

Bond Case Briefs

Municipal Finance Law Since 1971

UTILITIES - ILLINOIS

City of Rock Falls v. Aims Industrial Services, LLC

Supreme Court of Illinois - January 19, 2024 - N.E.3d - 2024 IL 129164 - 2024 WL 204356

City filed petition for injunctive and other relief against owner of commercial property, seeking to require owner to abandon property's private sewage disposal system and connect to city's public sewage disposal system.

After bench trial, the Circuit Court denied petition. City appealed. The Appellate Court reversed. Owner petitioned for leave to appeal, which was allowed.

The Supreme Court held that trial court lacked discretion to balance the equities in determination of whether to grant injunctive relief, which city sought pursuant to ordinance rather than under trial court's inherent equitable authority; overruling *County of Kendall v. Rosenwinkel*, 353 Ill. App. 3d 529, 288 Ill.Dec. 737, 818 N.E.2d 425.

Trial court lacked discretion to balance the equities in determination of whether to grant injunctive relief to city in its action against owner of commercial property, seeking to require owner to abandon property's private sewage disposal system and connect to city's public sewage disposal system, where city sought injunction on basis of owner's asserted violation of sewage ordinances and under ordinance authorizing injunctive relief for continuous violations of municipal code, rather than under trial court's inherent equitable authority, and there was no suggestion that ordinances were in some manner unconstitutional or improper; overruling *County of Kendall v. Rosenwinkel*, 353 Ill. App. 3d 529, 288 Ill.Dec. 737, 818 N.E.2d 425.