

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 Counties Code is amended by changing Section  
5 5-1043 as follows:

6 (55 ILCS 5/5-1043) (from Ch. 34, par. 5-1043)

7 Sec. 5-1043. Water and sanitary facilities.

8 (a) Whenever a county resolution or ordinance requires the  
9 installation of water mains, sanitary sewers, drains, or other  
10 facilities for sewers and drains, the construction of any  
11 roadways or the installation of any traffic signals or other  
12 traffic related improvements as a condition precedent to the  
13 approval of a preliminary or final subdivision or plat  
14 described in Section 5-1042, or a preliminary or final planned  
15 unit development plan and where, in the opinion of the county  
16 board such facilities, roadways or improvements may be used for  
17 the benefit of property not in the subdivision or planned unit  
18 development, and the water mains, sanitary sewers, drains or  
19 other such facilities, or such roadways or improvements are to  
20 be dedicated to the public, the county board may, by contract  
21 with the subdivider, agree to reimburse and may reimburse the  
22 subdivider for a portion of the cost of such facilities,  
23 roadways and improvements. The county board may also, by

1 contract with the subdivider, agree to share the cost of  
2 installing required facilities. The county board may in either  
3 case recover the cost of those facilities from fees charged to  
4 owners of property not within the subdivision, or planned unit  
5 development when and as collected from such owners. Such  
6 contract shall describe the property outside the subdivision or  
7 planned unit development which may reasonably be expected to  
8 benefit from the facilities, roadways or improvements which are  
9 required to be constructed under the contract and shall specify  
10 the amount or proportion of the cost of such facilities,  
11 roadways or improvements which is to be incurred primarily for  
12 the benefit of that property. Such contract shall provide that  
13 the county shall collect such fees charged to owners of  
14 property not within the subdivision or planned unit development  
15 at any time prior to the connection to and use of the said  
16 facilities, roadways or improvements by the respective  
17 properties of each owner. Such contract may provide for the  
18 payment to the subdivider of a reasonable amount of interest on  
19 the amount expended by the subdivider in completing such  
20 facilities, roadways and improvements, with said interest to be  
21 calculated from and after the date of completion of such  
22 facilities, roadways and improvements.

23 (b) In an unincorporated area of Lake County, any property  
24 or subdivision zoned for single family residential use on May  
25 4, 2006 and located within 500 feet of a public sanitary sewer  
26 system shall have access to and the use of the sanitary sewer

1 system and may be connected thereto via any publicly owned  
2 right-of-way, easement, or other property owned by the State or  
3 any municipality or political subdivision of the State.

4 (c) Any party using a sanitary sewer system as described in  
5 subsection (b) of this Section shall reimburse the original  
6 provider of the system, whether a public or private party, for  
7 a pro rata share of the costs of construction, and may utilize  
8 the system regardless of any reservation of capacity that  
9 remains unused for 5 years after construction.

10 (Source: P.A. 86-962; 86-1463.)