

AN ACT concerning local government.

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

Section 5. The Metropolitan Water Reclamation District Act is amended by changing Section 7h as follows:

(70 ILCS 2605/7h)

Sec. 7h. Stormwater management.

(a) Stormwater management in Cook County shall be under the general supervision of the Metropolitan Water Reclamation District of Greater Chicago. The District has the authority to plan, manage, implement, and finance activities relating to stormwater management in Cook County. The authority of the District with respect to stormwater management extends throughout Cook County and is not limited to the area otherwise within the territory and jurisdiction of the District under this Act.

For the purposes of this Section, the term "stormwater management" includes, without limitation, the management of floods and floodwaters.

(b) The District may utilize the resources of cooperating local watershed councils (including the stormwater management planning councils created under Section 5-1062.1 of the Counties Code), councils of local governments, the

Northeastern Illinois Planning Commission, and similar organizations and agencies. The District may provide those organizations and agencies with funding, on a contractual basis, for providing information to the District, providing information to the public, or performing other activities related to stormwater management.

The District, in addition to other powers vested in it, may negotiate and enter into agreements with any county for the management of stormwater runoff in accordance with subsection (c) of Section 5-1062 of the Counties Code.

The District may enter into intergovernmental agreements with Cook County or other units of local government that are located in whole or in part outside the District for the purpose of implementing the stormwater management plan and providing stormwater management services in areas not included within the territory of the District.

(c) The District shall prepare and adopt by ordinance a countywide stormwater management plan for Cook County. The countywide plan may incorporate one or more separate watershed plans.

Prior to adopting the countywide stormwater management plan, the District shall hold at least one public hearing thereon and shall afford interested persons an opportunity to be heard.

(d) The District may prescribe by ordinance reasonable rules and regulations for floodplain and stormwater management

and for governing the location, width, course, and release rate of all stormwater runoff channels, streams, and basins in Cook County, in accordance with the adopted stormwater management plan. These rules and regulations shall, at a minimum, meet the standards for floodplain management established by the Office of Water Resources of the Department of Natural Resources and the requirements of the Federal Emergency Management Agency for participation in the National Flood Insurance Program.

The ordinance adopted by the District under this subsection may provide for a civil penalty for each violation of the ordinance of not less than \$100 nor more than \$1,000, excluding costs and fees that may be assessed under this Section. Each day's continuance of a violation is a separate offense.

(d-5) Civil penalties assessed by the board of commissioners for violations of an ordinance adopted under subsection (d) shall be assessed following a hearing, which may be conducted by the board of commissioners or its designee, pursuant to procedures adopted by the board of commissioners. The procedures shall include, at a minimum, the following:

(1) In addition to any civil penalty imposed, the board of commissioners may order a party found to have committed a violation of an ordinance adopted under subsection (d) to reimburse the District for the costs of

the hearing, including any expenses incurred for inspection, sampling, analysis, administrative costs, and court reporter's and attorney's fees, and to comply with the ordinance adopted under subsection (d) within a time specified by the board of commissioners.

(2) Unless the party or parties to whom the order is issued seek judicial review, the civil penalties, costs, and fees assessed by the board of commissioners under this Section shall be paid by the party or parties in violation no later than the later of (i) 35 days after the party receives a written copy of the order of the board of commissioners imposing the civil penalties, costs, or fees or (ii) the date ordered by the board of commissioners.

(3) If the party assessed a civil penalty seeks judicial review of the order assessing civil penalties, the party shall, no later than 35 days after the date of the final order, pay the amount of the civil penalties, costs, and fees assessed into an escrow account maintained by the District for that purpose or file a bond guaranteeing payment of the civil penalties, fees, and costs if the civil penalties, fees, and costs are upheld on review.

(4) In addition to recovery under paragraph (5), civil penalties, fees, and costs not paid by the times specified in this subsection are delinquent and are subject to a lien recorded against the property of the party ordered to

pay the civil penalty.

(5) Civil penalties, fees, and costs imposed under this Section are recoverable by the District in a civil action by all remedies available under the law. Judgment in a civil action brought by the District to recover or collect the civil penalties, fees, and costs does not operate as a release and waiver of a lien upon the real estate for the amount of the judgment. Only satisfaction of the judgment or the filing of a release or satisfaction of lien shall release the lien.

(6) The District may apply to the circuit court for an injunction or mandamus when, in the opinion of the executive director of the District, the person has failed to comply with an order of the board of commissioners or the relief is necessary to prevent flooding.

The Administrative Review Law governs proceedings for the judicial review of final orders of the board of commissioners issued under this subsection.

(e) The District may impose fees on areas outside the District but within Cook County for performance of stormwater management services, including but not limited to, maintenance of streams and the development, design, planning, construction, operation and maintenance of stormwater facilities. The total amount of the fees collected from areas outside of the District but within Cook County shall not exceed the District's annual tax rate for stormwater

management within the District multiplied by the aggregate equalized assessed valuation of areas outside of the District but within Cook County. The District may require the unit of local government in which the stormwater services are performed to collect the fee and remit the collected fee to the District. The District is authorized to pay a reasonable administrative fee to the unit of local government for the collection of these fees. All such fees collected by the District shall be held in a separate fund and used for implementation of this Section.

(f) Amounts realized from the tax levy for stormwater management purposes authorized in Section 12 may be used by the District for implementing this Section and for the development, design, planning, construction, operation, and maintenance of regional and local stormwater facilities provided for in the stormwater management plan.

The proceeds of any tax imposed under Section 12 for stormwater management purposes and any revenues generated as a result of the ownership or operation of facilities or land acquired with the proceeds of taxes imposed under Section 12 for stormwater management purposes shall be held in a separate fund and used either for implementing this Section or to abate those taxes.

(g) The District may plan, implement, finance, and operate regional and local stormwater management projects in accordance with the adopted countywide stormwater management

plan.

The District shall provide for public review and comment on proposed stormwater management projects. The District shall conform to State and federal requirements concerning public information, environmental assessments, and environmental impacts for projects receiving State or federal funds.

The District may issue bonds under Section 9.6a of this Act for the purpose of funding stormwater management projects.

The District shall not use Cook County Forest Preserve District land for stormwater or flood control projects without the consent of the Forest Preserve District.

The District may acquire, by purchase from a willing seller in a voluntary transaction, real property in furtherance of its regional and local stormwater management activities. Nothing in this Section shall affect the District's powers of condemnation or eminent domain as otherwise set forth in this Act.

(h) Upon the creation and implementation of a county stormwater management plan, the District may petition the circuit court to dissolve any or all drainage districts created pursuant to the Illinois Drainage Code or predecessor Acts that are located entirely within the District.

However, any active drainage district implementing a plan that is consistent with and at least as stringent as the county stormwater management plan may petition the District for exception from dissolution. Upon filing of the petition, the

District shall set a date for hearing not less than 2 weeks, nor more than 4 weeks, from the filing thereof, and the District shall give at least one week's notice of the hearing in one or more newspapers of general circulation within the drainage district, and in addition shall cause a copy of the notice to be personally served upon each of the trustees of the drainage district. At the hearing, the District shall hear the drainage district's petition and allow the drainage district trustees and any interested parties an opportunity to present oral and written evidence. The District shall render its decision upon the petition for exception from dissolution based upon the best interests of the residents of the drainage district. In the event that the exception is not allowed, the drainage district may file a petition with the circuit court within 30 days of the decision. In that case, the notice and hearing requirements for the court shall be the same as provided in this subsection for the petition to the District. The court shall render its decision of whether to dissolve the district based upon the best interests of the residents of the drainage district.

The dissolution of a drainage district shall not affect the obligation of any bonds issued or contracts entered into by the drainage district nor invalidate the levy, extension, or collection of any taxes or special assessments upon the property in the former drainage district. All property and obligations of the former drainage district shall be assumed

and managed by the District, and the debts of the former drainage district shall be discharged as soon as practicable.

If a drainage district lies only partly within the District, the District may petition the circuit court to disconnect from the drainage district that portion of the drainage district that lies within the District. The property of the drainage district within the disconnected area shall be assumed and managed by the District. The District shall also assume a portion of the drainage district's debt at the time of disconnection, based on the portion of the value of the taxable property of the drainage district which is located within the area being disconnected.

A drainage district that continues to exist within Cook County shall conform its operations to the countywide stormwater management plan.

(i) The District may assume responsibility for maintaining any stream within Cook County.

(j) The District may, after 10 days written notice to the owner or occupant, enter upon any lands or waters within the county for the purpose of inspecting stormwater facilities or causing the removal of any obstruction to an affected watercourse. The District shall be responsible for any damages occasioned thereby.

(k) The District shall report to the public annually on its activities and expenditures under this Section and the adopted countywide stormwater management plan.

(l) The powers granted to the District under this Section are in addition to the other powers granted under this Act. This Section does not limit the powers of the District under any other provision of this Act or any other law.

(m) This Section does not affect the power or duty of any unit of local government to take actions relating to flooding or stormwater, so long as those actions conform with this Section and the plans, rules, and ordinances adopted by the District under this Section.

A home rule unit located in whole or in part in Cook County (other than a municipality with a population over 1,000,000) may not regulate stormwater management or planning in Cook County in a manner inconsistent with this Section or the plans, rules, and ordinances adopted by the District under this Section; provided, within a municipality with a population over 1,000,000, the stormwater management planning program of Cook County shall be conducted by that municipality or, to the extent provided in an intergovernmental agreement between the municipality and the District, by the District pursuant to this Section; provided further that the power granted to such municipality shall not be inconsistent with existing powers of the District. Pursuant to paragraph (i) of Section 6 of Article VII of the Illinois Constitution, this Section specifically denies and limits the exercise of any power that is inconsistent with this Section by a home rule unit that is a county with a population of 1,500,000 or more or

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is located, in whole or in part, within such a county, other than a municipality with a population over 1,000,000.

(Source: P.A. 98-652, eff. 6-18-14.)

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