

AN ACT concerning local government.

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

Section 5. The Fire Protection of Unprotected Area Act is amended by changing Sections 1, 2, 3, 4, 5, 6, and 7 as follows:

(70 ILCS 715/1) (from Ch. 127 1/2, par. 301)

Sec. 1. Definitions. ~~As used in this Act:~~ As used in this Act:

"Unprotected area" means any part of an unincorporated area of a county ~~of less than 500,000 inhabitants,~~ which is not part of a fire protection jurisdiction ~~district,~~ or which does not have available on voluntary or contractual basis a source of fire protection coverage.

"Fire Marshal" means the State Fire Marshal.

"Fire Protection Jurisdiction ~~District~~" includes fire departments of any unit ~~units~~ of local government.

"Fire Protection Coverage" means the availability of fire protection on a voluntary, or contractual basis, from a municipal fire department or fire protection district, or eligibility to receive services from a unit of local government that provides fire protection.

(Source: P.A. 79-1054.)

(70 ILCS 715/2) (from Ch. 127 1/2, par. 302)

Sec. 2. Fire protection. After December 31, 1975, all unprotected areas of unincorporated portions of counties ~~of less than 500,000 inhabitants~~ shall be eligible for assignment by the Fire Marshal of fire protection coverage from a fire protection jurisdiction district. ~~Incorporated areas and municipal fire departments shall be exempt from the provisions of this Act.~~

(Source: P.A. 91-357, eff. 7-29-99.)

(70 ILCS 715/3) (from Ch. 127 1/2, par. 303)

Sec. 3. Request for coverage. Upon written request to the Fire Marshal, from registered voters or property owners of an unprotected area, the Fire Marshal is authorized to contact with all practicable speed fire protection jurisdictions districts near such unprotected area, to seek to arrange for fire protection coverage from a fire protection jurisdiction district under a voluntary, negotiated fee basis.

(Source: P.A. 83-392.)

(70 ILCS 715/4) (from Ch. 127 1/2, par. 304)

Sec. 4. Assignment of coverage; payment.

(a) If unable to arrange or negotiate successfully for fire protection coverage on a fee basis to the unprotected area within a reasonable period of time, the Fire Marshal may assign

a source of fire protection coverage to the unprotected area from a nearby fire protection jurisdiction ~~district~~.

(b) Whenever fire protection coverage services are provided to an unprotected area by a fire protection district, the persons requesting such services after the effective date of this amendatory Act of 1983 shall pay to the fire protection district providing the services an amount equal to the Fire Protection Tax levied by the fire protection district providing fire protection services. Such amount shall be paid annually on the anniversary date of the assignment.

(b-5) If fire protection coverage services are provided to an unprotected area by a municipal fire department, then the persons requesting the services shall pay to the municipality for providing fire protection an amount assigned by the municipality. The amount shall be paid annually on the anniversary date of the assignment by the Fire Marshal.

(c) The fire protection jurisdiction ~~district~~ that provides fire protection coverage services shall request payment each year as required by paragraph (b) from the persons requesting such services. Such request shall be sent by first class mail. If no payment is received within 30 days, a second request shall be sent. If no payment is received within 15 days after the second request is sent, a third request for payment shall be sent by certified mail.

If no payment is received within 15 days after the mailing of the third notice, the fire protection jurisdiction ~~district~~

shall certify to the Fire Marshal that the above notices were sent and that payment was not received. Upon receipt of the certification of nonpayment, the Fire Marshal shall terminate the assignment to such person's property.

(Source: P.A. 83-392.)

(70 ILCS 715/5) (from Ch. 127 1/2, par. 305)

Sec. 5. Term of coverage. Except as otherwise provided in this Section, an assignment under this Act shall be in force for 2 years. After such time no part of the area shall be eligible for another assignment. A person that has been assigned fire protection coverage services pursuant to this Act may petition the corporate authorities of the fire protection jurisdiction ~~district~~ providing such coverage for a continued assignment of coverage under this Act. If the corporate authorities agree to such continued assignment, they shall notify the Fire Marshal of such agreement and shall continue to provide for fire protection coverage to the property so long as payments to the jurisdiction ~~district~~ for such coverage as provided in this Act are made.

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

(70 ILCS 715/6) (from Ch. 127 1/2, par. 306)

Sec. 6. Priorities of assigned fire protection jurisdiction. The provisions of this statute, as provided in Section 4, shall in no way supersede the responsibility of the

assigned fire protection jurisdiction ~~district~~ to respond to calls for fire protection coverage within their own jurisdiction ~~district~~, or under prior contractual agreements, on a priority basis. The assignment authority of the Fire Marshal, as provided herein, shall require a fire protection jurisdiction ~~district~~ to provide fire protection coverage, to the best of their ability, subject to above priority considerations.

(Source: P.A. 79-1054.)

(70 ILCS 715/7) (from Ch. 127 1/2, par. 307)

Sec. 7. Exemptions from provisions of this Act.

(a) Where a designated or assigned fire protection jurisdiction ~~district~~ can show cause, to the satisfaction of the Fire Marshal, that assignment to provide fire protection coverage to an unprotected area would raise the Insurance Service Office ~~fire~~ rating classification of the jurisdiction ~~district~~ to a higher category or classification than that presently held, it shall, upon presentation of such sufficient evidence to the State Fire Marshal, be exempt from assignment by provisions of this statute to a designated area.

(b) Territory formerly included in a fire protection district which has been dissolved pursuant to Section 15a of "An Act in relation to fire protection districts", approved July 8, 1927, as amended, shall be exempt from assignment and negotiation under the provisions of this Act for a period of 24

months after such dissolution.

(c) The Fire Marshal may not assign an unprotected area to a municipal fire department unless an ordinance or resolution has been approved by the corporate authorities of the municipality agreeing to the assignment.

(Source: P.A. 83-392.)

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