

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 (Text of Section before amendment by P.A. 93-500)

8 Sec. 11-141-7. The corporate authorities of any
9 municipality that owns and operates or that may hereafter own
10 and operate a sewerage system constructed or acquired under the
11 provisions of any law of this state may make, enact, and
12 enforce all needful rules, regulations, and ordinances for the
13 improvement, care, and protection of its sewerage system and
14 any other sewer or sewerage system, located outside the
15 corporate boundary of the municipality and not owned by it,
16 that directly or indirectly connects with the municipality's
17 sewerage system, which may be conducive to the preservation of
18 the public health, comfort, and convenience, and may render the
19 sewage carried in the sewerage system of the municipality
20 harmless in so far as it is reasonably possible 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 boundary,
25 and to establish charges or rates for that purpose. The
26 corporate authorities of such a municipality may by ordinance
27 charge the users thereof, whether they be inside of or outside
28 of the municipality, for the use and service of its sewerage
29 system whether by direct or indirect connection therewith,
30 within or without the corporate boundary, and may establish
31 charges or rates for that purpose, provided however that where
32 such users are residents of another municipality with whom

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

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

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

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

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

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

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

33 (Text of Section after amendment by P.A. 93-500)

34 Sec. 11-141-7. Powers. The corporate authorities of any
35 municipality that owns and operates or that may hereafter own

1 and operate a sewerage system constructed or acquired under the
2 provisions of any law of this state may make, enact, and
3 enforce all needful rules, regulations, and ordinances for the
4 improvement, care, and protection of its sewerage system and
5 any other sewer or sewerage system, located outside the
6 corporate boundary of the municipality and not owned by it,
7 that directly or indirectly connects with the municipality's
8 sewerage system, which may be conducive to the preservation of
9 the public health, comfort, and convenience, and may render the
10 sewage carried in the sewerage system of the municipality
11 harmless in so far as it is reasonably possible to do so.

12 The corporate authorities of such a municipality may, by
13 ordinance, charge the inhabitants thereof for the use and
14 service of its sewerage system whether by direct or indirect
15 connection therewith within or without the corporate boundary,
16 and to establish charges or rates for that purpose. The
17 corporate authorities of such a municipality may by ordinance
18 charge the users thereof, whether they be inside of or outside
19 of the municipality, for the use and service of its sewerage
20 system whether by direct or indirect connection therewith,
21 within or without the corporate boundary, and may establish
22 charges or rates for that purpose, provided however that where
23 such users are residents of another municipality with whom
24 there is a contract for use and service of the sewerage system,
25 then such charges or rates shall be made in accordance with the
26 terms of the contract, either directly to the users or to the
27 contracting municipality as may be provided by the provisions
28 of the contract. In making such rates and charges the
29 municipality may provide for a rate to the outside users in
30 excess of the rate fixed for the inhabitants of said
31 municipality as may be reasonable. Where bonds are issued as
32 provided in Sections 11-141-2 and 11-141-3, the corporate
33 authorities shall establish rates or charges as provided in
34 this section, and these charges or rates shall be sufficient at
35 all times to pay the cost of operation and maintenance, to
36 provide an adequate depreciation fund, and to pay the principal

1 of and interest upon all revenue bonds issued under Sections
2 11-141-2 and 11-141-3.

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

9 Charges or rates shall be established, revised, and
10 maintained by ordinance and become payable as the corporate
11 authorities may determine by ordinance.

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

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

6 Except in counties with a population of more than 250,000
7 where the majority of the municipal sewerage system users are
8 located outside of the municipality's corporate limits, the
9 payment of delinquent charges for sewerage service or solid
10 waste disposal service to any premises may be enforced by
11 discontinuing any one or more of ~~either~~ the water service, the
12 solid waste disposal service, or the sewerage service to that
13 premises, ~~or both~~. A rate or charge is delinquent if it is more
14 than 30 days overdue. Any public or municipal corporation or
15 political subdivision of the State furnishing water service to
16 a premises (i) shall discontinue that service upon receiving
17 written notice from the municipality providing sewerage
18 service or solid waste disposal service that payment of the
19 rate or charge for sewerage or solid waste disposal service to
20 the premises has become delinquent and (ii) shall not resume
21 water service until receiving a similar notice that the
22 delinquency has been removed. The provider of sewerage or solid
23 waste disposal service shall not request discontinuation of
24 water service before sending a notice of the delinquency to the
25 ~~sewer~~ user and affording the user an opportunity to be heard.
26 An investor-owned public utility providing water service
27 within a municipality that provides sewerage service may
28 contract with the municipality to discontinue water service to
29 a premises with respect to which the payment of a rate or
30 charge for sewerage service has become delinquent. The
31 municipality shall reimburse the privately owned public
32 utility, public or municipal corporation, or political
33 subdivision of the State for the reasonable cost of the
34 discontinuance and the resumption of water service, any lost
35 water service revenues, and the costs of discontinuing water
36 service. The municipality shall indemnify the privately owned

1 public utility, public or municipal corporation, or political
2 subdivision of the State for any judgment and related
3 attorney's fees resulting from an action based on any provision
4 of this paragraph. In this paragraph, "solid waste" means that
5 term as it is defined in Section 3.470 of the Environmental
6 Protection Act and also means "garbage", "refuse", and "ashes"
7 as those terms are defined in Section 11-19-2 of this Code.

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

21 (Source: P.A. 93-500, eff. 6-1-04.)

22 (65 ILCS 5/11-141-16) (from Ch. 24, par. 11-141-16)

23 (Text of Section before amendment by P.A. 93-500)

24 Sec. 11-141-16. If after the public hearing the corporate
25 authorities of the municipality adopt a resolution to proceed
26 with the construction or acquisition of the project, the
27 corporate authorities may make and enforce all needful rules
28 and regulations in connection with the construction,
29 acquisition, improvement, or extension, and with the
30 management and maintenance of the project to be constructed or
31 acquired. The corporate authorities also may establish the rate
32 or charge to each user of the sewerage system or improvement or
33 extension at a rate which will be sufficient to pay the
34 principal and interest of any bonds, issued to pay the cost
35 thereof, maintenance, and operation of the system,

1 improvement, or extension and may provide an adequate
2 depreciation fund therefor. Charges or rates shall be
3 established, revised, and maintained by ordinance and become
4 payable as the corporate authorities may determine by
5 ordinance. Such charges or rates are liens upon the real estate
6 upon or for which sewerage service is supplied whenever the
7 charges or rates become delinquent as provided by the ordinance
8 of the municipality fixing a delinquency date. A lien is
9 created under the preceding sentence only if the municipality
10 sends to the owner or owners of record of the real estate, as
11 referenced by the taxpayer's identification number, (i) a copy
12 of each delinquency notice sent to the person who is delinquent
13 in paying the charges or rates or other notice sufficient to
14 inform the owner or owners of record, as referenced by the
15 taxpayer's identification number, that the charges or rates
16 have become delinquent and (ii) a notice that unpaid charges or
17 rates may create a lien on the real estate under this Section.
18 However, the municipality has no preference over the rights of
19 any purchaser, mortgagee, judgment creditor, or other lien
20 holder arising prior to the filing of the notice of such a lien
21 in the office of the recorder of the county in which such real
22 estate is located or in the office of the registrar of titles
23 of such county if the property affected is registered under "An
24 Act concerning land titles", approved May 1, 1897, as amended.
25 This notice shall consist of a sworn statement setting out (1)
26 a description of such real estate sufficient for the
27 identification thereof, (2) the amount of money due for such
28 sewerage service, and (3) the date when such amount became
29 delinquent, (4) the owner of record of the premises. The
30 municipality shall send a copy of the notice of the lien to the
31 owner or owners of record of the real estate, as referenced by
32 the taxpayer's identification number. The municipality may
33 foreclose this lien in the same manner and with the same effect
34 as in the foreclosure of mortgages on real estate.

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36 occupant or user of the real estate in a civil action to

1 recover the money due for sewerage services, plus a reasonable
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9 Judgment in such a civil action operates as a release and
10 waiver of the lien upon the real estate for the amount of the
11 judgment. The charge provided in this section to be made
12 against each user of an improvement or extension shall be in
13 addition to the charge, if any, made of all users of the system
14 under Section 11-141-7 and shall be kept separate and distinct
15 therefrom.

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

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

19 (Text of Section after amendment by P.A. 93-500)

20 Sec. 11-141-16. Powers; particular locality. If after the
21 public hearing the corporate authorities of the municipality
22 adopt a resolution to proceed with the construction or
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30 sufficient to pay the principal and interest of any bonds,
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15 investor-owned public utility providing water service within a
16 municipality that provides sewerage service may contract with
17 the municipality to discontinue water service to a premises
18 with respect to which the payment of a rate or charge for
19 sewerage service has become delinquent. The municipality shall
20 reimburse the privately owned public utility, public or
21 municipal corporation, or political subdivision of the State
22 for the reasonable cost of the discontinuance and the
23 resumption of water service, any lost water service revenues,
24 and the costs of discontinuing water service. The municipality
25 shall indemnify the privately owned public utility, public or
26 municipal corporation, or political subdivision of the State
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28 action based on any provision of this paragraph. In this
29 paragraph, "solid waste" means that term as it is defined in
30 Section 3.470 of the Environmental Protection Act and also
31 means "garbage", "refuse", and "ashes" as those terms are
32 defined in Section 11-19-2 of this Code.

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34 occupant or user of the real estate in a civil action to
35 recover the money due for sewerage services, plus a reasonable
36 attorney's fee, to be fixed by the court. However, whenever a

1 judgment is entered in such a civil action, the foregoing
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3 statements of such delinquencies in the office of the recorder
4 and creating a lien against the real estate shall not be
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7 Judgment in such a civil action operates as a release and
8 waiver of the lien upon the real estate for the amount of the
9 judgment. The charge provided in this section to be made
10 against each user of an improvement or extension shall be in
11 addition to the charge, if any, made of all users of the system
12 under Section 11-141-7 and shall be kept separate and distinct
13 therefrom.

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

16 (Source: P.A. 93-500, eff. 6-1-04.)

17 Section 95. No acceleration or delay. Where this Act makes
18 changes in a statute that is represented in this Act by text
19 that is not yet or no longer in effect (for example, a Section
20 represented by multiple versions), the use of that text does
21 not accelerate or delay the taking effect of (i) the changes
22 made by this Act or (ii) provisions derived from any other
23 Public Act.

24 Section 99. Effective date. This Act takes effect June 1,
25 2004.