

AN ACT concerning local government.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Fire Protection District Act is amended by changing Sections 14.14, 15c, 16d, 20, and 21.1 and by adding Section 28 as follows:

(70 ILCS 705/14.14) (from Ch. 127 1/2, par. 34.14)

Sec. 14.14. (a) In a county having a population of between 500,000 and 750,000, territory within the boundaries of a non-home rule municipality that receives fire protection services from more than a single fire protection district may be disconnected from one fire protection district and transferred to the district that provides services to the area comprising more than 80% of the municipality's assessed valuation. To disconnect that territory, the board of trustees of one of the affected districts, the corporate authorities of the municipality, or 5% of the owners of property within the territory to be disconnected may file a petition in the court in which the district (from which disconnection is sought) was organized, setting forth the following:

(1) The description of the territory sought to be transferred.

(2) A statement that:

(A) more than 80% of the assessed valuation of the municipality lies within one district;

(B) more than 90% of the residents of the municipality reside within that same district;

(C) the territory to be transferred contains less than 10% of the total assessed valuation and total number of residents of the affected district;

(D) the territory to be transferred consists of all the territory within the municipality serviced by the district from which disconnection is sought;

(E) the district to which the territory is to be transferred agrees to the transfer, as evidenced by passage of a resolution by its board of trustees;

(F) the transfer will not impair the ability of the affected districts to render fully adequate fire protection services to their residents; and

(G) the transfer will not cause the territory within the affected districts to be noncontiguous.

(3) That a response-time study has been conducted and the study is attached to the petition. The study must, at a minimum, provide estimated response times from the current fire protection district to the territory and estimated response times of the other fire protection district to the territory.

(b) The petition praying that the territory be transferred shall be signed and sworn to by the petitioner or petitioners.

Upon the filing of the petition, the court shall set the petition for hearing on a day not less than 2 weeks or more than 4 weeks from the date of filing the petition. The court shall give 2 weeks notice of the hearing in the manner provided in Section 1 of this Act. The municipality and affected districts shall be necessary parties to the proceedings and shall be served with summons in the manner prescribed for a party defendant under the Civil Practice Law.

(c) Any property owner in the municipality or the affected districts may file objections and at the hearing may appear and contest the transfer and the matters averred in the petition, and both the objectors and petitioners may offer any competent evidence in regard to the petition.

(d) If the court, upon hearing the petition, finds that the allegations contained in the petition are true, then the court shall enter an order transferring the property. Thereupon, the territory shall cease to be a part of the fire protection district in which the territory lies. The circuit clerk shall transmit a certified copy of the order to the county clerk and to the Office of the State Fire Marshal.

(e) The territory to be transferred shall remain liable for its proportionate share of outstanding bonded indebtedness, if any, of the district from which it is transferred as of the date of transfer.

(Source: P.A. 87-825.)

(70 ILCS 705/15c)

Sec. 15c. Disconnection of fire protection district territory within a home rule municipality. Whenever any property within a fire protection district is located in a home rule municipality that provides fire service to at least 80% of the territory within the municipality's corporate limits, the home rule municipality may detach and disconnect that property from the fire protection district in the following manner:

The municipality may petition the court, setting forth in the petition the following: a description of the property sought to be detached and disconnected; a statement that the detachment and disconnection will not cause the property remaining in the district to be noncontiguous, that the loss of assessed valuation by reason of the disconnection of the described property will not impair the ability of the district to render fully adequate fire protection service to the property remaining with the district, that the property to be detached and disconnected will remain liable for its proportionate share of any outstanding bonded indebtedness of the district, that a response-time study has been conducted and the study is attached to the petition showing, at a minimum, estimated response times from the fire protection district to the territory and estimated response times of the municipal fire department to the territory, and that it is a home rule municipality that provides for its own fire service

to at least 80% of the territory within the municipality; and asking that the described property be detached and disconnected from the fire protection district. The petition shall be signed and sworn to by the mayor or village president pursuant to a resolution of the corporate authorities of the municipality authorizing the filing of the petition.

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

Upon the filing of the petition, the court shall set the same for hearing on a day not less than 2 weeks nor more than 4 weeks from the filing thereof and shall give 2 weeks' notice of such hearing in the manner provided in Section 1 of this Act. The fire protection district shall be a necessary party to the proceedings and it shall be served with summons in the manner prescribed for a party defendant under the Civil Practice Law. All property owners in such district, the district from which the transfer of property is to be made, and all persons interested therein may file objections, and at the hearing may appear and contest the detachment and disconnection of the property from the fire protection district, and both objectors and petitioners may offer any competent evidence in regard

thereto. If the court, upon hearing such petition, finds that the petition complies with this Section 15c and that the allegations of the petition are true, the court shall enter an order detaching and disconnecting the property from the district, and upon entry of the order the property shall cease to be a part of the fire protection district and shall be serviced by the home rule municipality, except that the property remains liable for its proportionate share of any outstanding bonded indebtedness of the district. The circuit clerk shall transmit a certified copy of the order to the county clerk of each county in which any of the affected property is situated and to the Office of the State Fire Marshal.

(Source: P.A. 100-1072, eff. 1-1-19.)

(70 ILCS 705/16d)

Sec. 16d. Transfer of property between districts. When a fire protection district has another fire protection district adjoining it and the adjoining district can provide better fire protection to an area of land of no more than 60 acres, consisting of one or more tracts, that is within the corporate limits of the fire protection district, the area may be disconnected from the district and annexed to the adjacent district when each district adopts an ordinance to accomplish the disconnection and annexation.

At least 60 days before the property is disconnected from

a district, the disconnecting district must send notice to the owner or owners of record of the area of land stating that the disconnecting and annexing districts intend to adopt ordinances that would disconnect and annex the area under this Section. The notice shall name the annexing district and include a description of the territory to be disconnected and annexed, the reason for doing so, ~~and~~ a map of the territory, and shall include a response-time study that has been conducted showing, at a minimum, estimated response times from the current fire protection district to the property and estimated response times of the adjoining district to the property. The notice must also set forth the time and place of each meeting at which the ordinance will be an agenda item and must state that there will be an opportunity for public comment at each of those meetings. The notice shall be sent by certified mail return receipt requested, but if the name or address of an owner is not known, then the district must publish the notice once a week for 2 successive weeks. The notice shall be published in a newspaper published in the county where the area is located. Each district's ordinance shall designate the same date for the effective date of the disconnection and annexation.

No earlier than 60 days after the delivery of the notice to the last of the owners involved or 60 days after the date of the first publication of the notice, whichever is later, the disconnecting and annexing districts may adopt an ordinance

accomplishing the disconnection and annexation.

After it adopts the ordinance, each fire protection district shall send a certified copy of the ordinance to the proper county clerk or clerks for filing and to the office of the State Fire Marshal.

(Source: P.A. 94-337, eff. 1-1-06.)

(70 ILCS 705/20) (from Ch. 127 1/2, par. 38.3)

Sec. 20. Disconnection by operation of law.

(a) Any territory within a fire protection district that is or has been annexed to a municipality ~~a city, village or incorporated town~~ that provides fire protection for property within such city, village or incorporated town is, by operation of law, disconnected from the fire protection district as of the January first after such territory is annexed to the municipality as long as the municipality has conducted a response-time study that shows, at a minimum, estimated response times from the fire protection district to the territory and estimated response times of the municipal fire department from the territory ~~city, village or incorporated town,~~ or in case any such territory has been so annexed prior to the effective date of this amendatory Act of 1965, as of January 1, 1966.

(b) The disconnection by operation of law does not occur if, within 60 days after such annexation or after the effective date of this amendatory Act of 1965, whichever is

later, the fire protection district files with the appropriate court and with the County Clerk of each county in which the fire protection district is located, a petition alleging that such disconnection will cause the territory remaining in the district to be noncontiguous or that the loss of assessed valuation by reason of such disconnection will impair the ability of the district to render fully adequate fire protection service to the territory remaining with the district. When such a petition is filed, with the court and with the County Clerk of each county in which the fire protection district is located, the court shall set it for hearing, and further proceedings shall be held, as provided in Section 15 of this Act, except that the city, village or incorporated town that annexed the territory shall be a necessary party to the proceedings, and it shall be served with summons in the manner for a party defendant under the Civil Practice Law. At such hearing, the district has the burden of proving the truth of the allegations in its petition.

(c) If disconnection does not occur, then the city, village or incorporated town in which part of a fire protection district's territory is located, is prohibited from levying the tax provided for by Section 11-7-1 of the "Illinois Municipal Code" in such fire protection district territory for services provided to the residents of such territory by the fire protection district.

(d) If there are any general obligation bonds of the fire protection district outstanding and unpaid at the time such territory is disconnected from the fire protection district by operation of this Section, such territory shall remain liable for its proportionate share of such bonded indebtedness and the fire protection district may continue to levy and extend taxes upon the taxable property in such territory for the purpose of amortizing such bonds until such time as sufficient funds to retire such bonds have been collected.

(e) On and after the effective date of this amendatory Act of the 91st General Assembly, when territory is disconnected from a fire protection district under this Section, the annexing municipality shall pay, on or before December 31 of each year for a period of 5 years after the effective date of the disconnection, to the fire protection district from which the territory was disconnected, an amount as follows:

(1) In the first year after the disconnection, an amount equal to the real estate tax collected on the property in the disconnected territory by the fire protection district in the tax year immediately preceding the year in which the disconnection took effect.

(2) In the second year after the disconnection, an amount equal to 80% of the real estate tax collected on the property in the disconnected territory by the fire protection district in the tax year immediately preceding the year in which the disconnection took effect.

(3) In the third year after the disconnection, an amount equal to 60% of the real estate tax collected on the property in the disconnected territory by the fire protection district in the tax year immediately preceding the year in which the disconnection took effect.

(4) In the fourth year after the disconnection, an amount equal to 40% of the real estate tax collected on the property in the disconnected territory by the fire protection district in the tax year immediately preceding the year in which the disconnection took effect.

(5) In the fifth year after the disconnection, an amount equal to 20% of the real estate tax collected on the property in the disconnected territory by the fire protection district in the tax year immediately preceding the year in which the disconnection took effect.

This subsection (e) applies to a fire protection district only if the corporate authorities of the district do not file a petition against the disconnection under subsection (b).

(Source: P.A. 91-307, eff. 1-1-00; 91-917, eff. 1-1-01.)

(70 ILCS 705/21.1) (from Ch. 127 1/2, par. 38.4-1)

Sec. 21.1. Any resident of a county containing a fire protection district which has no legal voters residing therein may file a petition to dissolve the fire protection district in the circuit court of the county where the district was organized.

The petition shall set forth: (a) the description of the territory comprising the district sought to be dissolved; (b) that no legal voters reside within such district; (c) that there is no outstanding bonded indebtedness; ~~and~~ (d) that adequate fire protection is reasonably available to all affected property without maintaining the district; and (e) a response-time study has been conducted that shows, at a minimum, estimated response times from the fire protection district to the territory and estimated response times to that territory after closure of the fire station.

Upon filing the petition, the provisions of Section 21 concerning a hearing, notice thereof and the filing of objections shall apply. If the court finds that any of the conditions set forth in the petition as required herein do not exist, it shall enter an order dismissing the petition. If the court finds that all of the conditions set forth in the petition as required herein exist, it shall enter an appropriate order to dissolve the district.

Any assets remaining after settlement of all district affairs shall be turned over to the county in which the district lies and if the district lies in more than one county the share of each shall be in the same proportion as the percentage of district land lying in such county, except that real estate shall become the property of the county in which it is located.

The circuit clerk shall transmit a certified copy of each

order dissolving a district to the county clerk of each county in which any of the territory is situated, the State Fire Marshal and the Department of Revenue.

(Source: P.A. 85-556.)

(70 ILCS 705/28 new)

Sec. 28. Response-time study before closure of fire station or district. Before a fire station of a fire protection district may close or the district be dissolved, a response-time study must be conducted that shows, at a minimum, estimated response times to the territory currently served by the fire station or district and estimated response times to that territory after closure of the fire station or district.