



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB1362**

Introduced 2/9/2011, by Rep. Donald L. Moffitt

#### SYNOPSIS AS INTRODUCED:

70 ILCS 705/3

from Ch. 127 1/2, par. 23

Amends the Fire Protection District Act. Makes a technical change in a Section concerning annexation of territory.

LRB097 05231 RLJ 45281 b

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 Section 3 as follows:

6 (70 ILCS 705/3) (from Ch. 127 1/2, par. 23)

7 Sec. 3. Additional contiguous territory having the ~~the~~  
8 qualifications set forth in Section 1 may be added to any fire  
9 protection district as provided for in this Act in the manner  
10 following:

11 (a) One percent or more of the legal voters resident within  
12 the limits of the proposed addition to the fire protection  
13 district may petition the court of the county in which the  
14 original petition for the formation of the fire protection  
15 district was filed, to cause the question to be submitted to  
16 the legal voters of the proposed additional territory whether  
17 the proposed additional territory shall become a part of any  
18 contiguous fire protection district organized under this Act  
19 and whether the voters of the additional territory shall assume  
20 a proportionate share of the bonded indebtedness of the  
21 district. The petition shall be addressed to the court and  
22 shall contain a definite description of the boundaries of the  
23 territory to be embraced in the proposed addition and shall

1 allege facts in support of such addition.

2 Upon filing the petition in the office of the circuit clerk  
3 of the county in which the original petition for the formation  
4 of the fire protection district was filed, it shall be the duty  
5 of the court to fix a time and place of a hearing upon the  
6 subject of the petition.

7 Notice shall be given by the court, or by the circuit clerk  
8 or sheriff upon order of the court of the county in which the  
9 petition is filed, of the time and place of a hearing upon the  
10 petition in the manner as provided in Section 1. The conduct of  
11 the hearing on the question whether the proposed additional  
12 territory shall become a part of the fire protection district  
13 shall be carried out in the manner described in Section 1, as  
14 nearly as may be. The question shall be in substantially the  
15 following form:

16 -----

17 For joining the.... Fire  
18 Protection District and assuming a  
19 proportionate share of bonded  
20 indebtedness, if any.

21 -----

22 Against joining the.... Fire  
23 Protection District and assuming a  
24 proportionate share of bonded  
25 indebtedness, if any.

26 -----

1           If a majority of the votes cast at the election upon the  
2 question of becoming a part of any contiguous fire protection  
3 district are in favor of becoming a part of that fire  
4 protection district and if the trustees of the fire protection  
5 district accept the proposed additional territory by  
6 resolution, the proposed additional territory shall be deemed  
7 an integral part of that fire protection district and shall be  
8 subject to all the benefits of service and responsibilities of  
9 the district as set forth in this Act.

10           (b) The owner or owners of any tract or tracts of land,  
11 contiguous to an existing fire protection district and not  
12 already included in a fire protection district, may file a  
13 written petition, addressed to the trustees of the fire  
14 protection district to which they seek to have their tract or  
15 tracts of land attached, containing a definite description of  
16 the boundaries of the territory and a statement that they  
17 desire that their property become a part of the fire protection  
18 district to which their petition is addressed, and that they  
19 are willing that their property assume a proportionate share of  
20 the bonded indebtedness, if any, of the fire protection  
21 district.

22           When such a petition is filed with the trustees, they shall  
23 immediately pass a resolution to accept or reject the territory  
24 proposed to be attached. If the trustees resolve in favor of  
25 accepting the territory, they shall file with the court of the  
26 county where the fire protection district was organized the

1 original petition and a certified copy of the resolution, and  
2 the court shall then enter an order stating that the proposed  
3 annexed territory shall be deemed an integral part of that fire  
4 protection district and subject to all of the benefits of  
5 service and responsibilities of the district. The circuit clerk  
6 shall transmit a certified copy of the order to the county  
7 clerk of each county in which any of the territory affected is  
8 situated and to the State Fire Marshal.

9 (c) Upon the annexation of territory by a district, the  
10 boundary shall extend to the far side of any adjacent highway  
11 and shall include all of every highway within the area annexed.  
12 These highways shall be considered to be annexed even though  
13 not included in the legal description set forth in the petition  
14 for annexation.

15 (Source: P.A. 85-556; 86-1191.)