



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### HB0248

Introduced 01/25/11, by Rep. Karen May

#### SYNOPSIS AS INTRODUCED:

|                     |                         |
|---------------------|-------------------------|
| 70 ILCS 2305/3      | from Ch. 42, par. 279   |
| 70 ILCS 2305/7      | from Ch. 42, par. 283   |
| 70 ILCS 2305/7.2    | from Ch. 42, par. 283.2 |
| 70 ILCS 2305/28     | from Ch. 42, par. 296.8 |
| 70 ILCS 2305/30 new |                         |

Amends the North Shore Sanitary District Act. Provides that trustees of a sanitary district elected in 2012 or thereafter shall assume office on the second Wednesday in December following the general election. Authorizes the board of trustees of a sanitary district to enter into an agreement to sell, convey, or disburse treated wastewater with any public or private entity located within or outside of the boundaries of the sanitary district. Provides that no claim for compensation shall be made or action for damages filed against a sanitary district on account of any damage to property occurring on or after January 1, 2012, unless notice in writing is filed with the secretary of the sanitary district's board of trustees within 6 months after the occurrence of the damage setting forth specified information. In provisions concerning tributary sewer systems, provides that a municipality or county shall not issue any occupancy permit for a building or facility until the building or facility receives from the sanitary district the authorization to connect to the sanitary sewer. Makes other changes. Preempts the concurrent exercise of home rule powers. Effective immediately.

LRB097 05468 RLJ 45527 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

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 Sanitary District Act is amended  
5 by changing Sections 3, 7, 7.2, and 28 and by adding Section 30  
6 as follows:

7 (70 ILCS 2305/3) (from Ch. 42, par. 279)

8 Sec. 3. Election of trustees; terms. The corporate  
9 authority of the North Shore Sanitary District shall consist of  
10 5 trustees.

11 Within 20 days after the adoption of the Act, as provided  
12 in Section 1, the county governing body shall proceed to divide  
13 the sanitary district into 5 wards for the purpose of electing  
14 trustees. One trustee shall be elected for each ward on the  
15 date of the next regular county election. In each sanitary  
16 district organized pursuant to the provisions of this Act prior  
17 to the effective date of this amendatory Act of 1975, one  
18 trustee shall be elected for each ward on the date of the  
19 regular county election in the year 1976. However, the  
20 population in no one ward shall be less than 1/6 of the  
21 population of the whole district and the territory in each of  
22 the wards shall be composed of contiguous territory in as  
23 compact form as practicable. A portion of each ward shall abut

1 the west shore of Lake Michigan and the boundaries of the  
2 respective wards shall coincide with precinct boundaries and  
3 the boundaries of existing municipalities as nearly as  
4 practicable. In the year 1981, and every 10 years thereafter,  
5 the sanitary district board of trustees shall reapportion the  
6 district, so that the respective wards shall conform as nearly  
7 as practicable with the above requirements as to population,  
8 shape and territory.

9 ~~The trustees shall hold office respectively for 4 years~~  
10 ~~from the first Monday of May after their election and until~~  
11 ~~their successors are appointed and qualified, except that the~~  
12 ~~term of office of 2 of the trustees first elected shall be for~~  
13 ~~2 years. Which of the trustees first elected shall serve a term~~  
14 ~~of 2 years shall be determined by lot at their first meeting.~~  
15 ~~Notwithstanding the foregoing provisions, all~~

16 All trustees elected from in 1994 through 2011 or  
17 thereafter shall assume office on the first Monday in December  
18 following the general election instead of the first Monday in  
19 May of the following year. All trustees elected in 2012 or  
20 thereafter shall assume office on the second Wednesday in  
21 December following the general election.

22 In the year 1982, and every 10 years thereafter, following  
23 each decennial Federal census, all 5 trustees shall be elected.  
24 Immediately following each decennial redistricting, the  
25 sanitary district board of trustees shall divide the wards into  
26 2 groups, one of which shall consist of 3 wards and the other

1 shall consist of 2 wards. Trustees from one group shall serve  
2 terms of 4 years, 4 years and 2 years; and trustees from the  
3 other group shall serve terms of 2 years, 4 years and 4 years.

4 Each of the trustees, upon entering the duties of their  
5 respective offices, shall execute a bond with security, in the  
6 amount and form to be approved by the corporate authorities,  
7 payable to the district, in the penal sum of not less than  
8 \$10,000.00, as directed by resolution or ordinance,  
9 conditioned upon the faithful performance of the duties of the  
10 office. Each bond shall be filed with and preserved by the  
11 board secretary.

12 When a vacancy exists in the office of trustees of any  
13 sanitary district organized under the provisions of this Act,  
14 the vacancy shall be filled by appointment by the president of  
15 the sanitary district board of trustees, with the advice and  
16 consent of the sanitary district board of trustees, until the  
17 next regular election at which trustees of the sanitary  
18 district are elected, and shall be made a matter of record in  
19 the office of the county clerk in the county in which the  
20 district is located.

21 A majority of the board of trustees shall constitute a  
22 quorum, but a smaller number may adjourn from day to day. No  
23 trustee or employee of the district shall be directly or  
24 indirectly interested in any contract, work or business of the  
25 district, or the sale of any article, the expense, price or  
26 consideration of which is paid by the district; nor in the

1 purchase of any real estate or other property belonging to the  
2 district, or which shall be sold for taxes or assessments, or  
3 by virtue of legal process at the suit of the district. The  
4 trustees have the power to provide and adopt a corporate seal  
5 for the district.

6 (Source: P.A. 95-607, eff. 9-11-07.)

7 (70 ILCS 2305/7) (from Ch. 42, par. 283)

8 Sec. 7. Powers of the board of trustees. The board of  
9 trustees of any sanitary district organized under this Act may  
10 provide for the disposal of the sewage thereof and save and  
11 preserve the water supplied to the inhabitants of such district  
12 from contamination. For that purpose the board may construct  
13 and maintain an enclosed conduit or conduits, main pipes,  
14 wholly or partially submerged, buried or otherwise, and by  
15 means of pumps or otherwise cause such sewage to flow or to be  
16 forced through such conduit or conduits, pipe or pipes to and  
17 into any ditch or canal constructed and operated by any other  
18 sanitary district, after having first acquired the right so to  
19 do. Such board may provide for the drainage of such district by  
20 laying out, establishing, constructing and maintaining one or  
21 more channels, drains, ditches and outlets for carrying off and  
22 disposing of the drainage (including the sewage) of such  
23 district, together with such adjuncts and additions thereto as  
24 may be necessary or proper to cause such channels or outlets to  
25 accomplish the end for which they are designed, in a

1 satisfactory manner, including pumps and pumping stations and  
2 the operation of the same. Such board shall provide suitable  
3 and modernly equipped sewage disposal works or plants for the  
4 separation and disposal of all solids and deleterious matter  
5 from the liquids, and shall treat and purify the residue of  
6 such sewage so that when it flows into any lake, it will not  
7 injuriously contaminate the waters thereof. The board shall  
8 adopt any feasible method to accomplish the object for which  
9 such sanitary district may be created, and may also provide  
10 means whereby the sanitary district may reach and procure  
11 supplies of water for diluting and flushing purposes. The board  
12 of trustees of any sanitary district formed under this Act may  
13 also enter into an agreement to sell, convey, or disburse  
14 treated wastewater to any public or private entity located  
15 within or outside of the boundaries of the sanitary district.  
16 The agreement may not exceed 20 years.

17 Nothing set forth in this Section ~~However, nothing herein~~  
18 ~~contained~~ may be construed to empower, authorize or require  
19 such board of trustees to operate a system of water works for  
20 the purpose of furnishing or delivering water to any such  
21 municipality or to the inhabitants thereof without payment  
22 therefor at such rates as the board may determine. Nothing in  
23 this Act shall require a sanitary district to extend service to  
24 any individual residence or other building within the district,  
25 and it is the intent of the Illinois General Assembly that any  
26 construction contemplated by this Section shall be restricted

1 to construction of works and main or interceptor sewers,  
2 conduits, channels and similar facilities, but not individual  
3 service lines. Nothing in this Act contained authorizes the  
4 trustees to flow the sewage of such district into Lake  
5 Michigan. Any such plan for sewage disposal by any sanitary  
6 district organized hereunder is prohibited, unless such sewage  
7 has been treated and purified as provided in this Section, all  
8 laws of the Federal government relating to the pollution of  
9 navigable waters have been complied with, the approval of plans  
10 and constructions of outlets and connection with any of the  
11 streams or navigable bodies of water within or bordering upon  
12 the State has been obtained from the Department of Natural  
13 Resources of the State. The discharge of any sewage from any  
14 such district into any of the streams or navigable bodies of  
15 water within or bordering upon the State is subject to the  
16 orders of the Pollution Control Board. Nothing in this Act  
17 contained may be construed as superseding or in any manner  
18 limiting the provisions of the Environmental Protection Act.

19 After the construction of such sewage disposal plant, if  
20 the board finds that it will promote the prevention of  
21 pollution of waters of the State, such board of trustees may  
22 adopt ordinances or rules and regulations, prohibiting or  
23 regulating the discharge to sewers of inadmissible wastes or  
24 substances toxic to biological wastewater treatment processes.  
25 Inadmissible wastes include those which create a fire or  
26 explosion hazard in the sewer or treatment works; those which

1 will impair the hydraulic capacity of sewer systems; and those  
2 which in any quantity, create a hazard to people, sewer  
3 systems, treatment processes, or receiving waters. Substances  
4 that may be toxic to wastewater treatment processes include  
5 copper, chromium, lead, zinc, arsenic and nickel and any  
6 poisonous compounds such as cyanide or radioactive wastes which  
7 pass through wastewater treatment plants in hazardous  
8 concentrations and menace users of the receiving waters. Such  
9 ordinances or rules and regulations shall be effective  
10 throughout the sanitary district, in the incorporated areas as  
11 well as the unincorporated areas and all public sewers therein.  
12 (Source: P.A. 89-445, eff. 2-7-96.)

13 (70 ILCS 2305/7.2) (from Ch. 42, par. 283.2)

14 Sec. 7.2. Tributary sewer systems; control.

15 (a) Where any sewer system under the jurisdiction of a  
16 municipality or county ~~city, village or incorporated town~~ is  
17 tributary to a sanitary district sewer system, and the board of  
18 trustees of such sanitary district finds that it will conduce  
19 to the public health, comfort, or convenience, the board shall  
20 have the power and authority to regulate, limit, extend, deny, or  
21 otherwise control any connection to such sewer tributary to  
22 the sanitary district sewer system by any person, county, or  
23 municipal corporation regardless of whether the sewer into  
24 which the connection is made is directly under the jurisdiction  
25 of the district or not.



1       (b) No municipality or county shall issue a permit, or any  
2 other form of permission, to any person or entity for the  
3 construction, reconstruction, remodeling, or other work for  
4 any building or facility required to be served or served by a  
5 sanitary sewer which is tributary to a sanitary sewer system  
6 that is served by a sanitary district formed under this Act  
7 unless the sanitary district, which serves the tributary  
8 sanitary sewer system, has authorized the connection to the  
9 tributary sewer system in accordance with its ordinances. Any  
10 municipality or county that issues a permit or any other  
11 permission, restricted under this Section, shall, upon notice  
12 and demand by the sanitary district, prohibit further work upon  
13 any building or facility described under this Section,  
14 including, but not limited to, the issuance of a stop work  
15 order. A municipality or county shall not issue any occupancy  
16 permit for a building or facility until the building or  
17 facility receives from the sanitary district the authorization  
18 to connect to the sanitary sewer. No municipality or county  
19 shall provide potable water to any building or other facility  
20 that has been constructed and is connected to a sanitary sewer  
21 which is tributary to a sanitary system served by the sanitary  
22 district if the connection to the sanitary sewer was made  
23 without the authorization of the sanitary district.

24       A municipality or county may not issue a permit or provide  
25 potable water in a manner that is inconsistent with this  
26 subsection (b). This subsection (b) is a limitation under

1 subsection (i) of Section 6 of Article VII of the Illinois  
2 Constitution on the concurrent exercise by home rule units of  
3 powers and functions exercised by the State.

4 (c) No action, in law or equity, may be brought against a  
5 sanitary district, municipality, or county which denied,  
6 revoked, or caused to be denied or revoked an occupancy permit  
7 or a permit for construction, reconstruction, remodeling, or  
8 other work or which denied, revoked, or caused to be denied or  
9 revoked the provision of potable water by any municipality or  
10 county, if the person or entity connected to a sanitary sewer  
11 that is a tributary to a sanitary sewer and served by a  
12 sanitary district formed under this Act and did not receive  
13 authorization to connect from the appropriate sanitary  
14 district.

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

16 (70 ILCS 2305/28) (from Ch. 42, par. 296.8)

17 Sec. 28. Annexation of contiguous territory. The board of  
18 trustees of any sanitary district may annex any territory which  
19 is not within the corporate limits of the sanitary district,  
20 provided:

21 (a) The territory is contiguous to the annexing  
22 sanitary district; and

23 (b) The territory is served by the sanitary district or  
24 by a municipality with sanitary sewers that are connected  
25 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. A copy of the ordinance and a map of the annexed  
4 territory certified as true and accurate by the clerk of the  
5 annexing sanitary district shall be filed with the county clerk  
6 of the county in which the annexed territory is located. The  
7 new boundary shall extend to the far side of any adjacent  
8 highway and shall include all of every highway within the area  
9 annexed. These highways shall be considered to be annexed even  
10 though not included in the legal description set forth in the  
11 annexation ordinance.

12           The territory to be annexed to the sanitary district shall  
13 be considered to be contiguous to the sanitary district  
14 notwithstanding that the territory to be annexed is divided by,  
15 or that the territory to be annexed is separated from the  
16 sanitary district by, one or more railroad rights-of-ways,  
17 public easements, or properties owned by a public utility, a  
18 forest preserve district, a public agency, or a not-for-profit  
19 corporation.

20           (Source: P.A. 86-1191.)

21           (70 ILCS 2305/30 new)

22           Sec. 30. Claims for compensation. No claim for compensation  
23 shall be made or action for damages filed against a sanitary  
24 district formed under this Act on account of any damage to  
25 property occurring on or after January 1, 2012, unless notice

1 in writing is filed with the secretary of the sanitary  
2 district's board of trustees within 6 months after the  
3 occurrence of the damage setting forth the following  
4 information: (i) the name and residence address of the owner of  
5 the property damaged, (ii) the property's location, and (iii)  
6 the probable extent of the damage sustained.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.