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Appeals Court: Winnetka Stormwater Fee Not An Illegal Tax

CHICAGO — A state appeals panel has sided with the village of Winnetka, rejecting a homeowner's contention the village's stormwater runoff fee was actually an illegal tax.

The dispute goes back to March 2014, when the village enacted a stormwater utility fee to cover debt service on 30-year municipal bonds worth \$61.5 million. The next year, when costs for a tunnel under Willow Road were projected to exceed \$80 million, the village changed course.

Resident Mark Green sued the village, alleging the fee actually is a property tax in violation of the uniformity in taxation clause of the Illinois Constitution and Illinois Municipal Code. Cook County Circuit Court Judge Kathleen Kennedy dismissed the initial complaint but the Illinois First District Appellate Court overturned that decision in May 2016.

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The Cook County Record

By Scott Holland | Jul 29, 2019