

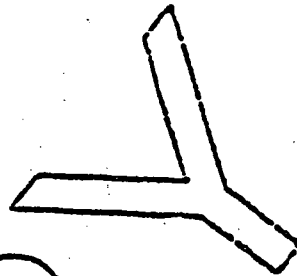


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FILE NO. S-1420

SPECIAL DISTRICTS:  
Authority of Fire Protection  
Districts to Develop  
Numbering Systems



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303 East Monroe Street  
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Dear Mr. Johnson:

This responds to your letter in which you request an opinion as to whether a fire protection district has the authority to develop a numbering system for the purpose of identifying properties within its boundaries. It is my opinion that it does not.

As a general rule, municipal corporations have only those powers explicitly conferred on them, or those powers reasonably required to carry out their specific responsibilities. The development of a numbering system is not a power explicitly granted by "AN ACT in relation to fire protection districts" (Ill. Rev. Stat. 1977, ch. 127 1/2, par. 21). The question is therefore presented as to whether

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a fire protection district has the authority to develop such a plan as a result of a general grant of power. It does not appear that it does because section 1 of the Act has been interpreted to limit expenditures of fire protection districts to the procurement and maintenance of physical apparatus used in fire fighting, and to other items that are specifically authorized.

Section 1 of "AN ACT in relation to fire protection districts" (Ill. Rev. Stat. 1977, ch. 127 1/2, par. 21) states in part:

"It is hereby declared as a matter of legislative determination that in order to promote and protect the health, safety, welfare and convenience of the public, it is necessary in the public interest to provide for the creation of municipal corporations known as fire protection districts and to confer upon and vest in the fire protection districts all powers necessary or appropriate in order that they may engage in the acquisition, establishment, maintenance and operations of fire stations, facilities, vehicles, apparatus and equipment for the prevention of and control of fire therein and provide as nearly adequate protection from fires for lives and property within the districts as possible and regulate the prevention and control of fire therein \* \* \*." (Emphasis added.)

This language was interpreted in Glenview Rural Fire Protection District v. Raymond (19 Ill. App. 3d 272) to mean that:

"[t]he announced purpose of a fire protection district \* \* \* is to provide physical protection against fires by means of fire departments and apparatus. The words 'in order that they may' contained in the first portion of the above section become vital in construing the entire section.

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The words 'in order that they may' reveal the purpose for the creation of fire protection districts, and are implicitly found and inferred in the latter portion of the paragraph as follows:

and to confer upon and vest in the fire protection district all powers necessary or appropriate in order that they may engage in the acquisition, establishment, maintenance and operation of fire stations, facilities, vehicles, apparatus and equipment for the prevention and control of fire therein and [in order that they may] provide as nearly adequate protection from fire for lives and property within the district as possible and [in order that they may] regulate the prevention and control of fire therein;

Consequently, both grammatically and logically, it is clear that the phrase 'regulate the prevention and control of fire therein' does not enlarge the powers given to fire protection districts, but is simply descriptive of the express powers and purposes granted to such districts.

\* \* \*

(Emphasis added.)

This ruling limits to physical equipment the type of fire protection for which fire protection districts can spend their funds. Thus since development of a numbering system is neither specifically authorized nor related to the "acquisition, establishment, maintenance and operation" of physical facilities related to fire fighting, the ruling in Glenview indicates that fire protection districts lack the authority to develop such a system.

This conclusion is supported by language in the Counties Act (Ill. Rev. Stat. 1977, ch. 34, pars. 404, 424) which states:

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"The county board of each county has the [power] \* \* \* to name or to change the name of any street, lane, road or highway and to regulate the numbering of buildings and lots adjacent to any street, lane, road or highway in the unincorporated area of the county."

and in the Cities and Villages Act (Ill. Rev. Stat. 1977, ch. 24, par. 11-80-18) which states:

"The corporate authorities of each municipality may regulate the numbering of buildings and lots \* \* \*."

These sections make it clear that all land covered by a fire protection district is authorized to be numbered by another unit of local government. Interpreting section 1 to grant fire protection districts the power to develop a numbering system would create the possibility of conflict between fire protection districts on the one hand and counties or cities on the other. Therefore, in light of the interpretation of the statutory language set forth in Glenview and the possibility of such a conflict, I am of the opinion that fire protection districts lack such power.

Very truly yours,

A T T O R N E Y G E N E R A L