



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB5611

by Rep. Donald L. Moffitt

#### SYNOPSIS AS INTRODUCED:

70 ILCS 705/111 new

Amends the Fire Protection District Act. Provides that a fire chief has authority to enforce the provisions of any rules adopted and promulgated by the State Fire Marshal under the provisions of the Fire Investigation Act or to carry out the duties imposed on local officers under the Fire Investigation Act. Provides that the fire chief shall order removal or remedy of dangerous conditions including that the fire chief may order that the property be vacated until an inspection occurs and the dangerous condition is no longer present. Provides notice requirements and procedures for dangerous conditions. Effective immediately.

LRB099 19371 AWJ 43763 b

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 111 as follows:

6 (70 ILCS 705/111 new)

7 Sec. 111. Enforcement of the Fire Investigation Act.

8 (a) The fire chief has the authority to enforce the  
9 provisions of any rules adopted by the State Fire Marshal under  
10 the provisions of the Fire Investigation Act or to carry out  
11 the duties imposed on local officers under Section 9 of the  
12 Fire Investigation Act as provided in this Section.

13 (b) In the event that a fire chief determines that a  
14 dangerous condition or fire hazard is found to exist contrary  
15 to the rules referred to in Section 9 of the Fire Investigation  
16 Act, or if a dangerous condition or fire hazard is found to  
17 exist as specified in the first paragraph of Section 9 of the  
18 Fire Investigation Act, the fire chief shall order the  
19 dangerous condition or fire hazard removed or remedied and  
20 shall so notify the owner, occupant, or other interested person  
21 in the premises. Service of the notice upon the owner,  
22 occupant, or other interested person may be made in person or  
23 by registered or certified mail. If the owner, occupant, or

1 other interested person cannot be located by the fire chief,  
2 the fire chief may post the order upon the premises where the  
3 dangerous condition or fire hazard exists.

4 (c) In the event that a fire chief determines that the  
5 dangerous condition or fire hazard which has been found to  
6 exist places persons occupying or present in the premises at  
7 risk of imminent bodily injury or serious harm, the fire chief  
8 may, as part of the order issued under subsection (b), order  
9 that the premises where such condition or fire hazard exists be  
10 immediately vacated and not be occupied until the fire chief  
11 inspects the premises and issues a notice that the dangerous  
12 condition or fire hazard is no longer present and that the  
13 premises may be occupied. An order under this subsection (c)  
14 shall be effective immediately and notice of the order may be  
15 given by the fire chief by posting the order at premises where  
16 the dangerous condition or fire hazard exists.

17 (d) The provisions of this Section are supplementary to the  
18 provisions of the Fire Investigation Act and do not limit the  
19 authority of any fire chief or other local officers charged  
20 with the responsibility of investigating fires under Section 9  
21 of the Fire Investigation Act or any other law or limit the  
22 authority of the State Fire Marshal under the Fire  
23 Investigation Act or any other law.

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.