



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5291

by Rep. Fred Crespo

#### SYNOPSIS AS INTRODUCED:

70 ILCS 705/15c new

Amends the Fire Protection District Act. Provides that a home rule municipality may file a petition to disconnect fire protection district territory from the district if: the municipality's fire department services at least 80% of the municipality; the disconnection will not cause the territory of the district to be noncontiguous; and the loss of assessed valuation by reason of the disconnection of the territory will not impair the ability of the district to render adequate fire protection service to the territory remaining in the district. Provides that territory disconnected shall remain liable for its proportionate share of any bonded indebtedness outstanding as of the date of disconnection. Provides for petition, hearing, notice, and objection requirements. Further provides that if a court finds that the petition complies with the Section and that the allegations of the petition are true, the court shall order that the territory be disconnected.

LRB100 16677 AWJ 31815 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

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 Section 15c 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.