

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 changing Section 16 as follows:

6 (70 ILCS 705/16) (from Ch. 127 1/2, par. 37)

7 Sec. 16. Territory included within the limits of any fire  
8 protection district may be disconnected from the district and  
9 added to another district to which the territory is contiguous,  
10 in the manner hereinafter set forth; (1) if the territory would  
11 receive equal or greater benefits from the district to which it  
12 seeks to be transferred; (2) if the transfer will not cause the  
13 territory remaining in the district from which the transfer is  
14 to be made, to be noncontiguous; (3) if the transfer will not  
15 cause a serious injury to the district from which the transfer  
16 is to be made; and, (4) if the trustees of the district to  
17 which the transfer is sought to be made do not file a written  
18 refusal to accept the territory within the time hereinafter  
19 provided. For purposes of this Section, "serious injury"  
20 includes, but is not limited to, a loss of real estate tax  
21 revenues by the district from which the transfer is sought of  
22 10% or more by reason of the disconnection. If a court should  
23 find any of the above items (1), (2), (3), or (4) not to be

1 true, then the petition to transfer territory from a district  
2 shall be dismissed.

3 Territory disconnected pursuant to this Section shall  
4 remain liable for its proportionate share of the bonded  
5 indebtedness outstanding as of the date of disconnection, if  
6 any, of the district from which it was disconnected and shall  
7 assume a proportionate share of the bonded indebtedness, if  
8 any, of the district to which it is transferred.

9 One per cent or more of the legal voters residing within  
10 the limits of the territory proposed to be transferred may file  
11 a petition, in the court of the county where the district to  
12 which it seeks to be transferred is organized, setting forth:  
13 the description of the territory sought to be transferred; that  
14 the territory would receive equal or greater benefits by the  
15 transfer; that the transfer will not cause a serious injury to  
16 the district or districts from which the transfer is proposed  
17 to be made; and the amount of any outstanding bonded  
18 indebtedness against the district or districts in which the  
19 territory is then situated which has been incurred pursuant to  
20 this Act; and praying that the question whether the transfer  
21 shall be made, and whether the voters of such territory shall  
22 remain liable for a proportionate share of the bonded  
23 indebtedness outstanding as of the date of disconnection, if  
24 any, of the district from which it was disconnected and also  
25 assume a proportionate share of the bonded indebtedness, if  
26 any, of the district to which the transfer is to be made, be

1 submitted to the voters of the territory sought to be  
2 transferred.

3       Upon the filing of the petition, the court shall set a day  
4 for hearing, not less than 2 weeks nor more than 4 weeks from  
5 the filing thereof, and the court, or the circuit clerk or  
6 sheriff upon order of the court, (i) shall give 2 weeks notice  
7 of such hearing in one or more daily or weekly newspapers of  
8 general circulation in the county or in each county wherein the  
9 district or districts from which the territory sought to be  
10 transferred is organized and by posting at least 10 copies of  
11 the notice in conspicuous places in the district or in each of  
12 the districts from which the territory is sought to be  
13 transferred, (ii) shall cause a copy of the notice to be  
14 personally served upon each trustee of the district from which  
15 the transfer is sought to be made, and (iii) in addition shall  
16 cause a copy of the notice to be personally served upon each of  
17 the trustees of the district to which the transfer is sought to  
18 be made at least one week before the date set for the hearing,  
19 and in the notice, or in any accompanying notice to be served  
20 upon the Trustees at the same time, a recital shall be made  
21 stating that the Trustees may at any time prior to the date of  
22 the hearing, or within such additional time as may be granted  
23 by the court upon request in writing filed on or before such  
24 date, file a written refusal to accept the territory as a part  
25 of their district, provided, that such notification need not be  
26 given to the trustees if they file in the proceeding their

1 written appearances or written consent to a transfer of the  
2 territory to their district. Both the fire protection district  
3 from which the territory seeks to be transferred and the fire  
4 protection district to which the territory seeks to be  
5 transferred are necessary parties in any action to disconnect  
6 under this Section.

7 At any time prior to the date set for the hearing, or  
8 within such additional time as may be granted by the court, the  
9 trustees of the district to which the transfer is sought to be  
10 made may file a written refusal to accept the territory as a  
11 part of their district and in case of such refusal the court  
12 shall enter an order dismissing the petition for the transfer.  
13 The trustees may withdraw their refusal at any time prior to  
14 the entry of an order dismissing the petition. In case the  
15 trustees fail to file a written refusal within the time  
16 hereinbefore authorized, they shall be deemed to have consented  
17 to a transfer of the territory to their district, and consent  
18 once given may not be withdrawn without leave of court for good  
19 cause shown. In case of such consent, the court shall proceed  
20 with the matter as herein provided but if the court finds that  
21 any of the conditions herein required for the making of a  
22 transfer do not exist it shall enter an order dismissing the  
23 petition. In taking any action upon the petition the findings  
24 of the court shall be filed of record in the case.

25 All property owners in the district from which the transfer  
26 is sought and all persons interested therein, may file

1 objections, and at the hearing may appear and contest the  
2 transfer and the matters averred in the petition, and both  
3 objectors and petitioners may offer any competent evidence in  
4 regard thereto. In addition, all persons residing in or  
5 interested in any of the property situated in the territory  
6 sought to be transferred shall have an opportunity to be heard  
7 touching the location and boundary of the territory to be voted  
8 upon for such transfer, and may make suggestions regarding the  
9 same.

10 If the court shall, upon hearing the petition, find that  
11 the territory described in the petition would receive equal or  
12 greater benefits by being so transferred and meet the  
13 conditions hereinbefore set forth, it shall certify to the  
14 proper election officials the question of whether the territory  
15 shall be transferred, and its order, and such officials shall  
16 submit that question at an election in such territory in  
17 accordance with the general election law. The proposition shall  
18 be in substantially the following form:

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20 For making the transfer from the  
21 ..... Fire Protection District to the  
22 ..... Fire Protection District, remaining  
23 liable for a proportionate share of the  
24 bonded indebtedness outstanding as of the  
25 date of disconnection, if any, of the district  
26 from which disconnection is proposed and also

1       assuming a proportionate share of the bonded  
 2       indebtedness, if any, of the district  
 3       to which transfer is proposed.

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5       Against making the transfer from the  
 6       ..... Fire Protection District to the  
 7       ..... Fire Protection District, remaining  
 8       liable for a proportionate share of the  
 9       bonded indebtedness outstanding as of the  
 10      date of disconnection, if any, of the district  
 11      from which disconnection is proposed and also  
 12      assuming a proportionate share of the bonded  
 13      indebtedness, if any, of the district  
 14      to which transfer is proposed.

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16           If a majority of the votes cast upon the question of making  
 17      the transfer shall be in favor of the transfer, the territory  
 18      shall thenceforth cease to be a part of the fire protection  
 19      district or districts to which it has been attached and shall  
 20      become an integral part of the fire protection district to  
 21      which the transfer shall have been sought and shall be subject  
 22      to all the enjoyments and responsibilities of the latter  
 23      district. In each case in which a transfer is effected pursuant  
 24      to the provisions hereof, the circuit clerk in whose court the  
 25      transfer proceedings have been conducted, shall certify copies  
 26      of all orders entered in effecting such transfer and file or

1 send them to the proper county clerk or clerks for filing and  
2 to the Office of the State Fire Marshal.

3 (Source: P.A. 94-806, eff. 1-1-07.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.