

1 AN ACT concerning sanitation.

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 11-141-7 and 11-141-16 as follows:

6 (65 ILCS 5/11-141-7) (from Ch. 24, par. 11-141-7)

7 Sec. 11-141-7. Powers. The corporate authorities of any  
8 municipality that owns and operates or that may hereafter own  
9 and operate a sewerage system constructed or acquired under  
10 the provisions of any law of this state may make, enact, and  
11 enforce all needful rules, regulations, and ordinances for  
12 the improvement, care, and protection of its sewerage system  
13 and any other sewer or sewerage system, located outside the  
14 corporate boundary of the municipality and not owned by it,  
15 that directly or indirectly connects with the municipality's  
16 sewerage system, which may be conducive to the preservation  
17 of the public health, comfort, and convenience, and may  
18 render the sewage carried in the sewerage system of the  
19 municipality harmless in so far as it is reasonably possible  
20 to do so.

21 The corporate authorities of such a municipality may, by  
22 ordinance, charge the inhabitants thereof for the use and  
23 service of its sewerage system whether by direct or indirect  
24 connection therewith within or without the corporate  
25 boundary, and to establish charges or rates for that purpose.  
26 The corporate authorities of such a municipality may by  
27 ordinance charge the users thereof, whether they be inside of  
28 or outside of the municipality, for the use and service of  
29 its sewerage system whether by direct or indirect connection  
30 therewith, within or without the corporate boundary, and may  
31 establish charges or rates for that purpose, provided however

1 that where such users are residents of another municipality  
2 with whom there is a contract for use and service of the  
3 sewerage system, then such charges or rates shall be made in  
4 accordance with the terms of the contract, either directly to  
5 the users or to the contracting municipality as may be  
6 provided by the provisions of the contract. In making such  
7 rates and charges the municipality may provide for a rate to  
8 the outside users in excess of the rate fixed for the  
9 inhabitants of said municipality as may be reasonable. Where  
10 bonds are issued as provided in Sections 11-141-2 and  
11 11-141-3, the corporate authorities shall establish rates or  
12 charges as provided in this section, and these charges or  
13 rates shall be sufficient at all times to pay the cost of  
14 operation and maintenance, to provide an adequate  
15 depreciation fund, and to pay the principal of and interest  
16 upon all revenue bonds issued under Sections 11-141-2 and  
17 11-141-3.

18 A depreciation fund is a fund for such replacements as  
19 may be necessary from time to time for the continued  
20 effective and efficient operation of the system. The  
21 depreciation fund shall not be allowed to accumulate beyond a  
22 reasonable amount necessary for that purpose, and shall not  
23 be used for extensions to the system.

24 Charges or rates shall be established, revised, and  
25 maintained by ordinance and become payable as the corporate  
26 authorities may determine by ordinance.

27 Such charges or rates are liens upon the real estate upon  
28 or for which sewerage service is supplied whenever the  
29 charges or rates become delinquent as provided by the  
30 ordinance of the municipality fixing a delinquency date. A  
31 lien is created under the preceding sentence only if the  
32 municipality sends to the owner or owners of record, as  
33 referenced by the taxpayer's identification number, of the  
34 real estate (i) a copy of each delinquency notice sent to the

1 person who is delinquent in paying the charges or rates or  
2 other notice sufficient to inform the owner or owners of  
3 record, as referenced by the taxpayer's identification  
4 number, that the charges or rates have become delinquent and  
5 (ii) a notice that unpaid charges or rates may create a lien  
6 on the real estate under this Section. However, the  
7 municipality has no preference over the rights of any  
8 purchaser, mortgagee, judgment creditor, or other lien holder  
9 arising prior to the filing of the notice of such a lien in  
10 the office of the recorder of the county in which such real  
11 estate is located, or in the office of the registrar of  
12 titles of such county if the property affected is registered  
13 under "An Act concerning land titles", approved May 1, 1897,  
14 as amended. This notice shall consist of a sworn statement  
15 setting out (1) a description of such real estate sufficient  
16 for the identification thereof, (2) the amount of money due  
17 for such sewerage service, and (3) the date when such amount  
18 became delinquent. The municipality shall send a copy of the  
19 notice of the lien to the owner or owners of record of the  
20 real estate, as referenced by the taxpayer's identification  
21 number. The municipality has the power to foreclose this lien  
22 in the same manner and with the same effect as in the  
23 foreclosure of mortgages on real estate.

24 Except in counties with a population of more than 250,000  
25 where the majority of the municipal sewerage system users are  
26 located outside of the municipality's corporate limits, the  
27 payment of delinquent charges for sewerage service to any  
28 premises may be enforced by discontinuing either the water  
29 service or the sewerage service to that premises, or both. A  
30 rate or charge is delinquent if it is more than 30 days  
31 overdue. Any public or municipal corporation or political  
32 subdivision of the State furnishing water service to a  
33 premises (i) shall discontinue that service upon receiving  
34 written notice from the municipality providing sewerage

1 service that payment of the rate or charge for sewerage  
2 service to the premises has become delinquent and (ii) shall  
3 not resume water service until receiving a similar notice  
4 that the delinquency has been removed. The provider of  
5 sewerage service shall not request discontinuation of water  
6 service before sending a notice of the delinquency to the  
7 sewer user and affording the user an opportunity to be heard.  
8 An investor-owned public utility providing water service  
9 within a municipality that provides sewerage service may  
10 contract with the municipality to discontinue water service  
11 to a premises with respect to which the payment of a rate or  
12 charge for sewerage service has become delinquent. The  
13 municipality shall reimburse the privately owned public  
14 utility, public or municipal corporation, or political  
15 subdivision of the State for the reasonable cost of the  
16 discontinuance and the resumption of water service, any lost  
17 water service revenues, and the costs of discontinuing water  
18 service. The municipality shall indemnify the privately owned  
19 public utility, public or municipal corporation, or political  
20 subdivision of the State for any judgment and related  
21 attorney's fees resulting from an action based on any  
22 provision of this paragraph.

23 The municipality also has the power, from time to time,  
24 to sue the occupant or user of that real estate in a civil  
25 action to recover money due for sewerage services, plus a  
26 reasonable attorney's fee, to be fixed by the court. However,  
27 whenever a judgment is entered in such a civil action, the  
28 foregoing provisions in this section with respect to filing  
29 sworn statements of such delinquencies in the office of the  
30 recorder and creating a lien against the real estate shall  
31 not be effective as to the charges sued upon and no lien  
32 shall exist thereafter against the real estate for the  
33 delinquency. Judgment in such a civil action operates as a  
34 release and waiver of the lien upon the real estate for the

1 amount of the judgment.

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

3 (65 ILCS 5/11-141-16) (from Ch. 24, par. 11-141-16)

4 Sec. 11-141-16. Powers; particular locality. If after  
5 the public hearing the corporate authorities of the  
6 municipality adopt a resolution to proceed with the  
7 construction or acquisition of the project, the corporate  
8 authorities may make and enforce all needful rules and  
9 regulations in connection with the construction, acquisition,  
10 improvement, or extension, and with the management and  
11 maintenance of the project to be constructed or acquired. The  
12 corporate authorities also may establish the rate or charge  
13 to each user of the sewerage system or improvement or  
14 extension at a rate which will be sufficient to pay the  
15 principal and interest of any bonds, issued to pay the cost  
16 thereof, maintenance, and operation of the system,  
17 improvement, or extension and may provide an adequate  
18 depreciation fund therefor. Charges or rates shall be  
19 established, revised, and maintained by ordinance and become  
20 payable as the corporate authorities may determine by  
21 ordinance. Such charges or rates are liens upon the real  
22 estate upon or for which sewerage service is supplied  
23 whenever the charges or rates become delinquent as provided  
24 by the ordinance of the municipality fixing a delinquency  
25 date. A lien is created under the preceding sentence only if  
26 the municipality sends to the owner or owners of record of  
27 the real estate, as referenced by the taxpayer's  
28 identification number, (i) a copy of each delinquency notice  
29 sent to the person who is delinquent in paying the charges or  
30 rates or other notice sufficient to inform the owner or  
31 owners of record, as referenced by the taxpayer's  
32 identification number, that the charges or rates have become  
33 delinquent and (ii) a notice that unpaid charges or rates may

1 create a lien on the real estate under this Section. However,  
2 the municipality has no preference over the rights of any  
3 purchaser, mortgagee, judgment creditor, or other lien holder  
4 arising prior to the filing of the notice of such a lien in  
5 the office of the recorder of the county in which such real  
6 estate is located or in the office of the registrar of titles  
7 of such county if the property affected is registered under  
8 "An Act concerning land titles", approved May 1, 1897, as  
9 amended. This notice shall consist of a sworn statement  
10 setting out (1) a description of such real estate sufficient  
11 for the identification thereof, (2) the amount of money due  
12 for such sewerage service, and (3) the date when such amount  
13 became delinquent, (4) the owner of record of the premises.  
14 The municipality shall send a copy of the notice of the lien  
15 to the owner or owners of record of the real estate, as  
16 referenced by the taxpayer's identification number. The  
17 municipality may foreclose this lien in the same manner and  
18 with the same effect as in the foreclosure of mortgages on  
19 real estate.

20 Except in counties with a population of more than 250,000  
21 where the majority of the municipal sewerage system users are  
22 located outside of the municipality's corporate limits, the  
23 payment of delinquent charges for sewerage service to any  
24 premises may be enforced by discontinuing either the water  
25 service or the sewerage service to that premises, or both. A  
26 rate or charge is delinquent if it is more than 30 days  
27 overdue. Any public or municipal corporation or political  
28 subdivision of the State furnishing water service to a  
29 premises (i) shall discontinue that service upon receiving  
30 written notice from the municipality providing sewerage  
31 service that payment of the rate or charge for sewerage  
32 service to the premises has become delinquent and (ii) shall  
33 not resume water service until receiving a similar notice  
34 that the delinquency has been removed. The provider of

1 sewerage service shall not request discontinuation of water  
2 service before sending a notice of the delinquency to the  
3 sewer user and affording the user an opportunity to be heard.  
4 An investor-owned public utility providing water service  
5 within a municipality that provides sewerage service may  
6 contract with the municipality to discontinue water service  
7 to a premises with respect to which the payment of a rate or  
8 charge for sewerage service has become delinquent. The  
9 municipality shall reimburse the privately owned public  
10 utility, public or municipal corporation, or political  
11 subdivision of the State for the reasonable cost of the  
12 discontinuance and the resumption of water service, any lost  
13 water service revenues, and the costs of discontinuing water  
14 service. The municipality shall indemnify the privately owned  
15 public utility, public or municipal corporation, or political  
16 subdivision of the State for any judgment and related  
17 attorney's fees resulting from an action based on any  
18 provision of this paragraph.

19 The municipality also may, from time to time, sue the  
20 occupant or user of the real estate in a civil action to  
21 recover the money due for sewerage services, plus a  
22 reasonable attorney's fee, to be fixed by the court. However,  
23 whenever a judgment is entered in such a civil action, the  
24 foregoing provision in this section with respect to filing  
25 sworn statements of such delinquencies in the office of the  
26 recorder and creating a lien against the real estate shall  
27 not be effective as to the charges sued upon and no lien  
28 shall exist thereafter against the real estate for that  
29 delinquency. Judgment in such a civil action operates as a  
30 release and waiver of the lien upon the real estate for the  
31 amount of the judgment. The charge provided in this section  
32 to be made against each user of an improvement or extension  
33 shall be in addition to the charge, if any, made of all users  
34 of the system under Section 11-141-7 and shall be kept

1 separate and distinct therefrom.

2 This amendatory Act of 1975 is not a limit on any  
3 municipality which is a home rule unit.

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

5 Section 10. The Sanitary District Revenue Bond Act is  
6 amended by changing Section 7 as follows:

7 (70 ILCS 3010/7) (from Ch. 42, par. 319.7)

8 Sec. 7. The board of trustees of any sanitary district  
9 that owns and operates or that may hereafter own and operate  
10 a sewerage system constructed or acquired under the  
11 provisions of any law of this State has the power to make,  
12 enact, and enforce all needful rules and regulations in the  
13 construction, acquisition, improvement, extension,  
14 management, and maintenance of its sewerage system and for  
15 the use thereof. The board of trustees of such a sanitary  
16 district also has the power to make, enact, and enforce all  
17 needful rules, regulations, and ordinances for the  
18 improvement, care, and protection of its sewerage system,  
19 which may be conducive to the preservation of the public  
20 health, comfort, and convenience, and to render the sewage of  
21 the sanitary district harmless in so far as it is reasonably  
22 possible to do so.

23 The board of trustees of such a sanitary district has the  
24 power, by ordinance, to charge the inhabitants thereof for  
25 the use and service of its sewerage system and to establish  
26 charges or rates for that purpose. Where bonds are issued as  
27 provided in Sections 2 and 3 of this Act, the board of  
28 trustees shall establish rates or charges as provided in this  
29 section, and these charges or rates shall be sufficient at  
30 all times to pay the cost of operation and maintenance, to  
31 provide an adequate depreciation fund, and to pay the  
32 principal of and interest upon all revenue bonds issued under



1 Sections 2 and 3 hereof.

2 A depreciation fund is a fund for such replacements as  
3 may be necessary from time to time for the continued  
4 effective and efficient operation of the system. The  
5 depreciation fund shall not be allowed to accumulate beyond a  
6 reasonable amount necessary for that purpose, and shall not  
7 be used for extensions to the system.

8 Charges or rates shall be established, revised, and  
9 maintained by ordinance and become payable as the board of  
10 trustees may determine by ordinance. Such charges or rates  
11 shall be liens upon the real estate upon or for which  
12 sewerage service is supplied; provided, however, such liens  
13 shall not attach to such real estate until such charges or  
14 rates have become delinquent as provided by the ordinance of  
15 the sanitary district fixing a delinquency date. A lien is  
16 created under the preceding sentence only if the sanitary  
17 district sends to the owner or owners of record of the real  
18 estate, as referenced by the taxpayer's identification  
19 number, (i) a copy of each delinquency notice sent to the  
20 person who is delinquent in paying the charges or rates or  
21 other notice sufficient to inform the owner or owners of  
22 record, as referenced by the taxpayer's identification  
23 number, that the charges or rates have become delinquent and  
24 (ii) a notice that unpaid charges or rates may create a lien  
25 on the real estate under this Section. Nothing in this  
26 Section shall be construed to give the sanitary district a  
27 preference over the rights of any purchaser, mortgagee,  
28 judgment creditor or other lien holder arising prior to the  
29 filing in the office of the recorder of the county in which  
30 such real estate is located, or in the office of the  
31 registrar of titles of such county if the property affected  
32 is registered under the Torrens System, of notice of said  
33 lien. The notice shall consist of a sworn statement setting  
34 out (1) a description of the real estate sufficient for the

1 identification thereof, upon or for which the sewerage  
2 service was supplied, (2) the amount or amounts of money due  
3 for such sewerage service, and (3) the date or dates when  
4 such amount or amounts became delinquent. The sanitary  
5 district shall send a copy of the notice of the lien to the  
6 owner or owners of record of the real estate, as referenced  
7 by the taxpayer's identification number. The sanitary  
8 district shall have the power to foreclose such lien in like  
9 manner and with like effect as in the foreclosure of  
10 mortgages on real estate.

11 The payment of delinquent charges for sewerage service to  
12 any premises may be enforced by discontinuing either the  
13 water service or the sewerage service to that premises, or  
14 both. A rate or charge is delinquent if it is more than 30  
15 days overdue. Any public or municipal corporation or  
16 political subdivision of the State furnishing water service  
17 to a premises (i) shall discontinue that service upon  
18 receiving written notice from the sanitary district in which  
19 the premises lies that payment of the rate or charge for  
20 sewerage service to the premises has become delinquent and  
21 (ii) shall not resume water service until receiving a similar  
22 notice that the delinquency has been removed. The provider of  
23 sewerage service shall not request discontinuation of water  
24 service before sending a notice of the delinquency to the  
25 sewer user and affording the user an opportunity to be heard.  
26 The sanitary district shall reimburse the public or municipal  
27 corporation or political subdivision of the State for the  
28 reasonable cost of the discontinuance and the resumption of  
29 water service. The sanitary district may contract with any  
30 privately owned public utility for the discontinuance of  
31 water service to a premises with respect to which the payment  
32 of a rate or charge for sewerage service has become  
33 delinquent. The sanitary district shall reimburse the water  
34 service provider for any lost water service revenues and the

1 costs of discontinuing water service, and shall indemnify the  
2 water service provider for any judgment and related  
3 attorney's fees resulting from an action based on any  
4 provision of this paragraph.

5 The sanitary district also has the power, from time to  
6 time, to sue the owner, occupant or user of that real estate,  
7 or a person receiving any direct or indirect benefit from  
8 such services, in a civil action to recover money due for  
9 sewerage services, plus a reasonable attorney's fee, to be  
10 fixed by the court; provided, however, that the sanitary  
11 district shall give notice of its intention to bring such  
12 action to the owner of record by regular mail not less than 7  
13 days prior to filing such civil action.

14 Judgment in a civil action brought by the sanitary  
15 district to recover or collect such charges shall not operate  
16 as a release or waiver of the lien upon the real estate for  
17 the amount of the judgment. Only satisfaction of the  
18 judgment or the filing of a release and satisfaction of lien  
19 shall release said lien. The lien for charges on account of  
20 services or benefits provided for in this Section and the  
21 rights created hereunder shall be in addition to and not in  
22 derogation of the lien upon real estate created by and  
23 imposed for general real estate taxes.

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