

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 Illinois Municipal Code is amended by adding
5 Section 10-4-12 as follows:

6 (65 ILCS 5/10-4-12 new)

7 Sec. 10-4-12. Cessation of existing municipal fire
8 departments. If a city or village with 500 or more residents
9 owns, operates, or maintains any fire department or
10 departments, that city or village may not cease the operation
11 and maintenance of that fire department or those fire
12 departments unless the proposed cessation is first submitted by
13 referendum to the voters of the city or village as provided by
14 Section 15b of the Fire Protection District Act.

15 Section 10. The Fire Protection District Act is amended by
16 changing Section 11b and by adding Section 15b as follows:

17 (70 ILCS 705/11b) (from Ch. 127 1/2, par. 31b)

18 Sec. 11b. In case any fire protection district organized
19 hereunder is coterminous with or includes within its corporate
20 limits in whole or in part any city, village or incorporated
21 town authorized to provide protection from fire and to regulate

1 the prevention and control of fire within such city, village or
2 incorporated town and to levy taxes for any such purposes, then
3 such city, village or incorporated town shall not exercise any
4 such powers as necessarily conflict with the powers to be
5 exercised by such district in respect to such fire protection
6 and regulation within the fire protection district from and
7 after the date that it receives written notice from the State
8 Fire Marshal to cease or refrain from the operation of any fire
9 protection facilities and the exercise of such powers, which
10 notice shall be given only after the State Fire Marshal has
11 ascertained that the Fire Protection District has placed its
12 fire protection facilities in operation. Such city, village or
13 incorporated town shall not thereafter own, operate, maintain,
14 manage, control or have an interest in any fire protection
15 facilities located within the corporate limits of the fire
16 protection district, except water mains and hydrants and except
17 as otherwise provided in this Act. Where any city, village, or
18 incorporated town with 500 or mre residents is in fact owning,
19 operating, and maintaining a fire department or fire
20 departments located in whole or in part within or adjacent to
21 the corporate limits of a fire protection district organized
22 under this Act, such city, village, or incorporated town shall
23 not cease operating and maintaining the fire department or
24 departments unless such proposed cessation of services is first
25 submitted by referendum to voters, as provided by Section 15b
26 of this Act. In addition, where any city, village, or

1 incorporated town is in fact owning, operating, and maintaining
2 a fire department or fire departments located within the
3 corporate limits of a fire protection district organized under
4 this Act, such city, village, or incorporated town ~~The State~~
5 ~~Fire Marshal, upon request of the Board of Trustees of any Fire~~
6 ~~Protection District, shall ascertain whether the District's~~
7 ~~fire protection facilities are in operation so that it may~~
8 ~~supersede the power of any city, village or incorporated town~~
9 ~~to operate fire protection facilities within the boundaries of~~
10 ~~the District. Where in case any city, village or incorporated~~
11 ~~town is in fact owning, operating and maintaining fire~~
12 ~~protection facilities located within the corporate limits of a~~
13 ~~fire protection district organized under this Act, such city,~~
14 ~~village or incorporated town~~ shall be paid and reimbursed for
15 its actual expenditures and for all existing obligations
16 incurred, including all pension and annuity plans applicable to
17 the maintenance of fire protection facilities theretofore made
18 in establishing such facilities and in acquiring,
19 constructing, improving or developing any such existing
20 facilities in the manner provided for by this Act. The terms of
21 payment shall provide for reimbursement in full within not less
22 than 20 years from the date of such agreement.

23 (Source: P.A. 80-147.)

24 (70 ILCS 705/15b new)

25 Sec. 15b. Petition to cease operations; referendum.

1 (a) Any local unit of government serving 500 or more
 2 residents operating a fire department organized under the
 3 provisions of the Municipal Code may cease the operation and
 4 maintenance of the fire department or fire departments by
 5 submitting a referendum to the voters served by the fire
 6 department or departments. The referendum proposing the
 7 dissolution of the fire department or departments shall be
 8 conducted in a manner that is consistent with the requirements
 9 provided by subsection (a) of this Section, except that the
 10 ballot for such election shall be in substantially the
 11 following form:

12 -----
 13 Shall the (name of fire
 14 department) serving the citizens with YES
 15 (list local unit(s) of government) cease -----
 16 to provide emergency services and be NO
 17 dissolved and discontinued?

18 -----
 19 If a majority of the votes cast on the question are in
 20 favor of such dissolution, the court shall enter an order
 21 discontinuing the fire department or departments.

22 The rights of the employees of the dissolved fire
 23 department or departments provided by the Personnel Code, any
 24 applicable collective bargaining agreements, or under any
 25 pension, retirement, or annuity plan shall not be affected by
 26 this amendatory Act of the 98th General Assembly.

1 (b) A municipality that is a home rule or non-home rule
2 unit may not dissolve a fire department or fire departments in
3 a manner that is inconsistent with this Section. This Section
4 is a limitation under subsection (i) of Section 6 of Article
5 VII of the Illinois Constitution on the concurrent exercise by
6 home rule units of the powers and functions exercised by the
7 State.

8 Section 90. The State Mandates Act is amended by adding
9 Section 8.38 as follows:

10 (30 ILCS 805/8.38 new)

11 Sec. 8.38. Exempt mandate. Notwithstanding Sections 6 and 8
12 of this Act, no reimbursement by the State is required for the
13 implementation of any mandate created by this amendatory Act of
14 the 98th General Assembly.