



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/05/04, by 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.

LRB093 19359 MKM 45095 b

1 AN ACT concerning fire protection districts.

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. Annexation of territory; petition; hearing;
8 election; resolution accepting or rejecting territory.

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

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

26 Upon filing the petition in the office of the circuit clerk
27 of the county in which the original petition for the formation
28 of the fire protection district was filed, it shall be the duty
29 of the court to fix a time and place of a hearing upon the
30 subject of the petition.

31 Notice shall be given by the court, or by the circuit clerk
32 or sheriff upon order of the court of the county in which the

1 petition is filed, of the time and place of a hearing upon the
 2 petition in the manner as provided in Section 1. The conduct of
 3 the hearing on the question whether the proposed additional
 4 territory shall become a part of the fire protection district
 5 shall be carried out in the manner described in Section 1, as
 6 nearly as may be. The question shall be in substantially the
 7 following form:

8 -----

9 For joining the.... Fire
 10 Protection District and assuming a
 11 proportionate share of bonded
 12 indebtedness, if any.

13 -----

14 Against joining the.... Fire
 15 Protection District and assuming a
 16 proportionate share of bonded
 17 indebtedness, if any.

18 -----

19 If a majority of the votes cast at the election upon the
 20 question of becoming a part of any contiguous fire protection
 21 district are in favor of becoming a part of that fire
 22 protection district and if the trustees of the fire protection
 23 district accept the proposed additional territory by
 24 resolution, the proposed additional territory shall be deemed
 25 an integral part of that fire protection district and shall be
 26 subject to all the benefits of service and responsibilities of
 27 the district as set forth in this Act.

28 (b) The owner or owners of any tract or tracts of land,
 29 contiguous to an existing fire protection district and not
 30 already included in a fire protection district, may file a
 31 written petition, addressed to the trustees of the fire
 32 protection district to which they seek to have their tract or
 33 tracts of land attached, containing a definite description of
 34 the boundaries of the territory and a statement that they
 35 desire that their property become a part of the fire protection
 36 district to which their petition is addressed, and that they

1 are willing that their property assume a proportionate share of
2 the bonded indebtedness, if any, of the fire protection
3 district.

4 When such a petition is filed with the trustees, they shall
5 immediately pass a resolution to accept or reject the territory
6 proposed to be attached. If the trustees resolve in favor of
7 accepting the territory, they shall file with the court of the
8 county where the fire protection district was organized the
9 original petition and a certified copy of the resolution, and
10 the court shall then enter an order stating that the proposed
11 annexed territory shall be deemed an integral part of that fire
12 protection district and subject to all of the benefits of
13 service and responsibilities of the district. The circuit clerk
14 shall transmit a certified copy of the order to the county
15 clerk of each county in which any of the territory affected is
16 situated and to the State Fire Marshal.

17 (c) Upon the annexation of territory by a district, the
18 boundary shall extend to the far side of any adjacent highway
19 and shall include all of every highway within the area annexed.
20 These highways shall be considered to be annexed even though
21 not included in the legal description set forth in the petition
22 for annexation.

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