

1 AN ACT concerning local government.

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

4 Section 5. The Fire Protection District Act is amended by
5 changing Sections 14.14, 15c, 16d, 20, and 21.1 and by adding
6 Section 28 as follows:

7 (70 ILCS 705/14.14) (from Ch. 127 1/2, par. 34.14)

8 Sec. 14.14. (a) In a county having a population of between
9 500,000 and 750,000, territory within the boundaries of a
10 non-home rule municipality that receives fire protection
11 services from more than a single fire protection district may
12 be disconnected from one fire protection district and
13 transferred to the district that provides services to the area
14 comprising more than 80% of the municipality's assessed
15 valuation. To disconnect that territory, the board of trustees
16 of one of the affected districts, the corporate authorities of
17 the municipality, or 5% of the owners of property within the
18 territory to be disconnected may file a petition in the court
19 in which the district (from which disconnection is sought) was
20 organized, setting forth the following:

21 (1) The description of the territory sought to be
22 transferred.

23 (2) A statement that:

1 (A) more than 80% of the assessed valuation of the
2 municipality lies within one district;

3 (B) more than 90% of the residents of the
4 municipality reside within that same district;

5 (C) the territory to be transferred contains less
6 than 10% of the total assessed valuation and total
7 number of residents of the affected district;

8 (D) the territory to be transferred consists of
9 all the territory within the municipality serviced by
10 the district from which disconnection is sought;

11 (E) the district to which the territory is to be
12 transferred agrees to the transfer, as evidenced by
13 passage of a resolution by its board of trustees;

14 (F) the transfer will not impair the ability of
15 the affected districts to render fully adequate fire
16 protection services to their residents; and

17 (G) the transfer will not cause the territory
18 within the affected districts to be noncontiguous.

19 (3) That a response-time study has been conducted and
20 the study is attached to the petition. The study must, at a
21 minimum, provide estimated response times from the current
22 fire protection district to the territory and estimated
23 response times of the other fire protection district to
24 the territory.

25 (b) The petition praying that the territory be transferred
26 shall be signed and sworn to by the petitioner or petitioners.

1 Upon the filing of the petition, the court shall set the
2 petition for hearing on a day not less than 2 weeks or more
3 than 4 weeks from the date of filing the petition. The court
4 shall give 2 weeks notice of the hearing in the manner provided
5 in Section 1 of this Act. The municipality and affected
6 districts shall be necessary parties to the proceedings and
7 shall be served with summons in the manner prescribed for a
8 party defendant under the Civil Practice Law.

9 (c) Any property owner in the municipality or the affected
10 districts may file objections and at the hearing may appear
11 and contest the transfer and the matters averred in the
12 petition, and both the objectors and petitioners may offer any
13 competent evidence in regard to the petition.

14 (d) If the court, upon hearing the petition, finds that
15 the allegations contained in the petition are true, then the
16 court shall enter an order transferring the property.
17 Thereupon, the territory shall cease to be a part of the fire
18 protection district in which the territory lies. The circuit
19 clerk shall transmit a certified copy of the order to the
20 county clerk and to the Office of the State Fire Marshal.

21 (e) The territory to be transferred shall remain liable
22 for its proportionate share of outstanding bonded
23 indebtedness, if any, of the district from which it is
24 transferred as of the date of transfer.

25 (Source: P.A. 87-825.)

1 (70 ILCS 705/15c)

2 Sec. 15c. Disconnection of fire protection district
3 territory within a home rule municipality. Whenever any
4 property within a fire protection district is located in a
5 home rule municipality that provides fire service to at least
6 80% of the territory within the municipality's corporate
7 limits, the home rule municipality may detach and disconnect
8 that property from the fire protection district in the
9 following manner:

10 The municipality may petition the court, setting forth in
11 the petition the following: a description of the property
12 sought to be detached and disconnected; a statement that the
13 detachment and disconnection will not cause the property
14 remaining in the district to be noncontiguous, that the loss
15 of assessed valuation by reason of the disconnection of the
16 described property will not impair the ability of the district
17 to render fully adequate fire protection service to the
18 property remaining with the district, that the property to be
19 detached and disconnected will remain liable for its
20 proportionate share of any outstanding bonded indebtedness of
21 the district, that a response-time study has been conducted
22 and the study is attached to the petition showing, at a
23 minimum, estimated response times from the fire protection
24 district to the territory and estimated response times of the
25 municipal fire department to the territory, and that it is a
26 home rule municipality that provides for its own fire service

1 to at least 80% of the territory within the municipality; and
2 asking that the described property be detached and
3 disconnected from the fire protection district. The petition
4 shall be signed and sworn to by the mayor or village president
5 pursuant to a resolution of the corporate authorities of the
6 municipality authorizing the filing of the petition.

7 For the purpose of meeting the requirement of this Section
8 that the detachment and disconnection will not cause the
9 remaining property to be noncontiguous, property shall be
10 considered to be contiguous if the only separation between
11 parts of the property is land owned by the United States, the
12 State, or any agency or instrumentality of either, or any
13 regional airport authority.

14 Upon the filing of the petition, the court shall set the
15 same for hearing on a day not less than 2 weeks nor more than 4
16 weeks from the filing thereof and shall give 2 weeks' notice of
17 such hearing in the manner provided in Section 1 of this Act.
18 The fire protection district shall be a necessary party to the
19 proceedings and it shall be served with summons in the manner
20 prescribed for a party defendant under the Civil Practice Law.
21 All property owners in such district, the district from which
22 the transfer of property is to be made, and all persons
23 interested therein may file objections, and at the hearing may
24 appear and contest the detachment and disconnection of the
25 property from the fire protection district, and both objectors
26 and petitioners may offer any competent evidence in regard

1 thereto. If the court, upon hearing such petition, finds that
2 the petition complies with this Section 15c and that the
3 allegations of the petition are true, the court shall enter an
4 order detaching and disconnecting the property from the
5 district, and upon entry of the order the property shall cease
6 to be a part of the fire protection district and shall be
7 serviced by the home rule municipality, except that the
8 property remains liable for its proportionate share of any
9 outstanding bonded indebtedness of the district. The circuit
10 clerk shall transmit a certified copy of the order to the
11 county clerk of each county in which any of the affected
12 property is situated and to the Office of the State Fire
13 Marshal.

14 (Source: P.A. 100-1072, eff. 1-1-19.)

15 (70 ILCS 705/16d)

16 Sec. 16d. Transfer of property between districts. When a
17 fire protection district has another fire protection district
18 adjoining it and the adjoining district can provide better
19 fire protection to an area of land of no more than 60 acres,
20 consisting of one or more tracts, that is within the corporate
21 limits of the fire protection district, the area may be
22 disconnected from the district and annexed to the adjacent
23 district when each district adopts an ordinance to accomplish
24 the disconnection and annexation.

25 At least 60 days before the property is disconnected from

1 a district, the disconnecting district must send notice to the
2 owner or owners of record of the area of land stating that the
3 disconnecting and annexing districts intend to adopt
4 ordinances that would disconnect and annex the area under this
5 Section. The notice shall name the annexing district and
6 include a description of the territory to be disconnected and
7 annexed, the reason for doing so, ~~and~~ a map of the territory,
8 and shall include a response-time study that has been
9 conducted showing, at a minimum, estimated response times from
10 the current fire protection district to the property and
11 estimated response times of the adjoining district to the
12 property. The notice must also set forth the time and place of
13 each meeting at which the ordinance will be an agenda item and
14 must state that there will be an opportunity for public
15 comment at each of those meetings. The notice shall be sent by
16 certified mail return receipt requested, but if the name or
17 address of an owner is not known, then the district must
18 publish the notice once a week for 2 successive weeks. The
19 notice shall be published in a newspaper published in the
20 county where the area is located. Each district's ordinance
21 shall designate the same date for the effective date of the
22 disconnection and annexation.

23 No earlier than 60 days after the delivery of the notice to
24 the last of the owners involved or 60 days after the date of
25 the first publication of the notice, whichever is later, the
26 disconnecting and annexing districts may adopt an ordinance

1 accomplishing the disconnection and annexation.

2 After it adopts the ordinance, each fire protection
3 district shall send a certified copy of the ordinance to the
4 proper county clerk or clerks for filing and to the office of
5 the State Fire Marshal.

6 (Source: P.A. 94-337, eff. 1-1-06.)

7 (70 ILCS 705/20) (from Ch. 127 1/2, par. 38.3)

8 Sec. 20. Disconnection by operation of law.

9 (a) Any territory within a fire protection district that
10 is or has been annexed to a municipality ~~a city, village or~~
11 ~~incorporated town~~ that provides fire protection for property
12 within such city, village or incorporated town is, by
13 operation of law, disconnected from the fire protection
14 district as of the January first after such territory is
15 annexed to the municipality as long as the municipality has
16 conducted a response-time study that shows, at a minimum,
17 estimated response times from the fire protection district to
18 the territory and estimated response times of the municipal
19 fire department from the territory ~~city, village or~~
20 ~~incorporated town,~~ or in case any such territory has been so
21 annexed prior to the effective date of this amendatory Act of
22 1965, as of January 1, 1966.

23 (b) The disconnection by operation of law does not occur
24 if, within 60 days after such annexation or after the
25 effective date of this amendatory Act of 1965, whichever is

1 later, the fire protection district files with the appropriate
2 court and with the County Clerk of each county in which the
3 fire protection district is located, a petition alleging that
4 such disconnection will cause the territory remaining in the
5 district to be noncontiguous or that the loss of assessed
6 valuation by reason of such disconnection will impair the
7 ability of the district to render fully adequate fire
8 protection service to the territory remaining with the
9 district. When such a petition is filed, with the court and
10 with the County Clerk of each county in which the fire
11 protection district is located, the court shall set it for
12 hearing, and further proceedings shall be held, as provided in
13 Section 15 of this Act, except that the city, village or
14 incorporated town that annexed the territory shall be a
15 necessary party to the proceedings, and it shall be served
16 with summons in the manner for a party defendant under the
17 Civil Practice Law. At such hearing, the district has the
18 burden of proving the truth of the allegations in its
19 petition.

20 (c) If disconnection does not occur, then the city,
21 village or incorporated town in which part of a fire
22 protection district's territory is located, is prohibited from
23 levying the tax provided for by Section 11-7-1 of the
24 "Illinois Municipal Code" in such fire protection district
25 territory for services provided to the residents of such
26 territory by the fire protection district.

1 (d) If there are any general obligation bonds of the fire
2 protection district outstanding and unpaid at the time such
3 territory is disconnected from the fire protection district by
4 operation of this Section, such territory shall remain liable
5 for its proportionate share of such bonded indebtedness and
6 the fire protection district may continue to levy and extend
7 taxes upon the taxable property in such territory for the
8 purpose of amortizing such bonds until such time as sufficient
9 funds to retire such bonds have been collected.

10 (e) On and after the effective date of this amendatory Act
11 of the 91st General Assembly, when territory is disconnected
12 from a fire protection district under this Section, the
13 annexing municipality shall pay, on or before December 31 of
14 each year for a period of 5 years after the effective date of
15 the disconnection, to the fire protection district from which
16 the territory was disconnected, an amount as follows:

17 (1) In the first year after the disconnection, an
18 amount equal to the real estate tax collected on the
19 property in the disconnected territory by the fire
20 protection district in the tax year immediately preceding
21 the year in which the disconnection took effect.

22 (2) In the second year after the disconnection, an
23 amount equal to 80% of the real estate tax collected on the
24 property in the disconnected territory by the fire
25 protection district in the tax year immediately preceding
26 the year in which the disconnection took effect.

1 (3) In the third year after the disconnection, an
2 amount equal to 60% of the real estate tax collected on the
3 property in the disconnected territory by the fire
4 protection district in the tax year immediately preceding
5 the year in which the disconnection took effect.

6 (4) In the fourth year after the disconnection, an
7 amount equal to 40% of the real estate tax collected on the
8 property in the disconnected territory by the fire
9 protection district in the tax year immediately preceding
10 the year in which the disconnection took effect.

11 (5) In the fifth year after the disconnection, an
12 amount equal to 20% of the real estate tax collected on the
13 property in the disconnected territory by the fire
14 protection district in the tax year immediately preceding
15 the year in which the disconnection took effect.

16 This subsection (e) applies to a fire protection district
17 only if the corporate authorities of the district do not file a
18 petition against the disconnection under subsection (b).

19 (Source: P.A. 91-307, eff. 1-1-00; 91-917, eff. 1-1-01.)

20 (70 ILCS 705/21.1) (from Ch. 127 1/2, par. 38.4-1)

21 Sec. 21.1. Any resident of a county containing a fire
22 protection district which has no legal voters residing therein
23 may file a petition to dissolve the fire protection district
24 in the circuit court of the county where the district was
25 organized.

1 The petition shall set forth: (a) the description of the
2 territory comprising the district sought to be dissolved; (b)
3 that no legal voters reside within such district; (c) that
4 there is no outstanding bonded indebtedness; ~~and~~ (d) that
5 adequate fire protection is reasonably available to all
6 affected property without maintaining the district; and (e) a
7 response-time study has been conducted that shows, at a
8 minimum, estimated response times from the fire protection
9 district to the territory and estimated response times to that
10 territory after closure of the fire station.

11 Upon filing the petition, the provisions of Section 21
12 concerning a hearing, notice thereof and the filing of
13 objections shall apply. If the court finds that any of the
14 conditions set forth in the petition as required herein do not
15 exist, it shall enter an order dismissing the petition. If the
16 court finds that all of the conditions set forth in the
17 petition as required herein exist, it shall enter an
18 appropriate order to dissolve the district.

19 Any assets remaining after settlement of all district
20 affairs shall be turned over to the county in which the
21 district lies and if the district lies in more than one county
22 the share of each shall be in the same proportion as the
23 percentage of district land lying in such county, except that
24 real estate shall become the property of the county in which it
25 is located.

26 The circuit clerk shall transmit a certified copy of each

1 order dissolving a district to the county clerk of each county
2 in which any of the territory is situated, the State Fire
3 Marshal and the Department of Revenue.

4 (Source: P.A. 85-556.)

5 (70 ILCS 705/28 new)

6 Sec. 28. Response-time study before closure of fire
7 station or district. Before a fire station of a fire
8 protection district may close or the district be dissolved, a
9 response-time study must be conducted that shows, at a
10 minimum, estimated response times to the territory currently
11 served by the fire station or district and estimated response
12 times to that territory after closure of the fire station or
13 district.