

1 AMENDMENT TO HOUSE BILL 120

2 AMENDMENT NO. _____. Amend House Bill 120, AS AMENDED, by
3 replacing Section 5 with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 adding Sections 11-6-1.1 and 11-6-1.2 as follows:

6 (65 ILCS 5/11-6-1.1 new)

7 Sec. 11-6-1.1. Charge against non-residents.

8 (a) The corporate authorities of each municipality may
9 fix, charge, and collect fees not exceeding the reasonable
10 cost of the service for all services rendered by the
11 municipality against persons, businesses, and other entities
12 who are not residents of the municipality.

13 (b) The charge may not be assessed against residents of
14 the municipality or persons who request fire protection
15 coverage for an unprotected area and who pay to the
16 municipality an amount equal to the municipality's fire
17 protection tax pursuant to Section 11-7-1 of the Illinois
18 Municipal Code.

19 (c) The charge for such services shall be computed at a
20 rate not to exceed \$125 per hour per vehicle and not to
21 exceed \$35 per hour per firefighter responding to a call for
22 assistance. An additional charge may be levied to reimburse

1 the municipality for extraordinary expenses of materials used
2 in rendering such services. No charge shall be made for
3 services for which the total charge would be less than \$50.

4 (d) All revenue from the charges assessed pursuant to
5 this Section shall be deposited into the general fund of the
6 municipality.

7 (65 ILCS 5/11-6-1.2 new)

8 Sec. 11-6-1.2. Firefighting services outside corporate
9 limits. A municipality may choose to provide firefighting
10 services to property outside its corporate limits. The
11 corporate authorities of each municipality may fix, charge,
12 and collect firefighting service fees not exceeding the
13 actual cost of the service for all firefighting services
14 rendered by the municipality against persons, businesses, and
15 other entities that are not residents of the municipality. An
16 additional charge may be levied to reimburse the municipality
17 for extraordinary expenses of materials used in rendering the
18 services. Nothing in this Section shall impact any agreement
19 entered into by a municipality and persons, businesses, and
20 other entities that are not residents of the municipality.
21 Nothing in this Section shall require a municipality to
22 supply any firefighting services to property located outside
23 the corporate limits of the municipality.

24 Section 10. The Fire Protection District Act is amended
25 by changing Section 15 as follows:

26 (70 ILCS 705/15) (from Ch. 127 1/2, par. 35)

27 Sec. 15. Whenever any property within a fire protection
28 district, organized under this Act, does not have the
29 territorial qualifications described in Section 1 of this
30 Act, or is not reasonably protected by the district from the
31 hazards of fire or would receive greater benefit of service

1 from another such district or other municipal corporation,
2 any legal voter within such district or the owner or owners
3 of such property may detach and disconnect such property from
4 such fire protection district in the following manner:

5 The owner or owners of such property within such fire
6 protection district or any legal voter within such district
7 may file his petition in the court in which such district was
8 organized setting forth therein the description of the
9 property sought to be detached and disconnected, a statement
10 that the detachment and disconnection will not cause the
11 territory remaining in the district to be noncontiguous; that
12 the loss of assessed valuation by reason of the disconnection
13 of such territory will not impair the ability of the district
14 to render fully adequate fire protection service to the
15 territory remaining with the district; that the territory
16 will remain liable for its proportionate share of any
17 outstanding bonded indebtedness of the district; and
18 alleging facts in support of such detachment and
19 disconnection, and praying that such property be detached and
20 disconnected from such fire protection district. The
21 petition shall be signed and sworn to by the petitioner or
22 petitioners. For the purpose of meeting the requirement of
23 this Section that the detachment and disconnection will not
24 cause the remaining territory to be noncontiguous, territory
25 shall be considered to be contiguous if the only separation
26 between parts of the territory is land owned by the United
27 States, the State of Illinois, any agency or instrumentality
28 of either, or any regional airport authority. Upon the
29 filing of such petition, the court shall set the same for
30 hearing on a day not less than 2 weeks nor more than 4 weeks
31 from the filing thereof and shall give 2 weeks notice of such
32 hearing in the manner provided in Section 1 of this Act. The
33 fire protection district shall be a necessary party to the
34 proceedings and it shall be served with summons in the manner

1 prescribed for a party defendant under the Civil Practice
2 Law. All property owners in such district, the district from
3 which such transfer of territory is to be made, and all
4 persons interested therein may file objections, and at the
5 hearing may appear and contest the detachment and
6 disconnection of the property from such fire protection
7 district, and both objectors and petitioners may offer any
8 competent evidence in regard thereto. If the court, upon
9 hearing such petition, finds that the petition complies with
10 this Act and that the allegations of the petition are true
11 the court shall enter an order detaching and disconnecting
12 such property from such district, and thereupon such property
13 shall cease to be a part of such fire protection district,
14 except that the property remains liable for its proportionate
15 share of any outstanding bonded indebtedness of the
16 district. The circuit clerk shall transmit a certified copy
17 of the order to the county clerk of each county in which any
18 of territory affected is situated and to the Office of the
19 State Fire Marshal.

20 (Source: P.A. 91-323, eff. 1-1-00.)".