



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5520

Introduced 2/9/2010, by Rep. Michael W. Tryon

SYNOPSIS AS INTRODUCED:

70 ILCS 605/12-7

from Ch. 42, par. 12-7

Amends the Illinois Drainage Code. In provisions imposing penalties for the destruction or removal of drainage tiles, provides that the penalties do not apply to a person or entity that obstructs, destroys, or removes agricultural drainage tile located on that person's or entity's property after a licensed hydrological engineer or other professional with similar qualifications determines that the obstruction, destruction, or removal of the agricultural drainage tile will not adversely impact water runoff in the drainage district. Effective immediately.

LRB096 18481 RLJ 33861 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 Illinois Drainage Code is amended by
5 changing Section 12-7 as follows:

6 (70 ILCS 605/12-7) (from Ch. 42, par. 12-7)

7 Sec. 12-7. Penalty for obstructing or injuring a drain,
8 drainage structure, levee, or pumping plant. ~~Penalty for~~
9 ~~obstructing or injuring drain, drainage structure, levee or~~
10 ~~pumping plant.~~

11 Whoever wilfully obstructs, injures or destroys any
12 covered drain constructed through the lands of others as
13 provided in Section 2-6 ~~2-6~~ of this Act, or any other drain,
14 levee, drainage structure or pumping plant, whether private,
15 mutual or district, is guilty of a Class A misdemeanor. The
16 dumping of trash, refuse or debris into an open drain shall be
17 treated and considered as obstructing a drain.

18 The pollution of the water of any drain of any drainage
19 district shall be considered an injury to such drain, within
20 the meaning of this Section. Pollution shall be deemed to be
21 wilful, within the meaning of this Section, if the person, firm
22 or corporation responsible for such pollution shall allow the
23 same to continue for more than 60 days after written notice

1 from the commissioners to abate the same.

2 Whoever wilfully cuts or breaches any private, mutual or
3 district levee is guilty of a Class 3 felony.

4 Any fines collected under this Section for the obstruction,
5 injury or destruction of a district drain, drainage structure
6 or pumping plant or for the cutting or breaching of any
7 district levee shall be paid over to the district.

8 In addition to the criminal penalty imposed by this
9 Section, whoever wilfully or negligently obstructs, injures,
10 cuts, breaches or destroys a private, mutual or district drain
11 or drainage structure, levee or pumping plant is liable for the
12 cost of repairing or reconstructing the same and for any damage
13 to lands, crops or other property that may have resulted
14 therefrom.

15 This Section does not apply to a person or entity that
16 obstructs, destroys, or removes agricultural drainage tile
17 located on that person's or entity's property after a licensed
18 hydrological engineer or other professional with similar
19 qualifications determines that the obstruction, destruction,
20 or removal of the agricultural drainage tile will not adversely
21 impact water runoff in the district.

22 (Source: P.A. 77-2405.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.