

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 3. The Illinois Municipal Code is amended by adding
5 Section 11-6-10 as follows:

6 (65 ILCS 5/11-6-10 new)

7 Sec. 11-6-10. Reimbursement of volunteer fire protection
8 assistance.

9 (a) Municipalities may fix, charge, and collect fees not
10 exceeding the reasonable cost of the service for all services
11 rendered by a volunteer municipal fire department or a
12 volunteer firefighter of any municipal fire department for
13 persons, businesses, and other entities who are not residents
14 of the municipality.

15 (b) The charge for any fees under subsection (a) shall be
16 computed at a rate not to exceed \$250 per hour per vehicle and
17 not to exceed \$70 per hour per firefighter responding to a call
18 for assistance. An additional charge may be levied to reimburse
19 the district for extraordinary expenses of materials used in
20 rendering such services. No charge shall be made for services
21 for which the total amount would be less than \$50.

22 (c) All revenue from the fees assessed pursuant to this
23 Section shall be deposited to the general fund of the

1 municipality.

2 (d) Nothing in this Section shall allow a fee to be fixed,
3 charged, or collected that is not allowed under any contract
4 that a fire department has entered into with another entity,
5 including, but not limited to, a fire protection district.

6 Section 5. The Fire Protection District Act is amended by
7 changing Section 16 as follows:

8 (70 ILCS 705/16) (from Ch. 127 1/2, par. 37)

9 Sec. 16. Territory included within the limits of any fire
10 protection district may be disconnected from the district and
11 added to another district to which the territory is contiguous,
12 in the manner hereinafter set forth; (1) if the territory would
13 receive equal or greater benefits from the district to which it
14 seeks to be transferred; (2) if the transfer will not cause the
15 territory remaining in the district from which the transfer is
16 to be made, to be noncontiguous; (3) if the transfer will not
17 cause a serious injury to the district from which the transfer
18 is to be made; and, (4) if the trustees of the district to
19 which the transfer is sought to be made do not file a written
20 refusal to accept the territory within the time hereinafter
21 provided. For purposes of this Section, "serious injury"
22 includes, but is not limited to, a loss of real estate tax
23 revenues by the district from which the transfer is sought of
24 10% or more by reason of the disconnection. If a court should

1 find any of the above items (1), (2), (3), or (4) not to be
2 true, then the petition to transfer territory from a district
3 shall be dismissed.

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

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

1 any, of the district to which the transfer is to be made, be
2 submitted to the voters of the territory sought to be
3 transferred.

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

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

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

26 All property owners in the district from which the transfer

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

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

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

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

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

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

1 of all orders entered in effecting such transfer and file or
2 send them to the proper county clerk or clerks for filing and
3 to the Office of the State Fire Marshal.

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

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