



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4424

Introduced 1/14/2026, by Rep. Bob Morgan

SYNOPSIS AS INTRODUCED:

See Index

Amends the North Shore Water Reclamation District Act. Provides that the president of the board of trustees of a sanitary district created under the Act shall not receive more than \$21,750 (rather than \$18,000) per year, and each other member of the board of trustees of a sanitary district created under the Act shall not receive more than \$18,750 (rather than \$15,000) per year. Provides that an ordinance adopted by the board of trustees may provide for a fine for each offense of not less than \$100 or more than \$10,000 or the amount provided in the Environmental Protection Act for the offense (rather than a fine for each offense of not less than \$100 or more than \$1,000). Provides that a private or governmental entity may not connect or remain connected to a sanitary district sewer system unless written authorization to connect has been obtained from the sanitary district. Provides that, at the time or before incurring any indebtedness, the board of trustees of a sanitary district shall provide for the collection of revenue (rather than a direct annual tax) sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof as the same shall fall due, and at least within 40 (rather than 20) years from the time of contracting the same. Provides that the owner of territory eligible to annexed into a sanitary district may petition the board of trustees of the sanitary district to annex the territory. In provisions concerning the procedures for assessing civil penalties, provides that electronically recorded testimony may be transcribed into written form if there is an appeal of any decision after a hearing. Makes other changes.

LRB104 18457 RTM 31899 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 North Shore Water Reclamation District Act
5 is amended by changing Sections 4, 7, 7.01, 7.1, 7.2, 7.7, 10,
6 28, 28a, and 28b and by adding Section 0.3 as follows:

7 (70 ILCS 2305/0.3 new)

8 Sec. 0.3. Definitions. As used in this Act, "user"
9 includes any person, private entity, or governmental entity
10 that is or has connected to any sewer owned, operated, or
11 maintained by a sanitary district organized under this Act or
12 that discharges into any sewer or system of sewers tributary
13 to any sewer or treatment works of a sanitary district
14 organized under this Act.

15 (70 ILCS 2305/4) (from Ch. 42, par. 280)

16 Sec. 4. Board of trustees; powers; compensation. The
17 trustees shall constitute a board of trustees for the
18 district. The board of trustees is the corporate authority of
19 the district, and shall exercise all the powers and manage and
20 control all the affairs and property of the district. The
21 board shall elect a president and vice-president from among
22 their own number. In case of the death, resignation, absence

1 from the state, or other disability of the president, the
2 powers, duties and emoluments of the office of the president
3 shall devolve upon the vice-president, until the disability is
4 removed or until a successor to the president is appointed and
5 chosen in the manner provided in this Act. The board may select
6 a secretary, treasurer, executive director, and attorney, and
7 may provide by ordinance for the employment of other employees
8 as the board may deem necessary for the municipality. The
9 board may appoint such other officers and hire such employees
10 to manage and control the operations of the district as it
11 deems necessary; provided, however, that the board shall not
12 employ an individual as a wastewater operator whose
13 Certificate of Technical Competency is suspended or revoked
14 under rules adopted by the Pollution Control Board under item
15 (4) of subsection (a) of Section 13 of the Environmental
16 Protection Act. All employees selected by the board shall hold
17 their respective offices during the pleasure of the board, and
18 give such bond as may be required by the board. The board may
19 prescribe the duties and fix the compensation of all the
20 officers and employees of the sanitary district. However, the
21 president of the board shall not receive more than \$21,750
22 ~~\$18,000~~ per year, and each other member of the board shall not
23 receive more than \$18,750 ~~\$15,000~~ per year. The board of
24 trustees has full power to pass all necessary ordinances,
25 rules, and regulations for the proper management and conduct
26 of the business of the board and of the corporation, and for

1 carrying into effect the objects for which the sanitary
2 district was formed. The ordinances may provide for a fine for
3 each offense of not less than \$100 or more than \$10,000 or the
4 amount provided in the Environmental Protection Act for the
5 offense ~~\$1,000~~. Each day's continuance of a violation shall be
6 a separate offense. Fines under this Section are recoverable
7 by the sanitary district in a civil action. The sanitary
8 district is authorized to apply to the circuit court for
9 injunctive relief or mandamus when, in the opinion of the
10 chief administrative officer, the relief is necessary to
11 protect the sewerage system of the sanitary district.

12 The board of trustees shall have the authority to change
13 the name of the District, by ordinance, to the North Shore
14 Water Reclamation District. Any such name change shall not
15 impair the legal status of any act by the sanitary district. If
16 an ordinance is passed pursuant to this paragraph, all
17 provisions of this Act shall apply to the newly renamed
18 district. No rights, duties, or privilege of such sanitary
19 district or of any person existing before the change of name
20 shall be affected by the change in the name of the sanitary
21 district. All proceedings pending in any court relating to
22 such sanitary district may continue to final consummation
23 under the name in which they were commenced.

24 (Source: P.A. 101-575, eff. 8-23-19.)

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

1 accomplish the object for which such sanitary district may be
2 created, and may also provide means whereby the sanitary
3 district may reach and procure supplies of water for diluting
4 and flushing purposes. The board of trustees of any sanitary
5 district formed under this Act may also enter into an
6 agreement to sell, convey, or disburse treated wastewater to
7 any public or private entity located within or outside of the
8 boundaries of the sanitary district. Any use of treated
9 wastewater by any public or private entity shall be subject to
10 the orders of the Pollution Control Board. The agreement may
11 not exceed 20 years.

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

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

14 After the construction of such sewage disposal plant, if
15 the board finds that it will promote the prevention of
16 pollution of waters of the State, such board of trustees may
17 adopt ordinances or rules and regulations, prohibiting or
18 regulating the discharge to sewers of inadmissible wastes or
19 substances toxic to biological wastewater treatment processes.
20 Inadmissible wastes include those which create a fire or
21 explosion hazard in the sewer or treatment works; those which
22 will impair the hydraulic capacity of sewer systems; and those
23 which in any quantity, create a hazard to people, sewer
24 systems, treatment processes, or receiving waters. Substances
25 that may be toxic to wastewater treatment processes include,
26 but are not limited to, copper, chromium, lead, zinc, arsenic,

1 nickel, barium, cadmium, mercury, selenium, silver, and any
2 poisonous compounds such as cyanide or radioactive wastes
3 which pass through wastewater treatment plants in hazardous
4 concentrations and menace users of the receiving waters. Such
5 ordinances or rules and regulations shall be effective
6 throughout the sanitary district, in the incorporated areas as
7 well as the unincorporated areas and all public sewers
8 therein.

9 (Source: P.A. 100-31, eff. 8-4-17.)

10 (70 ILCS 2305/7.01) (from Ch. 42, par. 283.01)

11 Sec. 7.01. In addition to the powers and authority now
12 possessed by it, the board of trustees of any sanitary
13 district organized under this Act shall have the power by
14 majority vote:

15 (a) To use the general funds of the sanitary district to
16 defend, indemnify and hold harmless, in whole or in part, the
17 board of trustees, members of the board of trustees, officials
18 and employees of the sanitary district from financial loss and
19 expenses, including court costs, investigation costs,
20 actuarial studies, attorneys' fees and actual and punitive
21 damages, arising out of any civil proceedings (including but
22 not limited to proceedings alleging antitrust violations or
23 the deprivation of civil or constitutional rights), claims,
24 demands or judgments instituted, made or entered against such
25 board, trustee, official or employee by reason of its or his

1 wrongful or negligent statements, acts or omissions, provided
2 that such statements, acts or omissions: (i) occur while the
3 board, trustee, official or employee is acting in the
4 discharge of its or his duties and within the scope of
5 employment; and (ii) do not constitute willful ~~wilful~~ and
6 wanton misconduct.

7 (b) (i) To obtain and provide for any or all of the matters
8 and purposes described in paragraph (a) public officials'
9 liability, comprehensive general liability and such other
10 forms of insurance coverage as the board of trustees shall
11 determine necessary or advisable, any insurance so obtained
12 and provided to be carried in a company or companies licensed
13 to write such coverage in this State, and (ii) to establish and
14 provide for any or all of the matters and purposes described in
15 paragraph (a) a program of self-insurance and, in furtherance
16 thereof, to establish and accumulate reserves for the payment
17 of financial loss and expenses, including court costs,
18 investigation costs, actuarial studies, attorneys' fees and
19 actual and punitive damages associated with liabilities
20 arising out of civil proceedings, claims, demands or judgments
21 instituted, made or entered as set forth in paragraph (a), and
22 (iii) in connection with providing for any or all of the
23 matters and purposes described in paragraph (a) and when
24 permitted by law to enter into an agreement with any special
25 district, unit of government, person or corporation for the
26 use of property or the performance of any function, service or

1 act, to agree to the sharing or allocation of liabilities and
2 damages resulting from such use of property or performance of
3 function, service or act, in which event such agreement may
4 provide for contribution or indemnification by any or all of
5 the parties to the agreement upon any liability arising out of
6 the performance of the agreement.

7 If the board of trustees of any sanitary district
8 organized under this Act undertakes to provide insurance or to
9 establish a program of self-insurance and to establish and
10 accumulate reserves for any or all of the matters and purposes
11 described in paragraph (a), such reserves shall be established
12 and accumulated for such matters and purposes subject to the
13 following conditions:

14 (1) The amount of such reserves shall not exceed the
15 amount necessary and proper, based on past experience or
16 independent actuarial determinations;

17 (2) All earnings derived from such reserves shall be
18 considered part of the reserves and may be used only for the
19 same matters and purposes for which the reserves may be used;

20 (3) Reserves may be used only: for the purposes of making
21 payments for financial loss and expenses, including actual and
22 punitive damages, attorneys' fees, court costs, investigation
23 costs and actuarial studies associated with liabilities
24 arising out of civil proceedings, claims, demands or judgments
25 instituted, made or entered as set forth in paragraph (a) in
26 connection with the statements, acts or omissions of the board

1 or of a trustee, official or employee of the board or the
2 district which statements, acts or omissions occur while the
3 board, trustee, official or employee is acting in the
4 discharge of its or his duties and within the scope of
5 employment and which statements, acts or omissions do not
6 constitute willful ~~wilful~~ and wanton misconduct; for payment
7 of insurance premiums; and for the purposes of making payments
8 for losses resulting from any insured peril;

9 (4) All funds collected for the matters and purposes
10 specified in subparagraph (3) above or earmarked for such
11 matters and purposes must be placed in the reserves; and

12 (5) Whenever the reserves have a balance in excess of what
13 is necessary and proper, then contributions, charges,
14 assessments or other forms of funding for the reserves shall
15 be appropriately decreased.

16 (Source: P.A. 85-782.)

17 (70 ILCS 2305/7.1) (from Ch. 42, par. 283.1)

18 Sec. 7.1. In providing works for the treatment of
19 industrial sewage, commonly called industrial wastes, whether
20 the industrial sewage is disposed of in combination with
21 municipal sewage or independently, the sanitary district has
22 power to apportion and collect therefore, from the producer
23 thereof, fair additional construction, maintenance and
24 operating costs over and above those covered by normal taxes,
25 ~~and in case of dispute as to the fairness of such additional~~

1 ~~construction, maintenance and operating costs, then the same~~
2 ~~shall be determined by an arbitration board of 3 engineers,~~
3 ~~one appointed by the sanitary district, one appointed by such~~
4 ~~producer or producers or their legal representatives, and the~~
5 ~~third to be appointed by the 2 engineers selected as above~~
6 ~~described. In the event the 2 engineers so selected fail to~~
7 ~~agree upon a third engineer then upon the petition of either of~~
8 ~~the parties the circuit judge shall appoint such third~~
9 ~~engineer. A decision of a majority of the arbitration board~~
10 ~~shall be binding on both parties and the cost of the services~~
11 ~~of the arbitration board shall be shared by both parties~~
12 ~~equally. Such decision is an administrative decision and is~~
13 ~~subject to judicial review as provided in the Administrative~~
14 ~~Review Law.~~

15 In providing works, including the main pipes referred to
16 in Section 7, for the treatment of raw sewage, in the manner
17 provided in this Act, whether such sewage is treated in
18 combination with municipal sewage or independently, the
19 sanitary district has power to collect a fair and reasonable
20 charge for connection to its system in addition to those
21 charges covered by normal taxes, for the construction,
22 expansion and extension of the works of the system, the charge
23 to be assessed against new or additional users of the system
24 and to be known as a connection charge. Such construction,
25 expansion and extension of the works of the system shall
26 include proposed or existing collector systems and may, at the

1 discretion of such district, include connections by individual
2 properties. The charge for connection shall be determined by
3 the district and may equal or exceed the actual cost to the
4 district of the construction, expansion or extension of the
5 works of the system required by the connection. The funds thus
6 collected shall be used by the sanitary district for its
7 general corporate purposes with primary application thereof
8 being made by the necessary expansion of the works of the
9 system to meet the requirements of the new users thereof.

10 (Source: P.A. 98-162, eff. 8-2-13.)

11 (70 ILCS 2305/7.2) (from Ch. 42, par. 283.2)

12 Sec. 7.2. If ~~where~~ any sewer system under the jurisdiction
13 of any private or governmental entity of any type ~~a city,~~
14 ~~village or incorporated town~~ is tributary to a sanitary
15 district sewer system, and if the board of trustees of such
16 sanitary district finds that it will conduce to the public
17 health, comfort, or convenience, then the board shall have the
18 power and authority to regulate, limit, extend, deny, or
19 otherwise control any connection to such sewer tributary to
20 the sanitary district sewer system by any person or private or
21 governmental entity of any type, including, but not limited
22 to, any ~~or~~ municipal corporation, regardless of whether the
23 sewer into which the connection is made is directly under the
24 jurisdiction of the district or not. A private or governmental
25 entity may not connect or remain connected to a sanitary

1 district sewer system unless written authorization to connect
2 has been obtained from the sanitary district.

3 (Source: Laws 1963, p. 2893.)

4 (70 ILCS 2305/7.7)

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

6 (a) As used in this Section:

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

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

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

18 "Person" means any individual, user, firm, association,
19 joint venture, sole proprietorship, company, partnership,
20 estate copartnership, corporation, joint stock company, trust,
21 school district, unit of local government, or private
22 corporation organized or existing under the laws of this or
23 any other state or country.

24 "Sewage" means water-carried human wastes or a combination
25 of water-carried wastes from residences, buildings,

1 businesses, industrial establishments, institutions, or other
2 places together with any ground, surface, storm, or other
3 water that may be present.

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

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

20 (c) Whenever the sanitary district, acting through the
21 executive director, determines that effluent, gaseous wastes,
22 sewage, industrial wastes, or other wastes are being
23 discharged into the sewerage system and when, in the opinion
24 of the executive director, the discharge is in violation of an
25 ordinance, rules, or regulations adopted by the board of
26 trustees under this Section governing the discharge, the

1 executive director shall order the offending party to cease
2 and desist. The order shall be served by certified mail or
3 personally on the owner, officer, registered agent, or
4 individual designated by permit.

5 In the event the offending party fails or refuses to
6 discontinue the discharge ~~within 90 days~~ after notification of
7 the cease and desist order, the executive director may order
8 the offending party to show cause before the board of trustees
9 of the sanitary district why the discharge should not be
10 discontinued. A notice shall be served on the offending party
11 directing him, her, or it to show cause before the board of
12 trustees why an order should not be entered directing the
13 discontinuance of the discharge. The notice shall specify the
14 time and place where a hearing will be held and shall be served
15 personally or by registered or certified mail at least 10 days
16 before the hearing; and, in the case of a unit of local
17 government or a corporation, the service shall be upon an
18 officer or agent thereof. After reviewing the evidence, the
19 board of trustees may issue an order to the party responsible
20 for the discharge, directing that within a specified period of
21 time the discharge be discontinued. The board of trustees may
22 also order the party responsible for the discharge to pay a
23 civil penalty in an amount specified by the board of trustees
24 that is not less than \$1,000 nor more than \$2,000 per day for
25 each day of discharge of effluent, gaseous wastes, sewage,
26 industrial wastes, or other wastes in violation of this Act as

1 provided in subsection (d). The board of trustees may also
2 order the party responsible for the violation to pay court
3 reporter costs and hearing officer fees in an amount not less
4 than \$1,500 but not to exceed the actual cost ~~exceeding~~
5 ~~\$3,000~~.

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

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

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

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

22 (4) All hearings shall be on the record, and testimony
23 taken must be under oath and recorded stenographically or
24 electronically. Electronically recorded testimony may be
25 transcribed into written form after a hearing if there is
26 an appeal of any decision of the board of trustees. The

1 cost of transcription, if requested, shall be borne by the
2 person requesting the electronically recorded testimony to
3 be transcribed into written form. Transcripts so recorded
4 must be made available to any member of the public or any
5 party to the hearing upon payment of the usual charges for
6 transcripts by the person requesting the transcripts. At
7 the hearing, the hearing officer may issue, in the name of
8 the board of trustees, notices of hearing requesting the
9 attendance and testimony of witnesses, the production of
10 evidence relevant to any matter involved in the hearing,
11 and may examine witnesses.

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

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

26 (7) The board of trustees shall either approve or

1 disapprove the findings of fact, conclusions of law,
2 recommended civil penalty, and order. If the findings of
3 fact, conclusions of law, recommended civil penalty, or
4 order are rejected, the board of trustees shall remand the
5 matter to the hearing officer for further proceedings. If
6 the order is accepted by the board of trustees, it shall
7 constitute the final order of the board of trustees.

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

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

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

1 or recovery of penalties and charges imposed by the
2 sanitary district. Judgment in a civil action brought by
3 the sanitary district to recover or collect the charges
4 shall not operate as a release and waiver of the lien upon
5 the real estate for the amount of the judgment. Only
6 satisfaction of the judgment or the filing of a release or
7 satisfaction of lien shall release the lien.

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

24 At the conclusion of the expedited hearing, the hearing
25 officer shall prepare a report with his or her findings and
26 recommendations and transmit it to the board of trustees. If

1 the board of trustees, after reviewing the findings and
2 recommendations, and the record produced at the hearing,
3 determines that the person has violated the board of trustees'
4 final order, the board of trustees may authorize the
5 disconnection of the sewer or direct the water supplier to
6 terminate service. The executive director shall give not less
7 than 10 days' written notice of the board of trustees' order to
8 the owner, officer, registered agent, or individual designated
9 by permit, as well as the owner of record of the real estate
10 and other parties known to be affected, that the sewer will be
11 disconnected or water service will be terminated.

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

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

1 Section.

2 The court shall specify a time, not exceeding 20 days
3 after the service of the copy of the complaint, in which the
4 party complained of must plead to the complaint, and in the
5 meantime, the party may be restrained. In case of default or
6 after pleading, the court shall immediately inquire into the
7 facts and circumstances of the case and enter an appropriate
8 judgment in respect to the matters complained of. Appeals may
9 be taken as in other civil cases.

10 (g) The sanitary district, acting through the executive
11 director, has the power to commence an action or proceeding
12 for mandamus or injunction in the circuit court ordering a
13 person to cease its discharge, when, in the opinion of the
14 executive director, the person's discharge presents an
15 imminent danger to the public health, welfare, or safety;
16 presents or may present an endangerment to the environment; or
17 threatens to interfere with the operation of the sewerage
18 system or a water reclamation plant under the jurisdiction of
19 the sanitary district. The initiation of a show cause hearing
20 is not a prerequisite to the commencement by the sanitary
21 district of an action or proceeding for mandamus or injunction
22 in the circuit court. The court shall specify a time, not
23 exceeding 20 days after the service of a copy of the petition,
24 in which the party complained of must answer the petition, and
25 in the meantime, the party may be restrained. In case of
26 default in answer or after answer, the court shall immediately

1 inquire into the facts and circumstances of the case and enter
2 an appropriate judgment order in respect to the matters
3 complained of. An appeal may be taken from the final judgment
4 in the same manner and with the same effect as appeals are
5 taken from judgment of the circuit court in other actions for
6 mandamus or injunction.

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

26 (i) The board of trustees may establish fees for late

1 filing of reports with the sanitary district required by an
2 ordinance governing discharges. The sanitary district shall
3 provide by certified mail a written notice of the fee
4 assessment that states the person has 30 days after the
5 receipt of the notice to request a conference with the
6 executive director's designee to discuss or dispute the
7 appropriateness of the assessed fee. Unless a person objects
8 to paying the fee for filing a report late by timely requesting
9 in writing a conference with a designee of the executive
10 director, that person waives his or her right to a conference
11 and the sanitary district may impose a lien recorded against
12 the property of the person for the amount of the unpaid fee.

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

24 Any liens filed under this subsection shall apply only to
25 the property to which the late filing fees are related. A claim
26 for lien shall be filed in the office of the recorder of the

1 county in which the property is located. The filing of a claim
2 for lien by the sanitary district does not prevent the
3 sanitary district from pursuing other means for collecting
4 late filing fees. If a claim for lien is filed, the sanitary
5 district shall notify the person whose property is subject to
6 the lien, and the person may challenge the lien by filing an
7 action in the circuit court. The action shall be filed within
8 90 days after the person receives the notice of the filing of
9 the claim for lien. The court shall hear evidence concerning
10 the underlying reasons for the lien only if an administrative
11 hearing has not been held under this subsection.

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

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

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

3 (Source: P.A. 99-669, eff. 7-29-16; 100-31, eff. 8-4-17.)

4 (70 ILCS 2305/10) (from Ch. 42, par. 286)

5 Sec. 10. At the time or before incurring any indebtedness,
6 the board of trustees shall provide for the collection of
7 revenue ~~a direct annual tax~~ sufficient to pay the interest on
8 such debt as it falls due, and also to pay and discharge the
9 principal thereof as the same shall fall due, and at least
10 within 40 ~~twenty~~ years from the time of contracting the same.

11 (Source: Laws 1911, p. 299.)

12 (70 ILCS 2305/28) (from Ch. 42, par. 296.8)

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

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

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

1 The annexation shall be accomplished only by ordinance and
2 the ordinance shall include a description of the annexed
3 territory. The owner of territory described in this Section
4 may petition the board of trustees to annex the territory. The
5 board of trustees may annex any property as provided in this
6 Section. The ordinance annexing non-contiguous territory shall
7 designate the ward to which the land shall be assigned. A copy
8 of the ordinance and a map of the annexed territory certified
9 as true and accurate by the clerk of the annexing sanitary
10 district shall be filed with the county clerk of the county in
11 which the annexed territory is located. The new boundary shall
12 extend to the far side of any adjacent highway and shall
13 include all of every highway within the area annexed. These
14 highways shall be considered to be annexed even though not
15 included in the legal description set forth in the annexation
16 ordinance.

17 The territory to be annexed to the sanitary district shall
18 be considered to be contiguous to the sanitary district
19 notwithstanding that the territory to be annexed is divided
20 by, or that the territory to be annexed is separated from the
21 sanitary district by, one or more railroad rights-of-way,
22 public easements, or properties owned by a public utility, a
23 forest preserve district, a public agency, or a not-for-profit
24 corporation. Territory to be annexed into an existing sanitary
25 district shall be considered contiguous territory if 5 or more
26 contiguous platted parcels are served by the annexing sanitary

1 district even if no portion of the territory is contiguous.

2 (Source: P.A. 102-558, eff. 8-20-21.)

3 (70 ILCS 2305/28a) (from Ch. 42, par. 296.8a)

4 Sec. 28a. The corporate authorities of any sanitary
5 district may enter into an agreement with one or more of the
6 owners of record of land in any territory which may be annexed
7 to such sanitary district as provided in this Act. Such
8 agreement may provide for the annexation of such territory to
9 the sanitary district, subject to the provisions of this Act,
10 and any other matter not inconsistent with the provisions of
11 this Act, nor forbidden by law. Such agreement shall be valid
12 and binding for a period not to exceed 10 years from the date
13 of execution thereof.

14 Any action taken by the corporate authorities during the
15 period such agreement is in effect, which, if it applied to the
16 land which is the subject of the agreement, would be a breach
17 of such agreement, shall not apply to such land without an
18 amendment of such agreement.

19 Any such agreement executed after the effective date of
20 this Amendatory Act of 1983 and all amendments of annexation
21 agreements, shall be entered into in the following manner. The
22 corporate authorities shall fix a time for and hold a public
23 hearing upon the proposed annexation agreement or amendment,
24 and shall give notice of the proposed agreement or amendment
25 not more than 30 nor less than 15 days before the date fixed

1 for the hearing. This notice shall be published at least once
2 in one or more newspapers published within the sanitary
3 district. After such hearing the agreement or amendment may be
4 modified before execution thereof. The annexation agreement or
5 amendment shall be executed by the president of the board of
6 trustees only after such hearing and upon the adoption of a
7 resolution directing such execution, which resolution must be
8 passed by a vote of two-thirds of the corporate authorities
9 then holding office.

10 Any annexation agreement executed pursuant to this Section
11 shall be binding upon the successor owners of record of the
12 land which is the subject of the agreement and upon successor
13 corporate authorities of the sanitary district and successor
14 sanitary districts. Any party to such agreement may by civil
15 action, mandamus or other proceeding, enforce and compel
16 performance of the agreement.

17 Any annexation agreement executed prior to the effective
18 date of this Amendatory Act of 1983 which was executed
19 pursuant to a two-thirds vote of the corporate authorities and
20 which contains provisions not inconsistent with this Section
21 is hereby declared valid and enforceable as to such provisions
22 for the effective period of such agreement, or for 10 years
23 from the date of execution thereof, whichever is shorter.

24 The effective term of any annexation agreement ~~Annexation~~
25 ~~Agreement~~ executed prior to the effective date of this
26 Amendatory Act of 1983 may be extended at any time prior to the

1 original expiration date to a date which is not later than ten
2 years from the date of execution of the original annexation
3 agreement ~~Annexation Agreement~~.

4 This Section shall only apply to annexation agreements or
5 amendments to an annexation agreement.

6 (Source: P.A. 83-745.)

7 (70 ILCS 2305/28b) (from Ch. 42, par. 296.8b)

8 Sec. 28b. For purposes of this Act, territory to be
9 organized as a sanitary district shall be considered to be
10 contiguous territory, and territory to be annexed to a
11 sanitary district or annexed into an existing sanitary
12 district shall be considered to be contiguous to the sanitary
13 district notwithstanding that the territory to be so organized
14 is divided by one or more railroad rights-of-ways, public
15 easements, or property owned by a public utility or that the
16 territory to be so annexed is separated from the sanitary
17 district by one or more railroad rights-of-ways, public
18 easements, or property owned by a public utility. Territory to
19 be annexed into an existing sanitary district shall be
20 considered contiguous territory if 5 or more contiguous
21 platted parcels are served by the annexing sanitary district.
22 However, upon such organization or annexation, the area
23 included within any such right-of-way, public easement, or
24 property owned by a public utility shall not be considered a
25 part of or annexed to the sanitary district.

1 (Source: P.A. 89-558, eff. 7-26-96.)

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3	70 ILCS 2305/0.3 new	
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5	70 ILCS 2305/7	from Ch. 42, par. 283
6	70 ILCS 2305/7.01	from Ch. 42, par. 283.01
7	70 ILCS 2305/7.1	from Ch. 42, par. 283.1
8	70 ILCS 2305/7.2	from Ch. 42, par. 283.2
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10	70 ILCS 2305/10	from Ch. 42, par. 286
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12	70 ILCS 2305/28a	from Ch. 42, par. 296.8a
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