

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 of Unprotected Area Act is
5 amended by changing Sections 1, 2, 3, 4, 5, 6, and 7 as
6 follows:

7 (70 ILCS 715/1) (from Ch. 127 1/2, par. 301)

8 Sec. 1. Definitions. ~~As used in this Act:~~ As used in this
9 Act:

10 "Unprotected area" means any part of an unincorporated area
11 of a county ~~of less than 500,000 inhabitants~~, which is not part
12 of a fire protection jurisdiction ~~district~~, or which does not
13 have available on voluntary or contractual basis a source of
14 fire protection coverage.

15 "Fire Marshal" means the State Fire Marshal.

16 "Fire Protection Jurisdiction ~~District~~" includes fire
17 departments of any unit ~~units~~ of local government.

18 "Fire Protection Coverage" means the availability of fire
19 protection on a voluntary, or contractual basis, from a
20 municipal fire department or fire protection district, or
21 eligibility to receive services from a unit of local government
22 that provides fire protection.

23 (Source: P.A. 79-1054.)

1 (70 ILCS 715/2) (from Ch. 127 1/2, par. 302)

2 Sec. 2. Fire protection. After December 31, 1975, all
3 unprotected areas of unincorporated portions of counties ~~of~~
4 ~~less than 500,000 inhabitants~~ shall be eligible for assignment
5 by the Fire Marshal of fire protection coverage from a fire
6 protection jurisdiction district. ~~Incorporated areas and~~
7 ~~municipal fire departments shall be exempt from the provisions~~
8 ~~of this Act.~~

9 (Source: P.A. 91-357, eff. 7-29-99.)

10 (70 ILCS 715/3) (from Ch. 127 1/2, par. 303)

11 Sec. 3. Request for coverage. Upon written request to the
12 Fire Marshal, from registered voters or property owners of an
13 unprotected area, the Fire Marshal is authorized to contact
14 with all practicable speed fire protection jurisdictions
15 ~~districts~~ near such unprotected area, to seek to arrange for
16 fire protection coverage from a fire protection jurisdiction
17 ~~district~~ under a voluntary, negotiated fee basis.

18 (Source: P.A. 83-392.)

19 (70 ILCS 715/4) (from Ch. 127 1/2, par. 304)

20 Sec. 4. Assignment of coverage; payment.

21 (a) If unable to arrange or negotiate successfully for fire
22 protection coverage on a fee basis to the unprotected area
23 within a reasonable period of time, the Fire Marshal may assign

1 a source of fire protection coverage to the unprotected area
2 from a nearby fire protection jurisdiction ~~district~~.

3 (b) Whenever fire protection coverage services are
4 provided to an unprotected area by a fire protection district,
5 the persons requesting such services after the effective date
6 of this amendatory Act of 1983 shall pay to the fire protection
7 district providing the services an amount equal to the Fire
8 Protection Tax levied by the fire protection district providing
9 fire protection services. Such amount shall be paid annually on
10 the anniversary date of the assignment.

11 (b-5) If fire protection coverage services are provided to
12 an unprotected area by a municipal fire department, then the
13 persons requesting the services shall pay to the municipality
14 for providing fire protection an amount assigned by the
15 municipality. The amount shall be paid annually on the
16 anniversary date of the assignment by the Fire Marshal.

17 (c) The fire protection jurisdiction ~~district~~ that
18 provides fire protection coverage services shall request
19 payment each year as required by paragraph (b) from the persons
20 requesting such services. Such request shall be sent by first
21 class mail. If no payment is received within 30 days, a second
22 request shall be sent. If no payment is received within 15 days
23 after the second request is sent, a third request for payment
24 shall be sent by certified mail.

25 If no payment is received within 15 days after the mailing
26 of the third notice, the fire protection jurisdiction ~~district~~

1 shall certify to the Fire Marshal that the above notices were
2 sent and that payment was not received. Upon receipt of the
3 certification of nonpayment, the Fire Marshal shall terminate
4 the assignment to such person's property.

5 (Source: P.A. 83-392.)

6 (70 ILCS 715/5) (from Ch. 127 1/2, par. 305)

7 Sec. 5. Term of coverage. Except as otherwise provided in
8 this Section, an assignment under this Act shall be in force
9 for 2 years. After such time no part of the area shall be
10 eligible for another assignment. A person that has been
11 assigned fire protection coverage services pursuant to this Act
12 may petition the corporate authorities of the fire protection
13 jurisdiction ~~district~~ providing such coverage for a continued
14 assignment of coverage under this Act. If the corporate
15 authorities agree to such continued assignment, they shall
16 notify the Fire Marshal of such agreement and shall continue to
17 provide for fire protection coverage to the property so long as
18 payments to the jurisdiction ~~district~~ for such coverage as
19 provided in this Act are made.

20 (Source: P.A. 85-1434.)

21 (70 ILCS 715/6) (from Ch. 127 1/2, par. 306)

22 Sec. 6. Priorities of assigned fire protection
23 jurisdiction. The provisions of this statute, as provided in
24 Section 4, shall in no way supersede the responsibility of the

1 assigned fire protection jurisdiction ~~district~~ to respond to
2 calls for fire protection coverage within their own
3 jurisdiction ~~district~~, or under prior contractual agreements,
4 on a priority basis. The assignment authority of the Fire
5 Marshal, as provided herein, shall require a fire protection
6 jurisdiction ~~district~~ to provide fire protection coverage, to
7 the best of their ability, subject to above priority
8 considerations.

9 (Source: P.A. 79-1054.)

10 (70 ILCS 715/7) (from Ch. 127 1/2, par. 307)

11 Sec. 7. Exemptions from provisions of this Act.

12 (a) Where a designated or assigned fire protection
13 jurisdiction ~~district~~ can show cause, to the satisfaction of
14 the Fire Marshal, that assignment to provide fire protection
15 coverage to an unprotected area would raise the Insurance
16 Service Office ~~fire~~ rating classification of the jurisdiction
17 ~~district~~ to a higher category or classification than that
18 presently held, it shall, upon presentation of such sufficient
19 evidence to the State Fire Marshal, be exempt from assignment
20 by provisions of this statute to a designated area.

21 (b) Territory formerly included in a fire protection
22 district which has been dissolved pursuant to Section 15a of
23 "An Act in relation to fire protection districts", approved
24 July 8, 1927, as amended, shall be exempt from assignment and
25 negotiation under the provisions of this Act for a period of 24

1 months after such dissolution.

2 (c) The Fire Marshal may not assign an unprotected area to
3 a municipal fire department unless an ordinance or resolution
4 has been approved by the corporate authorities of the
5 municipality agreeing to the assignment.

6 (Source: P.A. 83-392.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.