



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2417

Introduced 2/19/2009, by Rep. Naomi D. Jakobsson

#### SYNOPSIS AS INTRODUCED:

35 ILCS 200/27-91 new

Amends the Property Tax Code. Provides that a municipality may establish a special service area for the purpose of repairing, reconstructing, or maintaining a stormwater-detention facility. Provides that a public hearing with respect to those special service areas must include a determination of whether the stormwater-detention facility is in need of the repair, reconstruction, or maintenance. Provides that certain special service areas for stormwater-detention facilities are not subject to objection-petition requirements. Effective immediately.

LRB096 03838 HLH 13871 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Property Tax Code is amended by adding  
5 Section 27-91 as follows:

6 (35 ILCS 200/27-91 new)

7 Sec. 27-91. Special service area for privately owned  
8 stormwater-detention facilities.

9 (a) If a privately owned or maintained  
10 stormwater-detention facility serves a detention watershed  
11 that lies within the corporate limits of a municipality, then  
12 the corporate authorities of the municipality may propose a  
13 special service area for the purpose of repairing,  
14 reconstructing, or maintaining that stormwater-detention  
15 facility. The proposed special service area must be comprised  
16 of the territory within the detention watershed.

17 (b) A special service area under this Section must be  
18 established under the procedures set forth under this Article  
19 27 with the following exceptions:

20 (1) the public hearing required under Section 27-35  
21 must also include a determination of whether the  
22 stormwater-detention facility is in need of the repair,  
23 reconstruction, or maintenance; and

1           (2) unless there exists, in good standing, a  
2           homeowners' association that has a legal obligation to  
3           perform the repair, reconstruction, or maintenance, the  
4           proposal is not subject to the objection-petition  
5           procedures under Section 27-55 or the disconnection  
6           procedures under Section 27-60.

7           (c) If, as a result of the public hearing, the corporate  
8           authorities determine that the stormwater-detention facility  
9           is in need of the repair, reconstruction, or maintenance, then  
10           the corporate authorities may proceed to establish the special  
11           service area. The municipality may authorize its agents and  
12           independent contractors to undertake the repair,  
13           reconstruction, or maintenance and take all other permissible  
14           action under this Law.

15           (d) For the purposes of this Section:

16           "Stormwater-detention facility" means any man-made  
17           structure or arrangement of earth for the temporary or  
18           permanent storage of stormwater runoff with controlled release  
19           of the stormwater during or following a flood or storm for the  
20           purpose of mitigating downstream flooding or protecting  
21           structures from flooding. The term "stormwater-detention  
22           facility" includes any detention basin, retention basin, or any  
23           other wet or dry catchment area that releases stormwater more  
24           slowly than would otherwise occur if the stormwater were  
25           allowed to flow freely in any given watershed.

26           "Detention basin" means any stormwater-detention facility

1 designed to drain completely after temporary storage of  
2 stormwater flows and to normally be dry over the majority of  
3 its bottom area.

4 "Retention basin" means any stormwater-detention facility  
5 designed to maintain a permanent pool of water within the basin  
6 after the temporary storage of stormwater runoff.

7 "Detention watershed" means the geographical area for  
8 which the stormwater-detention facility: (i) was designed to  
9 contain and control the increased stormwater discharge likely  
10 to be caused by new development within a subdivision or planned  
11 unit development; and (ii) was included as part of the approved  
12 stormwater management plan for the subdivision or development.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.