Bond Case Briefs

Municipal Finance Law Since 1971

STORMWATER UTILITY FEES - ILLINOIS

Green v. Village of Winnetka

Appellate Court of Illinois, First District, Sixth Division - July 26, 2019 - N.E.3d - 2019 IL App (1st) 182153 - 2019 WL 3416733

After the Appellate Court reversed and remanded dismissal of initial declaratory judgment action brought by resident against village, alleging that village's stormwater utility fee was actually a tax that violated state constitution and municipal code, parties cross-moved for summary judgment.

The Circuit Court granted summary judgment in favor of village. Resident appealed.

The Appellate Court held that stormwater utility charge imposed by village was fee, and was not unconstitutional tax.

Stormwater utility charge imposed on village residents in order to maintain stormwater system was a fee, and not an unconstitutional tax; although resident, who brought action against village challenging such charge, argued that charge was a real property tax not properly assessed against valuation of property and that utility system was of general use to entire village, and thus fee to finance it was tax, fact that charge was assessed upon real property did not automatically render it a tax, and while charge paid for system to be used by all residents, existing system would experience decline in service absent improvements, and village engineer's statement that amount of impervious area on property was directly related to owner's use of stormwater system justified assessing fee based on amount of impervious area on property.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com