



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2902

Introduced 1/27/2026, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

See Index

Amends the North Shore Water Reclamation District Act. Provides that the president of the board of trustees of a sanitary district created under the Act shall not receive more than \$21,750 (rather than \$18,000) per year, and each other member of the board of trustees of a sanitary district created under the Act shall not receive more than \$18,750 (rather than \$15,000) per year. Provides that an ordinance adopted by the board of trustees may provide for a fine for each offense of not less than \$100 or more than \$10,000 or the amount provided in the Environmental Protection Act for the offense, whichever is greater (rather than a fine for each offense of not less than \$100 or more than \$1,000). Provides that the board of trustees of a sanitary district may order a party responsible for discharging effluent, gaseous wastes, sewage, industrial wastes, or other wastes into a sewerage system in violation of an ordinance, rule, or regulation adopted by the board of trustees to pay court reporter costs and hearing officer fees in an amount not to exceed the actual costs of the reporter costs and hearing officer fees (rather than an amount not to exceed \$3,000). Provides that a private or governmental entity may not connect or remain connected to a sanitary district sewer system unless written authorization to connect has been obtained from the sanitary district. Provides that, at the time or before incurring any indebtedness, the board of trustees of a sanitary district shall provide for the collection of revenue (rather than a direct annual tax) sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof as the same shall fall due, and at least within 40 (rather than 20) years from the time of contracting the same. Provides that the owner of territory eligible to annexed into a sanitary district may petition the board of trustees of the sanitary district to annex the territory. In provisions concerning the procedures for assessing civil penalties, provides that electronically recorded testimony may be transcribed into written form if there is an appeal of any decision after a hearing. Makes other changes.

LRB104 18455 RTM 31897 b

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 Water Reclamation District Act
5 is amended by changing Sections 4, 7, 7.01, 7.1, 7.2, 7.7, 10,
6 28, 28a, and 28b and by adding Section 0.3 as follows:

7 (70 ILCS 2305/0.3 new)

8 Sec. 0.3. Definitions. As used in this Act, "user"
9 includes any person, private entity, or governmental entity
10 that is or has connected to any sewer owned, operated, or
11 maintained by a sanitary district organized under this Act or
12 that discharges into any sewer or system of sewers tributary
13 to any sewer or treatment works of a sanitary district
14 organized under this Act.

15 (70 ILCS 2305/4) (from Ch. 42, par. 280)

16 Sec. 4. Board of trustees; powers; compensation. The
17 trustees shall constitute a board of trustees for the
18 district. The board of trustees is the corporate authority of
19 the district, and shall exercise all the powers and manage and
20 control all the affairs and property of the district. The
21 board shall elect a president and vice-president from among
22 their own number. In case of the death, resignation, absence

1 from the state, or other disability of the president, the
2 powers, duties and emoluments of the office of the president
3 shall devolve upon the vice-president, until the disability is
4 removed or until a successor to the president is appointed and
5 chosen in the manner provided in this Act. The board may select
6 a secretary, treasurer, executive director, and attorney, and
7 may provide by ordinance for the employment of other employees
8 as the board may deem necessary for the municipality. The
9 board may appoint such other officers and hire such employees
10 to manage and control the operations of the district as it
11 deems necessary; provided, however, that the board shall not
12 employ an individual as a wastewater operator whose
13 Certificate of Technical Competency is suspended or revoked
14 under rules adopted by the Pollution Control Board under item
15 (4) of subsection (a) of Section 13 of the Environmental
16 Protection Act. All employees selected by the board shall hold
17 their respective offices during the pleasure of the board, and
18 give such bond as may be required by the board. The board may
19 prescribe the duties and fix the compensation of all the
20 officers and employees of the sanitary district. However, the
21 president of the board shall not receive more than \$21,750
22 ~~\$18,000~~ per year, and each other member of the board shall not
23 receive more than \$18,750 ~~\$15,000~~ per year. The board of
24 trustees has full power to pass all necessary ordinances,
25 rules, and regulations for the proper management and conduct
26 of the business of the board and of the corporation, and for

1 carrying into effect the objects for which the sanitary
2 district was formed. The ordinances may provide for a fine for
3 each offense of not less than \$100 or more than \$10,000 or the
4 amount provided in the Environmental Protection Act for the
5 offense, whichever is greater ~~\$1,000~~. Each day's continuance
6 of a violation shall be a separate offense. Fines under this
7 Section are recoverable by the sanitary district in a civil
8 action. The sanitary district is authorized to apply to the
9 circuit court for injunctive relief or mandamus when, in the
10 opinion of the chief administrative officer, the relief is
11 necessary to protect the sewerage system of the sanitary
12 district.

13 The board of trustees shall have the authority to change
14 the name of the District, by ordinance, to the North Shore
15 Water Reclamation District. Any such name change shall not
16 impair the legal status of any act by the sanitary district. If
17 an ordinance is passed pursuant to this paragraph, all
18 provisions of this Act shall apply to the newly renamed
19 district. No rights, duties, or privilege of such sanitary
20 district or of any person existing before the change of name
21 shall be affected by the change in the name of the sanitary
22 district. All proceedings pending in any court relating to
23 such sanitary district may continue to final consummation
24 under the name in which they were commenced.

25 (Source: P.A. 101-575, eff. 8-23-19.)

1 (70 ILCS 2305/7) (from Ch. 42, par. 283)

2 Sec. 7. Powers of the board of trustees. The board of
3 trustees of any sanitary district organized under this Act may
4 provide for the treatment of the sewage thereof and save and
5 preserve the water supplied to the inhabitants of such
6 district from contamination. For that purpose the board may
7 construct and maintain an enclosed conduit or conduits, main
8 pipes, wholly or partially submerged, buried or otherwise, and
9 by means of pumps or otherwise cause such sewage to flow or to
10 be forced through such conduit or conduits, pipe or pipes to
11 and into any ditch or canal constructed and operated by any
12 other sanitary district, after having first acquired the right
13 so to do. Such board may provide for the drainage of such
14 district by laying out, establishing, constructing and
15 maintaining one or more channels, drains, ditches and outlets
16 for carrying off and disposing of the drainage (including the
17 sewage) of such district, together with such adjuncts and
18 additions thereto as may be necessary or proper to cause such
19 channels or outlets to accomplish the end for which they are
20 designed, in a satisfactory manner, including pumps and
21 pumping stations and the operation of the same. Such board
22 shall provide suitable and modernly equipped sewage treatment
23 works or plants for the separation and treatment of all solids
24 and deleterious matter from the liquids, and shall treat and
25 purify the residue of such sewage so that when it flows into
26 any lake, it will not injuriously contaminate the waters

1 thereof. The board shall adopt any feasible method to
2 accomplish the object for which such sanitary district may be
3 created, and may also provide means whereby the sanitary
4 district may reach and procure supplies of water for diluting
5 and flushing purposes. The board of trustees of any sanitary
6 district formed under this Act may also enter into an
7 agreement to sell, convey, or disburse treated wastewater to
8 any public or private entity located within or outside of the
9 boundaries of the sanitary district. Any use of treated
10 wastewater by any public or private entity shall be subject to
11 the orders of the Pollution Control Board. The agreement may
12 not exceed 20 years.

13 Nothing set forth in this Section may be construed to
14 empower, authorize or require such board of trustees to
15 operate a system of water works for the purpose of furnishing
16 or delivering water to any such municipality or to the
17 inhabitants thereof without payment therefor at such rates as
18 the board may determine. Nothing in this Act shall require a
19 sanitary district to extend service to any individual
20 residence or other building within the district, and it is the
21 intent of the Illinois General Assembly that any construction
22 contemplated by this Section shall be restricted to
23 construction of works and main or interceptor sewers,
24 conduits, channels and similar facilities, but not individual
25 service lines. Nothing in this Act contained authorizes the
26 trustees to flow the sewage of such district into Lake

1 Michigan. Any such plan for sewage disposal by any sanitary
2 district organized hereunder is prohibited, unless such sewage
3 has been treated and purified as provided in this Section, all
4 laws of the Federal government relating to the pollution of
5 navigable waters have been complied with, the approval of
6 plans and constructions of outlets and connection with any of
7 the streams or navigable bodies of water within or bordering
8 upon the State has been obtained from the Department of
9 Natural Resources of the State. The discharge of any sewage
10 from any such district into any of the streams or navigable
11 bodies of water within or bordering upon the State is subject
12 to the orders of the Pollution Control Board. Nothing in this
13 Act contained may be construed as superseding or in any manner
14 limiting the provisions of the Environmental Protection Act.

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

1 but are not limited to, copper, chromium, lead, zinc, arsenic,
2 nickel, barium, cadmium, mercury, selenium, silver, and any
3 poisonous compounds such as cyanide or radioactive wastes
4 which pass through wastewater treatment plants in hazardous
5 concentrations and menace users of the receiving waters. Such
6 ordinances or rules and regulations shall be effective
7 throughout the sanitary district, in the incorporated areas as
8 well as the unincorporated areas and all public sewers
9 therein.

10 (Source: P.A. 100-31, eff. 8-4-17.)

11 (70 ILCS 2305/7.01) (from Ch. 42, par. 283.01)

12 Sec. 7.01. In addition to the powers and authority now
13 possessed by it, the board of trustees of any sanitary
14 district organized under this Act shall have the power by
15 majority vote:

16 (a) To use the general funds of the sanitary district to
17 defend, indemnify and hold harmless, in whole or in part, the
18 board of trustees, members of the board of trustees, officials
19 and employees of the sanitary district from financial loss and
20 expenses, including court costs, investigation costs,
21 actuarial studies, attorneys' fees and actual and punitive
22 damages, arising out of any civil proceedings (including but
23 not limited to proceedings alleging antitrust violations or
24 the deprivation of civil or constitutional rights), claims,
25 demands or judgments instituted, made or entered against such

1 board, trustee, official or employee by reason of its or his
2 wrongful or negligent statements, acts or omissions, provided
3 that such statements, acts or omissions: (i) occur while the
4 board, trustee, official or employee is acting in the
5 discharge of its or his duties and within the scope of
6 employment; and (ii) do not constitute willful ~~wilful~~ and
7 wanton misconduct.

8 (b) (i) To obtain and provide for any or all of the matters
9 and purposes described in paragraph (a) public officials'
10 liability, comprehensive general liability and such other
11 forms of insurance coverage as the board of trustees shall
12 determine necessary or advisable, any insurance so obtained
13 and provided to be carried in a company or companies licensed
14 to write such coverage in this State, and (ii) to establish and
15 provide for any or all of the matters and purposes described in
16 paragraph (a) a program of self-insurance and, in furtherance
17 thereof, to establish and accumulate reserves for the payment
18 of financial loss and expenses, including court costs,
19 investigation costs, actuarial studies, attorneys' fees and
20 actual and punitive damages associated with liabilities
21 arising out of civil proceedings, claims, demands or judgments
22 instituted, made or entered as set forth in paragraph (a), and
23 (iii) in connection with providing for any or all of the
24 matters and purposes described in paragraph (a) and when
25 permitted by law to enter into an agreement with any special
26 district, unit of government, person or corporation for the

1 use of property or the performance of any function, service or
2 act, to agree to the sharing or allocation of liabilities and
3 damages resulting from such use of property or performance of
4 function, service or act, in which event such agreement may
5 provide for contribution or indemnification by any or all of
6 the parties to the agreement upon any liability arising out of
7 the performance of the agreement.

8 If the board of trustees of any sanitary district
9 organized under this Act undertakes to provide insurance or to
10 establish a program of self-insurance and to establish and
11 accumulate reserves for any or all of the matters and purposes
12 described in paragraph (a), such reserves shall be established
13 and accumulated for such matters and purposes subject to the
14 following conditions:

15 (1) The amount of such reserves shall not exceed the
16 amount necessary and proper, based on past experience or
17 independent actuarial determinations;

18 (2) All earnings derived from such reserves shall be
19 considered part of the reserves and may be used only for the
20 same matters and purposes for which the reserves may be used;

21 (3) Reserves may be used only: for the purposes of making
22 payments for financial loss and expenses, including actual and
23 punitive damages, attorneys' fees, court costs, investigation
24 costs and actuarial studies associated with liabilities
25 arising out of civil proceedings, claims, demands or judgments
26 instituted, made or entered as set forth in paragraph (a) in

1 connection with the statements, acts or omissions of the board
2 or of a trustee, official or employee of the board or the
3 district which statements, acts or omissions occur while the
4 board, trustee, official or employee is acting in the
5 discharge of its or his duties and within the scope of
6 employment and which statements, acts or omissions do not
7 constitute willful ~~wilful~~ and wanton misconduct; for payment
8 of insurance premiums; and for the purposes of making payments
9 for losses resulting from any insured peril;

10 (4) All funds collected for the matters and purposes
11 specified in subparagraph (3) above or earmarked for such
12 matters and purposes must be placed in the reserves; and

13 (5) Whenever the reserves have a balance in excess of what
14 is necessary and proper, then contributions, charges,
15 assessments or other forms of funding for the reserves shall
16 be appropriately decreased.

17 (Source: P.A. 85-782.)

18 (70 ILCS 2305/7.1) (from Ch. 42, par. 283.1)

19 Sec. 7.1. In providing works for the treatment of
20 industrial sewage, commonly called industrial wastes, whether
21 the industrial sewage is disposed of in combination with
22 municipal sewage or independently, the sanitary district has
23 power to apportion and collect therefore, from the producer
24 thereof, fair additional construction, maintenance and
25 operating costs over and above those covered by normal taxes,

1 ~~and in case of dispute as to the fairness of such additional~~
2 ~~construction, maintenance and operating costs, then the same~~
3 ~~shall be determined by an arbitration board of 3 engineers,~~
4 ~~one appointed by the sanitary district, one appointed by such~~
5 ~~producer or producers or their legal representatives, and the~~
6 ~~third to be appointed by the 2 engineers selected as above~~
7 ~~described. In the event the 2 engineers so selected fail to~~
8 ~~agree upon a third engineer then upon the petition of either of~~
9 ~~the parties the circuit judge shall appoint such third~~
10 ~~engineer. A decision of a majority of the arbitration board~~
11 ~~shall be binding on both parties and the cost of the services~~
12 ~~of the arbitration board shall be shared by both parties~~
13 ~~equally. Such decision is an administrative decision and is~~
14 ~~subject to judicial review as provided in the Administrative~~
15 ~~Review Law.~~

16 In providing works, including the main pipes referred to
17 in Section 7, for the treatment of raw sewage, in the manner
18 provided in this Act, whether such sewage is treated in
19 combination with municipal sewage or independently, the
20 sanitary district has power to collect a fair and reasonable
21 charge for connection to its system in addition to those
22 charges covered by normal taxes, for the construction,
23 expansion and extension of the works of the system, the charge
24 to be assessed against new or additional users of the system
25 and to be known as a connection charge. Such construction,
26 expansion and extension of the works of the system shall

1 include proposed or existing collector systems and may, at the
2 discretion of such district, include connections by individual
3 properties. The charge for connection shall be determined by
4 the district and may equal or exceed the actual cost to the
5 district of the construction, expansion or extension of the
6 works of the system required by the connection. The funds thus
7 collected shall be used by the sanitary district for its
8 general corporate purposes with primary application thereof
9 being made by the necessary expansion of the works of the
10 system to meet the requirements of the new users thereof.

11 (Source: P.A. 98-162, eff. 8-2-13.)

12 (70 ILCS 2305/7.2) (from Ch. 42, par. 283.2)

13 Sec. 7.2. If ~~Where~~ any sewer system under the jurisdiction
14 of any private or governmental entity of any type ~~a city,~~
15 ~~village or incorporated town~~ is tributary to a sanitary
16 district sewer system, and if the board of trustees of such
17 sanitary district finds that it will conduce to the public
18 health, comfort, or convenience, then the board shall have the
19 power and authority to regulate, limit, extend, deny, or
20 otherwise control any connection to such sewer tributary to
21 the sanitary district sewer system by any person or private or
22 governmental entity of any type, including, but not limited
23 to, any ~~or~~ municipal corporation, regardless of whether the
24 sewer into which the connection is made is directly under the
25 jurisdiction of the district or not. A private or governmental

1 entity may not connect or remain connected to a sanitary
2 district sewer system unless written authorization to connect
3 has been obtained from the sanitary district.

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

5 (70 ILCS 2305/7.7)

6 Sec. 7.7. Discharge into sewers of the sanitary district.

7 (a) As used in this Section:

8 "Executive director" means the executive director of the
9 sanitary district.

10 "Industrial wastes" means all solids, liquids, or gaseous
11 wastes resulting from any commercial, industrial,
12 manufacturing, agricultural, trade, or business operation or
13 process, or from the development, recovery, or processing of
14 natural resources.

15 "Other wastes" means decayed wood, sawdust, shavings,
16 bark, lime, refuse, ashes, garbage, offal, oil, tar,
17 chemicals, and all other substances except sewage and
18 industrial wastes.

19 "Person" means any individual, user, firm, association,
20 joint venture, sole proprietorship, company, partnership,
21 estate copartnership, corporation, joint stock company, trust,
22 school district, unit of local government, or private
23 corporation organized or existing under the laws of this or
24 any other state or country.

25 "Sewage" means water-carried human wastes or a combination

1 of water-carried wastes from residences, buildings,
2 businesses, industrial establishments, institutions, or other
3 places together with any ground, surface, storm, or other
4 water that may be present.

5 (b) It shall be unlawful for any person to discharge
6 effluent, gaseous wastes, sewage, industrial wastes, or other
7 wastes into the sewerage system of the sanitary district or
8 into any sewer tributary therewith, except upon the terms and
9 conditions that the sanitary district might reasonably impose
10 by way of ordinance, permit, rule, or regulation.

11 The sanitary district, in addition to all other powers
12 vested in it and in the interest of public health and safety,
13 or as authorized by subsections (b) and (c) of Section 46 of
14 the Environmental Protection Act, is hereby empowered to pass
15 all ordinances, rules, or regulations necessary to implement
16 this Section, including, but not limited to, the imposition of
17 charges based on factors that influence the cost of treatment,
18 including strength and volume, and including the right of
19 access during reasonable hours to the premises of a person for
20 enforcement of adopted ordinances, rules, or regulations.

21 (c) Whenever the sanitary district, acting through the
22 executive director, determines that effluent, gaseous wastes,
23 sewage, industrial wastes, or other wastes are being
24 discharged into the sewerage system and when, in the opinion
25 of the executive director, the discharge is in violation of an
26 ordinance, rules, or regulations adopted by the board of

1 trustees under this Section governing the discharge, the
2 executive director shall order the offending party to cease
3 and desist. The order shall be served by certified mail or
4 personally on the owner, officer, registered agent, or
5 individual designated by permit.

6 In the event the offending party fails or refuses to
7 discontinue the discharge ~~within 90 days~~ after notification of
8 the cease and desist order, the executive director may order
9 the offending party to show cause before the board of trustees
10 of the sanitary district why the discharge should not be
11 discontinued. A notice shall be served on the offending party
12 directing him, her, or it to show cause before the board of
13 trustees why an order should not be entered directing the
14 discontinuance of the discharge. The notice shall specify the
15 time and place where a hearing will be held and shall be served
16 personally or by registered or certified mail at least 10 days
17 before the hearing; and, in the case of a unit of local
18 government or a corporation, the service shall be upon an
19 officer or agent thereof. After reviewing the evidence, the
20 board of trustees may issue an order to the party responsible
21 for the discharge, directing that within a specified period of
22 time the discharge be discontinued. The board of trustees may
23 also order the party responsible for the discharge to pay a
24 civil penalty in an amount specified by the board of trustees
25 that is not less than \$1,000 nor more than \$2,000 per day for
26 each day of discharge of effluent, gaseous wastes, sewage,

1 industrial wastes, or other wastes in violation of this Act as
2 provided in subsection (d). The board of trustees may also
3 order the party responsible for the violation to pay court
4 reporter costs and hearing officer fees in an amount not to
5 exceed the actual costs of the reporter costs and hearing
6 officer fees ~~exceeding \$3,000.~~

7 (d) The board of trustees shall establish procedures for
8 assessing civil penalties and issuing orders under subsection
9 (c) as follows:

10 (1) In making its orders and determinations, the board
11 of trustees shall take into consideration all the facts
12 and circumstances bearing on the activities involved and
13 the assessment of civil penalties as shown by the record
14 produced at the hearing.

15 (2) The board of trustees shall establish a panel of
16 one or more independent hearing officers to conduct all
17 hearings on the assessment of civil penalties and issuance
18 of orders under subsection (c). All hearing officers shall
19 be attorneys licensed to practice law in this State.

20 (3) The board of trustees shall promulgate procedural
21 rules governing the proceedings, the assessment of civil
22 penalties, and the issuance of orders.

23 (4) All hearings shall be on the record, and testimony
24 taken must be under oath and recorded stenographically or
25 electronically. Electronically recorded testimony may be
26 transcribed into written form after a hearing if there is

1 an appeal of any decision of the board of trustees. The
2 cost of transcription, if requested, shall be borne by the
3 person requesting the electronically recorded testimony to
4 be transcribed into written form. Transcripts so recorded
5 must be made available to any member of the public or any
6 party to the hearing upon payment of the usual charges for
7 transcripts by the person requesting the transcripts. At
8 the hearing, the hearing officer may issue, in the name of
9 the board of trustees, notices of hearing requesting the
10 attendance and testimony of witnesses, the production of
11 evidence relevant to any matter involved in the hearing,
12 and may examine witnesses.

13 (5) The hearing officer shall conduct a full and
14 impartial hearing on the record, with an opportunity for
15 the presentation of evidence and cross-examination of the
16 witnesses. The hearing officer shall issue findings of
17 fact, conclusions of law, a recommended civil penalty, and
18 an order based solely on the record. The hearing officer
19 may also recommend, as part of the order, that the
20 discharge of effluent, gaseous wastes, sewage, industrial
21 wastes, or other wastes be discontinued within a specified
22 time.

23 (6) The findings of fact, conclusions of law,
24 recommended civil penalty, and order shall be transmitted
25 to the board of trustees along with a complete record of
26 the hearing.

1 (7) The board of trustees shall either approve or
2 disapprove the findings of fact, conclusions of law,
3 recommended civil penalty, and order. If the findings of
4 fact, conclusions of law, recommended civil penalty, or
5 order are rejected, the board of trustees shall remand the
6 matter to the hearing officer for further proceedings. If
7 the order is accepted by the board of trustees, it shall
8 constitute the final order of the board of trustees.

9 (8) The civil penalty specified by the board of
10 trustees shall be paid within 35 days after the party on
11 whom it is imposed receives a written copy of the order of
12 the board of trustees, unless the person or persons to
13 whom the order is issued seeks judicial review.

14 (9) If a person seeks judicial review of the order
15 assessing civil penalties, the person shall, within 35
16 days after the date of the final order, pay the amount of
17 the civil penalties into an escrow account maintained by
18 the sanitary district for that purpose or file a bond
19 guaranteeing payment of the civil penalties if the civil
20 penalties are upheld on review.

21 (10) Civil penalties not paid by the times specified
22 above shall be delinquent and subject to a lien recorded
23 against the property of the person ordered to pay the
24 penalty. The foregoing provisions for asserting liens
25 against real estate by the sanitary district shall be in
26 addition to any other remedy or right of recovery that the

1 sanitary district may have with respect to the collection
2 or recovery of penalties and charges imposed by the
3 sanitary district. Judgment in a civil action brought by
4 the sanitary district to recover or collect the charges
5 shall not operate as a release and waiver of the lien upon
6 the real estate for the amount of the judgment. Only
7 satisfaction of the judgment or the filing of a release or
8 satisfaction of lien shall release the lien.

9 (e) The executive director may order a person to cease the
10 discharge of effluent, gaseous wastes, sewage, industrial
11 wastes, or other wastes upon a finding by the executive
12 director that the final order of the board of trustees entered
13 after a hearing to show cause has been violated. The executive
14 director shall serve the person with a copy of his or her order
15 either by certified mail or personally by serving the owner,
16 officer, registered agent, or individual designated by permit.
17 The order of the executive director shall also schedule an
18 expedited hearing before a hearing officer designated by the
19 board of trustees for the purpose of determining whether the
20 person has violated the final order of the board of trustees.
21 The board of trustees shall adopt rules of procedure governing
22 expedited hearings. In no event shall the hearing be conducted
23 less than 7 days after service of the executive director's
24 order.

25 At the conclusion of the expedited hearing, the hearing
26 officer shall prepare a report with his or her findings and

1 recommendations and transmit it to the board of trustees. If
2 the board of trustees, after reviewing the findings and
3 recommendations, and the record produced at the hearing,
4 determines that the person has violated the board of trustees'
5 final order, the board of trustees may authorize the
6 disconnection of the sewer or direct the water supplier to
7 terminate service. The executive director shall give not less
8 than 10 days' written notice of the board of trustees' order to
9 the owner, officer, registered agent, or individual designated
10 by permit, as well as the owner of record of the real estate
11 and other parties known to be affected, that the sewer will be
12 disconnected or water service will be terminated.

13 The foregoing provision for disconnecting a sewer or
14 terminating water service shall be in addition to any other
15 remedy that the sanitary district may have to prevent
16 violation of its ordinances and orders of its board of
17 trustees.

18 (f) A violation of the final order of the board of trustees
19 shall be considered a nuisance. If any person discharges
20 effluent, gaseous wastes, sewage, industrial wastes, or other
21 wastes into any waters contrary to the final order of the board
22 of trustees, the sanitary district, acting through the
23 executive director, has the power to commence an action or
24 proceeding in the circuit court in and for the county in which
25 the sanitary district is located for the purpose of having the
26 discharge stopped either by mandamus or injunction, or to

1 remedy the violation in any manner provided for in this
2 Section.

3 The court shall specify a time, not exceeding 20 days
4 after the service of the copy of the complaint, in which the
5 party complained of must plead to the complaint, and in the
6 meantime, the party may be restrained. In case of default or
7 after pleading, the court shall immediately inquire into the
8 facts and circumstances of the case and enter an appropriate
9 judgment in respect to the matters complained of. Appeals may
10 be taken as in other civil cases.

11 (g) The sanitary district, acting through the executive
12 director, has the power to commence an action or proceeding
13 for mandamus or injunction in the circuit court ordering a
14 person to cease its discharge, when, in the opinion of the
15 executive director, the person's discharge presents an
16 imminent danger to the public health, welfare, or safety;
17 presents or may present an endangerment to the environment; or
18 threatens to interfere with the operation of the sewerage
19 system or a water reclamation plant under the jurisdiction of
20 the sanitary district. The initiation of a show cause hearing
21 is not a prerequisite to the commencement by the sanitary
22 district of an action or proceeding for mandamus or injunction
23 in the circuit court. The court shall specify a time, not
24 exceeding 20 days after the service of a copy of the petition,
25 in which the party complained of must answer the petition, and
26 in the meantime, the party may be restrained. In case of

1 default in answer or after answer, the court shall immediately
2 inquire into the facts and circumstances of the case and enter
3 an appropriate judgment order in respect to the matters
4 complained of. An appeal may be taken from the final judgment
5 in the same manner and with the same effect as appeals are
6 taken from judgment of the circuit court in other actions for
7 mandamus or injunction.

8 (h) Whenever the sanitary district commences an action
9 under subsection (f) of this Section, the court shall assess a
10 civil penalty of not less than \$1,000 nor more than \$10,000 for
11 each day the person violates the board of trustees' order.
12 Whenever the sanitary district commences an action under
13 subsection (g) of this Section, the court shall assess a civil
14 penalty of not less than \$1,000 nor more than \$10,000 for each
15 day the person violates the ordinance. Each day's continuance
16 of the violation is a separate offense. The penalties provided
17 in this Section plus interest at the rate set forth in the
18 Interest Act on unpaid penalties, costs, and fees, imposed by
19 the board of trustees under subsection (d); the reasonable
20 costs to the sanitary district of removal or other remedial
21 action caused by discharges in violation of this Act;
22 reasonable attorney's fees; court costs; other expenses of
23 litigation; and costs for inspection, sampling, analysis, and
24 administration related to the enforcement action against the
25 offending party are recoverable by the sanitary district in a
26 civil action.

1 (i) The board of trustees may establish fees for late
2 filing of reports with the sanitary district required by an
3 ordinance governing discharges. The sanitary district shall
4 provide by certified mail a written notice of the fee
5 assessment that states the person has 30 days after the
6 receipt of the notice to request a conference with the
7 executive director's designee to discuss or dispute the
8 appropriateness of the assessed fee. Unless a person objects
9 to paying the fee for filing a report late by timely requesting
10 in writing a conference with a designee of the executive
11 director, that person waives his or her right to a conference
12 and the sanitary district may impose a lien recorded against
13 the property of the person for the amount of the unpaid fee.

14 If a person requests a conference and the matter is not
15 resolved at the conference, the person subject to the fee may
16 request an administrative hearing before an impartial hearing
17 officer appointed under subsection (d) to determine the
18 person's liability for and the amount of the fee. If the
19 hearing officer finds that the late filing fees are owed to the
20 sanitary district, the sanitary district shall notify the
21 responsible person or persons of the hearing officer's
22 decision. If payment is not made within 30 days after the
23 notice, the sanitary district may impose a lien on the
24 property of the person or persons.

25 Any liens filed under this subsection shall apply only to
26 the property to which the late filing fees are related. A claim

1 for lien shall be filed in the office of the recorder of the
2 county in which the property is located. The filing of a claim
3 for lien by the sanitary district does not prevent the
4 sanitary district from pursuing other means for collecting
5 late filing fees. If a claim for lien is filed, the sanitary
6 district shall notify the person whose property is subject to
7 the lien, and the person may challenge the lien by filing an
8 action in the circuit court. The action shall be filed within
9 90 days after the person receives the notice of the filing of
10 the claim for lien. The court shall hear evidence concerning
11 the underlying reasons for the lien only if an administrative
12 hearing has not been held under this subsection.

13 (j) To be effective service under this Section, a demand
14 or order sent by certified or registered mail to the last known
15 address need not be received by the offending party. Service
16 of the demand or order by registered or certified mail shall be
17 deemed effective upon deposit in the United States mail with
18 proper postage prepaid and addressed as provided in this
19 Section.

20 (k) The provisions of the Administrative Review Law and
21 all amendments and rules adopted pursuant to that Law apply to
22 and govern all proceedings for the judicial review of final
23 administrative decisions of the board of trustees in the
24 enforcement of any ordinance, rule, or regulation adopted
25 under this Act. The cost of preparing the record on appeal
26 shall be paid by the person seeking a review of an order or

1 action pursuant to the Administrative Review Law.

2 (1) The provisions of this Section are severable under
3 Section 1.31 of the Statute on Statutes.

4 (Source: P.A. 99-669, eff. 7-29-16; 100-31, eff. 8-4-17.)

5 (70 ILCS 2305/10) (from Ch. 42, par. 286)

6 Sec. 10. At the time or before incurring any indebtedness,
7 the board of trustees shall provide for the collection of
8 revenue ~~a direct annual tax~~ sufficient to pay the interest on
9 such debt as it falls due, and also to pay and discharge the
10 principal thereof as the same shall fall due, and at least
11 within 40 ~~twenty~~ years from the time of contracting the same.

12 (Source: Laws 1911, p. 299.)

13 (70 ILCS 2305/28) (from Ch. 42, par. 296.8)

14 Sec. 28. Annexation of territory. The board of trustees of
15 any sanitary district may annex any territory which is not
16 within the corporate limits of the sanitary district,
17 provided:

18 (a) The territory is contiguous to the annexing
19 sanitary district or the territory is non-contiguous and
20 the owner or owners of record have entered into an
21 agreement requesting the annexation of the non-contiguous
22 territory; and

23 (b) The territory is served by the sanitary district
24 or by a municipality with sanitary sewers that are

1 connected and served by the sanitary district.

2 The annexation shall be accomplished only by ordinance and
3 the ordinance shall include a description of the annexed
4 territory. The owner of territory described in this Section
5 may petition the board of trustees to annex the territory. The
6 board of trustees may annex any property as provided in this
7 Section. The ordinance annexing non-contiguous territory shall
8 designate the ward to which the land shall be assigned. A copy
9 of the ordinance and a map of the annexed territory certified
10 as true and accurate by the clerk of the annexing sanitary
11 district shall be filed with the county clerk of the county in
12 which the annexed territory is located. The new boundary shall
13 extend to the far side of any adjacent highway and shall
14 include all of every highway within the area annexed. These
15 highways shall be considered to be annexed even though not
16 included in the legal description set forth in the annexation
17 ordinance.

18 The territory to be annexed to the sanitary district shall
19 be considered to be contiguous to the sanitary district
20 notwithstanding that the territory to be annexed is divided
21 by, or that the territory to be annexed is separated from the
22 sanitary district by, one or more railroad rights-of-way,
23 public easements, or properties owned by a public utility, a
24 forest preserve district, a public agency, or a not-for-profit
25 corporation. Territory to be annexed into an existing sanitary
26 district shall be considered contiguous territory if 5 or more

1 contiguous platted parcels are served by the annexing sanitary
2 district even if no portion of the territory is contiguous.

3 (Source: P.A. 102-558, eff. 8-20-21.)

4 (70 ILCS 2305/28a) (from Ch. 42, par. 296.8a)

5 Sec. 28a. The corporate authorities of any sanitary
6 district may enter into an agreement with one or more of the
7 owners of record of land in any territory which may be annexed
8 to such sanitary district as provided in this Act. Such
9 agreement may provide for the annexation of such territory to
10 the sanitary district, subject to the provisions of this Act,
11 and any other matter not inconsistent with the provisions of
12 this Act, nor forbidden by law. Such agreement shall be valid
13 and binding for a period not to exceed 10 years from the date
14 of execution thereof.

15 Any action taken by the corporate authorities during the
16 period such agreement is in effect, which, if it applied to the
17 land which is the subject of the agreement, would be a breach
18 of such agreement, shall not apply to such land without an
19 amendment of such agreement.

20 Any such agreement executed after the effective date of
21 this Amendatory Act of 1983 and all amendments of annexation
22 agreements, shall be entered into in the following manner. The
23 corporate authorities shall fix a time for and hold a public
24 hearing upon the proposed annexation agreement or amendment,
25 and shall give notice of the proposed agreement or amendment

1 not more than 30 nor less than 15 days before the date fixed
2 for the hearing. This notice shall be published at least once
3 in one or more newspapers published within the sanitary
4 district. After such hearing the agreement or amendment may be
5 modified before execution thereof. The annexation agreement or
6 amendment shall be executed by the president of the board of
7 trustees only after such hearing and upon the adoption of a
8 resolution directing such execution, which resolution must be
9 passed by a vote of two-thirds of the corporate authorities
10 then holding office.

11 Any annexation agreement executed pursuant to this Section
12 shall be binding upon the successor owners of record of the
13 land which is the subject of the agreement and upon successor
14 corporate authorities of the sanitary district and successor
15 sanitary districts. Any party to such agreement may by civil
16 action, mandamus or other proceeding, enforce and compel
17 performance of the agreement.

18 Any annexation agreement executed prior to the effective
19 date of this Amendatory Act of 1983 which was executed
20 pursuant to a two-thirds vote of the corporate authorities and
21 which contains provisions not inconsistent with this Section
22 is hereby declared valid and enforceable as to such provisions
23 for the effective period of such agreement, or for 10 years
24 from the date of execution thereof, whichever is shorter.

25 The effective term of any annexation agreement ~~Annexation~~
26 ~~Agreement~~ executed prior to the effective date of this

1 Amendatory Act of 1983 may be extended at any time prior to the
2 original expiration date to a date which is not later than ten
3 years from the date of execution of the original annexation
4 agreement ~~Annexation Agreement~~.

5 This Section shall only apply to annexation agreements or
6 amendments to an annexation agreement.

7 (Source: P.A. 83-745.)

8 (70 ILCS 2305/28b) (from Ch. 42, par. 296.8b)

9 Sec. 28b. For purposes of this Act, territory to be
10 organized as a sanitary district shall be considered to be
11 contiguous territory, and territory to be annexed to a
12 sanitary district or annexed into an existing sanitary
13 district shall be considered to be contiguous to the sanitary
14 district notwithstanding that the territory to be so organized
15 is divided by one or more railroad rights-of-ways, public
16 easements, or property owned by a public utility or that the
17 territory to be so annexed is separated from the sanitary
18 district by one or more railroad rights-of-ways, public
19 easements, or property owned by a public utility. Territory to
20 be annexed into an existing sanitary district shall be
21 considered contiguous territory if 5 or more contiguous
22 platted parcels are served by the annexing sanitary district.
23 However, upon such organization or annexation, the area
24 included within any such right-of-way, public easement, or
25 property owned by a public utility shall not be considered a

1 part of or annexed to the sanitary district.

2 (Source: P.A. 89-558, eff. 7-26-96.)

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