



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3633

Introduced 2/10/2012, by Sen. Antonio Muñoz

SYNOPSIS AS INTRODUCED:

425 ILCS 25/9
425 ILCS 25/9a

from Ch. 127 1/2, par. 9
from Ch. 127 1/2, par. 10

Amends the Fire Investigation Act. Authorizes the Attorney General, or the State's Attorney in a county in which a violation occurs, to bring an action against violations of rules adopted under the Act. Authorizes (rather than requires) the Office of the State Fire Marshal or local officers charged with the duty of investigating fire to enter (rather than inspect and examine) all buildings, premises, occupancies, structures, or portions thereof in their respective jurisdictions. Provides that if a dangerous condition, code violation, or fire hazard is found to exist, then the Office of the State Fire Marshal or the local officers shall order the dangerous condition removed or remedied. Provides that if, in the determination of the Office, the condition of a building, structure, occupancy, premise, or portion thereof poses an immediate threat or hazard to safety or health, the Office must require the building, structure, occupancy, premise, or portion thereof to be vacated immediately and not reoccupied until the necessary repairs and improvements are completed and the Office or the local officers have inspected and approved them. Requires the Office to cause a notice to be posted at each entrance to each such structure. Prohibits entry in such a structure, except for the purpose of making the required repairs. Requires that notice to remain posted until the required repairs are made.

LRB097 20233 JDS 65680 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

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

4 Section 5. The Fire Investigation Act is amended by
5 changing Sections 9 and 9a as follows:

6 (425 ILCS 25/9) (from Ch. 127 1/2, par. 9)

7 Sec. 9. No person, being the owner, occupant, or other
8 person interested in lessee of any building, premises,
9 occupancy, structure, or portion thereof that ~~or other~~
10 ~~structure which~~ is so occupied or so situated as to endanger
11 persons or property, shall permit such building, premises,
12 occupancy, structure, or portion thereof ~~or structure~~ by reason
13 of faulty construction, age, lack of proper repair, or any
14 other cause to become especially liable to fire, or to become
15 liable to cause injury or damage by collapsing or otherwise. No
16 person, being the owner, occupant, or other person interested
17 in lessee of any building, premises, occupancy, ~~or~~ structure,
18 or portion thereof, shall keep or maintain or allow to be kept
19 or maintained on such building, premises, occupancy,
20 structure, or portion thereof combustible or explosive
21 material or inflammable conditions that ~~, which~~ endanger the
22 safety of said buildings, ~~or~~ premises, occupancies,
23 structures, or portions thereof.

1 The Office of the State Fire Marshal shall adopt and
2 promulgate such reasonable rules as may be necessary to protect
3 the public from the dangers specified in the preceding
4 paragraph. Such rules shall require the installation,
5 inspection or maintenance of necessary fire extinguishers,
6 fire suppression systems, chemical fire suppression systems,
7 and fire alarm and protection devices. A copy of any rule
8 certified by the State Fire Marshal shall be received in
9 evidence in all courts of this State with the same effect as
10 the original. If the owner, occupant, or other person
11 interested in a building, premises, occupancy, structure, or
12 portion thereof violates this Act or any rule adopted under
13 this Act, then the State Fire Marshal may, in the name of the
14 State and through the Attorney General or the State's Attorney
15 of the county in which the violation took place, petition the
16 circuit court of the county in which the violation occurred for
17 an order requiring the owner, occupant, or other person
18 interested in the building, premises, occupancy, structure, or
19 portion thereof to comply with that rule.

20 All local officers charged with the duty of investigating
21 fires shall enforce such rules, under the direction of the
22 Office of the State Fire Marshal, except in those localities
23 which have adopted fire prevention and safety standards equal
24 to or higher than such rules adopted by the Office of the State
25 Fire Marshal.

26 The Office of the State Fire Marshal, and the local

1 officers ~~of cities, villages, towns and fire protection~~
2 ~~districts by this Act,~~ charged by this Act with the duty of
3 investigating fire may, for just cause and for the purpose of
4 examination, enter, at all reasonable hours, in and upon all
5 buildings, premises, occupancies, structures, and portions
6 thereof. If a dangerous condition, code violation, or fire
7 hazard is found to exist contrary to the rules adopted under
8 this Act, then the Office of the State Fire Marshal or the
9 local officers charged by this Act with the duty of
10 investigating fire , ~~shall, under the direction of the Office~~
11 ~~of the State Fire Marshal, inspect and examine at reasonable~~
12 ~~hours, any premises, and the buildings and other structures~~
13 ~~thereon, and if, such dangerous condition or fire hazard is~~
14 ~~found to exist contrary to the rules herein referred to, or if~~
15 ~~a dangerous condition or fire hazard is found to exist as~~
16 ~~specified in the first paragraph of this Section, and the rules~~
17 ~~herein referred to are not applicable to such dangerous~~
18 ~~condition or fire hazard,~~ shall order the dangerous condition
19 removed or remedied, and shall so notify the owner, occupant,
20 or other person interested in the building, premise, occupancy,
21 structure, and portions thereof ~~premises~~. Service of the notice
22 upon the owner, occupant, or other interested person shall be
23 in person or by registered or certified mail. If, in the
24 determination of the Office of the State Fire Marshal, the
25 conditions of a building, structure, occupancy, premises, or
26 portion thereof poses an immediate threat or hazard to public

1 safety or health, the Office shall require the building,
2 structure, occupancy, premises, or portion thereof to be
3 vacated immediately and not reoccupied until the necessary
4 repairs and improvements are completed and the Office or the
5 local officers charged by this Act with the duty of
6 investigating fire have inspected and approved them. The Office
7 of the State Fire Marshal or local officers charged by this Act
8 with the duty of investigating fire shall cause to be posted at
9 each entrance to such a building, structure, occupancy,
10 premises, or portion thereof a notice that reads: "THIS
11 STRUCTURE IS UNSAFE, AND ITS USE OR OCCUPANCY HAS BEEN
12 PROHIBITED BY THE ILLINOIS STATE FIRE MARSHAL." That notice
13 shall remain posted until the required repairs are made. It
14 shall be unlawful for any person, firm, or corporation, or its
15 agents, to remove the notice without written permission of the
16 State Fire Marshal. It shall also be unlawful for any person to
17 enter the building, structure, occupancy, premises, or portion
18 thereof, except for the purpose of making the required repairs.
19 If the Office of the State Fire Marshal makes a determination
20 under this Section regarding a threat or hazard posed by a
21 building, structure, occupancy, premises, or portion thereof,
22 the local officers charged by this Act with the duty of
23 investigating fire in that jurisdiction shall enforce that
24 decision.

25 The amendatory Act of 1975 is not a limit on any home rule
26 unit.

1 (Source: P.A. 85-1434.)

2 (425 ILCS 25/9a) (from Ch. 127 1/2, par. 10)

3 Sec. 9a. The owner, occupant, or other person interested in
4 such a building, structure, occupancy, premises, or portion
5 thereof ~~or premises~~, within 10 days after receiving such a
6 notice, may appeal from orders of deputies of the Office of the
7 State Fire Marshal, to the Office of the State Fire Marshal.
8 Decisions of the Office of the State Fire Marshal to have a
9 building, structure, occupancy, premises, or portion thereof
10 vacated shall not be stayed pending appeal. The Office shall
11 thereupon conduct a hearing pursuant to the Illinois
12 Administrative Procedure Act, as amended, and the rules
13 promulgated by the State Fire Marshal and either sustain,
14 modify, or revoke the order. If the order is sustained or
15 modified, or if no appeal is made to the Office, it shall be
16 the duty of the owner, ~~or~~ occupant, or other interested person
17 to comply with such order.

18 (Source: P.A. 84-954.)