral sewers, and drains,
17 including combined and separate storm water collection,
18 treatment, and distribution infrastructure, ~~and~~ sanitary
19 drains, force mains, conduits, pumping stations, ejector
20 stations, and all other appurtenances, extensions, and
21 improvements necessary, useful, or convenient for the
22 collection, treatment, and disposal in a sanitary manner of
23 storm water, sewage, and industrial wastes.

1 "Combined waterworks and sewerage system" means and
2 includes a waterworks and sewerage system, which the
3 municipality determines by ordinance to operate in
4 combination.

5 (Source: Laws 1963, p. 2433.)

6 (65 ILCS 5/11-139-8) (from Ch. 24, par. 11-139-8)

7 Sec. 11-139-8. The corporate authorities of any
8 municipality availing itself of this Division 139 may (1) make,
9 enact, and enforce all needful rules and regulations for the
10 acquisition, construction, extension, improvement, management,
11 and maintenance of the combined waterworks and sewerage system
12 of the municipality and for the use thereof, (2) make, enact,
13 and enforce all needful rules, regulations, and ordinances for
14 the care and protection of such a system, which may be
15 conducive to the preservation of the public health, comfort,
16 and convenience and to rendering the water supply of the
17 municipality pure and the sewerage harmless insofar as it is
18 reasonably possible to do so, and (3) charge the inhabitants
19 thereof a reasonable compensation for the use and service of
20 the combined waterworks and sewerage system, including, but not
21 limited to, storm water utility charges to offset the cost of
22 owning, maintaining, and improving local storm water
23 infrastructure, and to establish rates for that purpose.
24 Separate rates may be fixed for the water and sewer services
25 respectively or single rates may be fixed for the combined

1 water and sewer services. Separate rates may be fixed for any
2 water services to any other municipality and separate sewer
3 rates to any industrial establishment for the purposes set
4 forth in Section 11-139-2. These rates, whether separate or
5 combined, shall be sufficient at all times to (1) pay the cost
6 of operation and maintenance of the combined waterworks and
7 sewerage system, (2) provide an adequate depreciation fund, and
8 (3) pay the principal of and interest upon all revenue bonds
9 issued under this Division. Rates shall be established,
10 revised, and maintained by ordinance and become payable as the
11 corporate authorities may determine by ordinance.

12 Whenever a municipality shall issue revenue bonds as
13 provided by this Division to pay the cost of the extension or
14 improvement of its combined waterworks and sewerage system or
15 any part thereof to serve a particular area of the
16 municipality, the municipality may vary its rates to be charged
17 for the water and sewer services of the system or for either of
18 them effective upon the issuance of bonds as provided by this
19 division to pay the cost of the extension or improvement of its
20 combined waterworks or sewerage system or any part thereof to
21 serve a particular area of a municipality so that the rates to
22 be charged for services in the particular area to be served by
23 such extension or improvement shall be calculated to produce,
24 in addition to the revenues generally to be produced by such
25 rates, sufficient funds to pay the principal of and interest
26 upon the revenue bonds issued to pay the cost of such extension

1 or improvement for that particular area.

2 Such charges or rates are liens upon the real estate upon
3 or for which service is supplied whenever the charges or rates
4 become delinquent as provided by the ordinance of the
5 municipality fixing a delinquency date; except the charges or
6 rates established by contract for the supply of water to
7 another municipality. A lien is created under the preceding
8 sentence only if the municipality sends to the owner or owners
9 of record of the real estate, as referenced by the taxpayer's
10 identification number, (i) a copy of each delinquency notice
11 sent to the person who is delinquent in paying the charges or
12 rates or other notice sufficient to inform the owner or owners
13 of record, as referenced by the taxpayer's identification
14 number, that the charges or rates have become delinquent and
15 (ii) a notice that unpaid charges or rates may create a lien on
16 the real estate under this Section. However, the municipality
17 has no preference over the rights of any purchaser, mortgagee,
18 judgment creditor, or other lien holder arising prior to the
19 filing of the notice of such a lien in the office of the
20 recorder of the county in which such real estate is located, or
21 in the office of the registrar of titles of such county if the
22 property affected is registered under "An Act concerning land
23 titles", approved May 1, 1897, as amended. This notice shall
24 consist of a sworn statement setting out (1) a description of
25 such real estate sufficient for the identification thereof, (2)
26 the amount of money due for such service, and (3) the date when

1 such amount became delinquent. The municipality shall send a
2 copy of the notice of the lien to the owner or owners of record
3 of the real estate, as referenced by the taxpayer's
4 identification number. The municipality has the power to
5 foreclose this lien in the same manner and with the same effect
6 as in the foreclosure of mortgages on real estate.

7 The municipality also has the power, from time to time, to
8 sue the occupant or user of the real estate in a civil action
9 to recover the money due for services rendered, plus a
10 reasonable attorney's fee, to be fixed by the court. Whenever a
11 judgment is entered in such a civil action the foregoing
12 provisions in this section with respect to filing sworn
13 statements of such delinquencies in the office of the recorder
14 and creating a lien against the real estate shall not be
15 effective thereafter as to charges sued upon and no lien shall
16 exist thereafter against the real estate for the delinquency.
17 Judgment in such a civil action operates as a release and
18 waiver of the lien for the amount of the judgment.

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