

1 AN ACT concerning municipal fees.

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

4 Section 5. The Illinois Municipal Code is amended by  
5 adding Division 113.2 of Article 11 as follows:

6 (65 ILCS 5/Art. 11, Div. 113.2 heading new)

7 DIVISION 113.2. STORMWATER MANAGEMENT SERVICE FEES

8 (65 ILCS 5/11-113.2-1 new)

9 Sec. 11-113.2-1. Stormwater Management Service Fees.

10 (a) Fees allowed. Any municipality that is required by  
11 the Illinois Environmental Protection Agency to comply with  
12 the Stormwater Phase II Rule of the National Pollutant  
13 Discharge Elimination System of the United States  
14 Environmental Protection Agency may establish stormwater  
15 management service fees to be assessed upon property served  
16 by the municipal stormwater drainage system. No stormwater  
17 management service fees may be imposed upon public roads or  
18 highways or upon land used for agricultural purposes as  
19 defined in Section 10-125 of the Property Tax Code. The fees  
20 collected under this Section must be held in a separate  
21 stormwater service fund and may be used only to finance the  
22 municipality's efforts to mitigate the effects of urban  
23 stormwater runoff.

24 (b) Financial plan required. Before establishing  
25 stormwater management service fees, the municipality must  
26 approve a stormwater management financial plan. The plan must  
27 include the following:

- 28 (1) a description of the direct relationship  
29 between the service fees and the contribution of runoff  
30 to the drainage system;

1           (2) a description of the process by which the  
2           service fees will be calculated, assessed, collected, and  
3           distributed;

4           (3) a description of the costs to calculate,  
5           assess, collect, and distribute the service fees;

6           (4) a requirement that the financial plan be  
7           updated regularly, including a mandatory update at least  
8           once every 5 years; and

9           (5) a requirement that all updates be subject to  
10           public notice, a public review period of 60 days, and a  
11           public hearing.

12           (c) Determining fees. In determining stormwater  
13           management service fees, the municipality may consider the  
14           following:

15           (1) the services furnished or to be furnished by  
16           the user of the stormwater management system;

17           (2) the nature and extent of the use of the land;

18           (3) the land's stormwater runoff characteristics;  
19           and

20           (4) any other reasonable grounds for distinguishing  
21           between different parcels of property.

22           (d) Establishment by ordinance. The stormwater  
23           management service fees shall be established and revised, be  
24           due and payable, and be in force as the municipality  
25           determines by ordinance. The municipality may exempt or  
26           refund all or a portion of the fees under this Section from  
27           any other governmental unit or from not-for-profit agencies.  
28           Notwithstanding any other law to the contrary, the stormwater  
29           management service fees established by a municipality are not  
30           subject to any State agency regulations governing these  
31           services or the fees for similar services provided by  
32           privately-owned entities.

33           Section 99. Effective date. This Act takes effect upon

1 becoming law.