

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 adding Sections 15c and 15d as follows:

6 (70 ILCS 705/15c new)

7 Sec. 15c. Disconnection of fire protection district
8 territory within a home rule municipality.

9 Whenever any property within a fire protection district is
10 located in a home rule municipality that provides fire service
11 to at least 80% of the territory within the municipality's
12 corporate limits, the home rule municipality may detach and
13 disconnect that property from the fire protection district in
14 the following manner:

15 The municipality may petition the court, setting forth in
16 the petition the following: a description of the property
17 sought to be detached and disconnected; a statement that the
18 detachment and disconnection will not cause the property
19 remaining in the district to be noncontiguous, that the loss of
20 assessed valuation by reason of the disconnection of the
21 described property will not impair the ability of the district
22 to render fully adequate fire protection service to the
23 property remaining with the district, that the property to be

1 detached and disconnected will remain liable for its
2 proportionate share of any outstanding bonded indebtedness of
3 the district, and that it is a home rule municipality that
4 provides for its own fire service to at least 80% of the
5 territory within the municipality; and asking that the
6 described property be detached and disconnected from the fire
7 protection district. The petition shall be signed and sworn to
8 by the mayor or village president pursuant to a resolution of
9 the corporate authorities of the municipality authorizing the
10 filing of the petition.

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

18 Upon the filing of the petition, the court shall set the
19 same for hearing on a day not less than 2 weeks nor more than 4
20 weeks from the filing thereof and shall give 2 weeks' notice of
21 such hearing in the manner provided in Section 1 of this Act.
22 The fire protection district shall be a necessary party to the
23 proceedings and it shall be served with summons in the manner
24 prescribed for a party defendant under the Civil Practice Law.
25 All property owners in such district, the district from which
26 the transfer of property is to be made, and all persons

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

18 (70 ILCS 705/15d new)

19 Sec. 15d. Disconnection of fire protection district
20 territory by a municipality; economic impact analysis.

21 (a) As used in this Section, "economic impact analysis"
22 means a written report concerning the effect of a
23 municipality's disconnection of territory located both within
24 a municipality and a fire protection district.

25 (b) Notwithstanding any other provision of law, a

1 municipality shall file an economic impact analysis with the
2 county clerk of each county in which a fire protection district
3 is located no less than 90 days prior to filing any action to
4 disconnect territory located both within the municipality and
5 the fire protection district. Each economic impact analysis
6 shall include the following:

7 (1) a statement of existing and projected residential,
8 nonresidential, and commercial growth in the territory
9 within the fire protection district sought to be
10 disconnected by the municipality for a 10-year period, a
11 20-year period, and a 30-year period;

12 (2) a statement of the costs of service incurred by the
13 municipality in providing fire protection or emergency
14 medical services after disconnecting the territory within
15 the fire protection district;

16 (3) a statement that the loss of assessed valuation by
17 reason of the disconnection of the territory will not
18 impair the ability of the fire protection district to
19 render fully adequate fire protection service to the
20 territory remaining with the district;

21 (4) a statement of the probable positive or negative
22 economic effect on businesses within the territory sought
23 to be disconnected; and

24 (5) a statement of the probable positive or negative
25 economic effect on residents within the territory sought to
26 be disconnected.

1 (c) Within 30 days after the filing of an economic impact
2 analysis required by subsection (b), a municipality shall serve
3 a copy of the economic impact analysis on the board of trustees
4 of each impacted fire protection district by certified or
5 registered mail. An affidavit that service of the economic
6 impact analysis has been had as provided by this subsection
7 must be filed with the clerk of the court in which the
8 disconnection proceedings will be instituted. Disconnection of
9 territory is not effective unless service is certified by
10 affidavit filed as provided in this subsection.

11 (d) The territory is disconnected from the Fire Protection
12 District and annexed to the municipality effective on January 1
13 following the entry of a final court order finding that the
14 petition meets the criteria set forth in this Section.

15 (e) A municipality, including a home rule municipality, may
16 not disconnect territory from a fire protection district in a
17 manner inconsistent with this Section. This Section is a
18 limitation under subsection (i) of Section 6 of Article VII of
19 the Illinois Constitution on the concurrent exercise by home
20 rule units of powers and functions exercised by the State.