



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB2825

by Rep. Mike Smiddy

SYNOPSIS AS INTRODUCED:

70 ILCS 705/111 new

Amends the Fire Protection District Act. Adds a new Section regarding a fire chief's authority to determine and enforce provisions of the Fire Investigation 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. Provides for enforcement of the fire chief's order in the circuit court by the State's Attorney. Effective immediately.

LRB099 04295 AWJ 24320 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) In the event an owner, occupant, or other interested
18 person fails to comply with an order issued by a fire chief
19 under subsections (b) or (c), the fire chief may refer the
20 order to the State's Attorney. The State's Attorney may apply
21 to the circuit court for enforcement of the order of the fire
22 chief, as issued by the fire chief or as modified by the
23 circuit court, under the provisions of Article XI of the Code
24 of Civil Procedure by temporary restraining order, preliminary
25 injunction or permanent injunction, provided, however, that no
26 bond shall be required by the court under Section 11-103 of the

1 Code of Civil Procedure and no damages may be assessed by the
2 court under Section 11-110 of the Code of Civil Procedure.

3 (e) The provisions of this Section are supplementary to the
4 provisions of the Fire Investigation Act and do not limit the
5 authority of any fire chief or other local officers charged
6 with the responsibility of investigating fires under Section 9
7 of the Fire Investigation Act or any other law or limit the
8 authority of the State Fire Marshal under the Fire
9 Investigation Act or any other law.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.