



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB0156

Introduced 2/8/2011, by Sen. Larry K. Bomke

SYNOPSIS AS INTRODUCED:

70 ILCS 2405/7

from Ch. 42, par. 306

70 ILCS 2405/35 new

Amends the Sanitary District Act of 1917. Provides that, beginning on the effective date of the amendatory Act, the board of trustees of a sanitary district may not impose or collect a tax on property located within the sanitary district that does not directly receive services from the sanitary district. Defines "services" as including sewage disposal for and water delivery to individual residences located within the sanitary district. Effective immediately.

LRB097 00086 RLJ 40094 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Sanitary District Act of 1917 is amended by
5 changing Section 7 and by adding Section 35 as follows:

6 (70 ILCS 2405/7) (from Ch. 42, par. 306)

7 Sec. 7. Sewage disposal; penalties. The board of trustees
8 of any sanitary district organized under this Act shall have
9 power to provide for the disposal of the sewage thereof
10 including the sewage and drainage of any incorporated city,
11 town or village within the boundaries of such district and to
12 save and preserve the water supplied to the inhabitants of such
13 district from contamination and for that purpose may construct
14 and maintain an enclosed conduit or conduits, main pipe or
15 pipes, wholly or partially submerged, buried or otherwise, and
16 by means of pumps or otherwise cause such sewage to flow or to
17 be forced through such conduit or conduits, pipe or pipes to
18 and into any ditch or canal constructed and operated by any
19 other sanitary district, after having first acquired the right
20 so to do, or such board may provide for the drainage of such
21 district by laying out, establishing, constructing and
22 maintaining one or more channels, drains, ditches and outlets,
23 for carrying off and disposing of the drainage (including the

1 sewage) of such district together with such adjuncts and
2 additions thereto as may be necessary or proper to cause such
3 channels or outlets to accomplish the end for which they are
4 designed, in a satisfactory manner, including pumps and pumping
5 stations and the operation of the same. Such board may also
6 treat and purify such sewage so that when the same shall flow
7 into any lake or other water-course, it will not injuriously
8 contaminate the waters thereof, and may adopt any other
9 feasible method to accomplish the object for which such
10 sanitary district may be created, and may also provide means
11 whereby the sanitary district may reach and procure supplies of
12 water for diluting and flushing purposes, ~~provided, however,~~
13 ~~that nothing herein contained shall be construed to empower or~~
14 ~~authorize such board of trustees to operate a system of~~
15 ~~waterworks for the purposes of furnishing or delivering water~~
16 ~~to any such municipality or to the inhabitants thereof. Nothing~~
17 ~~in this Act shall require a sanitary district to extend service~~
18 ~~to any individual residence or other building within the~~
19 ~~district, and it is the intent of the Illinois General Assembly~~
20 ~~that any construction contemplated by this Section shall be~~
21 ~~restricted to construction of works and main or interceptor~~
22 ~~sewers, conduits, channels and similar facilities, but not~~
23 ~~individual service lines.~~ Nothing in this Act contained shall
24 authorize the trustees to flow the sewage of such district into
25 Lake Michigan.

26 Every such sanitary district shall proceed as rapidly as is

1 reasonably possible to provide sewers and a plant or plants for
2 the treatment and purification of its sewage, which plant or
3 plants shall be of suitable kind and sufficient capacity to
4 properly treat and purify such sewage so as to conduce to the
5 preservation of the public health, comfort and convenience and
6 to render the sewage harmless, insofar as is reasonably
7 possible, to animal, fish and plant life. Any violation of this
8 proviso and any failure to observe and follow same, by any
9 sanitary district organized under this Act, shall be held, and
10 is hereby declared, to be a business offense and fined on the
11 part of the sanitary district not less than \$1,000 nor more
12 than \$10,000, and the trustees thereof may be ousted from
13 office as trustees of the district by an order of the court
14 before whom the cause is heard. Upon the complaint of the
15 Environmental Protection Agency it shall be the duty of the
16 Pollution Control Board to cause the foregoing provisions to be
17 enforced in accordance with Section 31 of the "Environmental
18 Protection Act". Nothing in this Act contained shall be
19 construed as superseding or in any manner limiting the
20 provisions of the "Environmental Protection Act".

21 In providing works for the disposal of industrial sewage,
22 commonly called industrial wastes, in the manner above provided
23 whether the industrial sewage is disposed of in combination
24 with municipal sewage or independently, the Sanitary District
25 shall have power to apportion and collect therefor, from the
26 producer thereof, fair additional construction, maintenance

1 and operating costs over and above those covered by normal
2 taxes, and in case of dispute as to the fairness of such
3 additional construction, maintenance and operating costs, then
4 the same shall be determined by a board of three engineers, one
5 appointed by the sanitary district, one appointed by such
6 producer or producers or their legal representatives, and the
7 third to be appointed by the two engineers selected as above
8 described. In the event the two engineers so selected shall
9 fail to agree upon a third engineer then upon the petition of
10 either of the parties the circuit judge shall appoint such
11 third engineer. A decision of a majority of the board shall be
12 binding on both parties and the cost of the services of the
13 board shall be shared by both parties equally.

14 In providing works, including the main pipes referred to
15 above, for the disposal of raw sewage, in the manner above
16 provided, whether such sewage is disposed of in combination
17 with municipal sewage or independently, the Sanitary District
18 shall have power to collect a fair and reasonable charge for
19 connection to its system in addition to those charges covered
20 by normal taxes, for the construction, expansion and extension
21 of the works of the system, the charge to be assessed against
22 new or additional users of the system and to be known as a
23 connection charge. Such construction, expansion and extension
24 of the works of the system shall include proposed or existing
25 collector systems and may, at the discretion of such District,
26 include connections by individual properties. The charge for

1 connection shall be determined by the District and may equal or
2 exceed the actual cost to the District of the construction,
3 expansion or extension of the works of the system required by
4 the connection. The funds thus collected shall be used by the
5 Sanitary District for its general corporate purposes with
6 primary application thereof being made by the necessary
7 expansion of the works of the system to meet the requirements
8 of the new users thereof.

9 (Source: P.A. 85-1209.)

10 (70 ILCS 2405/35 new)

11 Sec. 35. Power to tax; required services. Notwithstanding
12 any provision of law to the contrary, beginning on the
13 effective date of this amendatory Act of the 96th General
14 Assembly, the board of trustees of a sanitary district may not
15 impose or collect a tax on property located within the sanitary
16 district that does not directly receive services from the
17 sanitary district. For the purposes of this Section, "services"
18 include sewage disposal for and water delivery to individual
19 residences located within the sanitary district.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.