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City Council Document Tracking Sheet

Meeting Date:	12/12/2012
Sponsor(s):	Fioretti, Bob (2) Brookins, Howard (21) Burnett, Walter (27) Sposato, Nicholas (36)
Type:	Ordinance
Title:	Exemption from payment of water rates for certain not-for profit organizations
Committee(s) Assignment:	Committee on Budget and Government Operations

BUD

11-12-540 Exemptions from charges.

(a) The comptroller shall exempt from the payment of water rates the property enumerated in this subsection (a) if the account for such property is controlled by meter, as follows. If the account for such property is not controlled by meter, no exemption shall apply.

(1) Any property of the State of Illinois that is used as an armory by the state or federalized national guard shall be exempt from payment of 100% of the water service charge.

(2) All property owned or leased or occupied by the City of Chicago shall be exempt from payment of 100% of the water service charge, unless said City, either as lessee or lessor, shall enter into an agreement for the payment of rates by the other party.

(3) All property owned or leased or occupied by the Chicago Public Schools shall be exempt from payment of 100% of the water service charge, unless said entity, either as lessee or lessor, shall enter into an agreement for the payment of rates by the other party.

(4) All property owned or leased or occupied by the City Colleges of Chicago shall be exempt from payment of 100% of the water service charge, unless said entity, either as lessee or lessor, shall enter into an agreement for the payment of rates by the other party.

(5) All hospitals located within the corporate limits of the City that are operated by the Cook County government shall be exempt from payment of 100% of the water service charge.

(6) Except as otherwise provided in item (5) of this subsection (a), all not-for-profit disproportionate share hospitals located within the corporate limits of the City shall be exempt from payment of 60% of the water service charge in 2012, 40% of the water service charge in 2013, and 20% of the water service charge in 2014 and thereafter, if such not-for-profit hospital qualifies for a disproportionate share adjustment consistent with Section 148.120 of Subchapter d of Chapter I of Title 89 of the Illinois Administrative Code, as amended, codified at 89 Ill. Adm. Code § 148.120.

(7) All public museums shall be exempt from payment of 20% of the water service charge, if such public museum is eligible to receive funds for capital development under subdivision (7) of § 1-25 of the Department of Natural Resources Act, as amended, codified at 20 ILCS 801/1-1 et

8) Not for profit organizations, other than any entity identified in items (1) through (7) of this subsection (a), shall be exempt from payment of the water service charge, as long as:

(i)(a) the not for profit organization provides charitable, moral, health, education, safety, or similar social services to the community, and

(b) has its own employment identification number; and

(c) is exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 2010, as amended; and

(d) owns, leases or uses the real estate in the City on which the water is used; and

(e) the real estate is exempt from real estate taxes and is in compliance with applicable zoning requirements, and

(f) the organization has in place a written plan to conserve water. Provided, however, that such exemption shall not apply to any not-for-profit organization that has net assets or fund balances of \$250,000,000.00 or more at the end of the tax year or calendar year immediately preceding any calendar year and that is required by federal law or regulation to make such information available to the public.

~~(8) Not for profit organizations, other than any entity identified in items (1) through (7) of this subsection (a), shall be exempt from payment of the water service charge, as follows:~~

~~(i) If, as of November 9, 2011, such not for profit organization had applied for and was subsequently granted a charitable exemption from payment of any portion of the water service charge for such premises in calendar year 2011, such not for profit organization shall be exempt from payment of 60% of the water service charge in 2012, 40% of the water service charge in 2013 and 20% of the water service charge in 2014 and thereafter for water supplied to premises owned and used and occupied exclusively by such not for profit organization. Provided, however, that such exemption shall not apply to any not for profit organization that has net assets or fund balances of \$250,000,000.00 or more at the end of the tax year or calendar year immediately preceding any calendar year and that is required by federal law or regulation to make such information available to the public.~~

~~(ii) If, as of November 9, 2011, such not for profit organization had not applied for a charitable exemption from payment of any portion of the water service charge for such premises in calendar year 2011 and such not for profit organization is otherwise eligible for such exemption, such not for profit organization shall be exempt from payment of 20% of the water service charge in 2012 for water supplied to premises owned and used and occupied exclusively by such not for profit organization. Provided, however, that such exemption shall not apply to any not for profit organization that has net assets or fund balances of \$250,000,000.00 or more at the end of the tax year or calendar year immediately preceding any calendar year and that is required by federal law or regulation to make such information available to the public.~~

(b) The supply to all premises enumerated in this section on which water may be taken from the waterworks system of the City of Chicago shall be controlled by meter, and the cost of meter, its installation, connections and vaults thereof, and the erection, construction and maintenance thereof shall be paid for and be borne by the institution or owner thereof. Nothing contained in this paragraph shall be held to exempt property of the United States, of the State of Illinois, or of any of its political subdivisions except as hereinbefore mentioned.

(c) The comptroller may fix such reasonable amounts of water as the comptroller, following consultation with the commissioner of water management, may deem to be sufficient for the requirements of said premises, and the exemption from payment of water rates shall be limited to said reasonable amounts so fixed. All use of water in excess of said reasonable amounts shall be paid for at the rates for metered water hereinafter fixed in Section 11-12-310.

(d) Accounts against the property of any entity exempted under the provisions of items (1), (2), (3), (4), (5), (6), (7) or (8) of subsection (a) of this section shall be kept in the usual manner. Upon receipt of the initial application for such exemption, such account, which shall be metered, shall be inspected by authorized personnel from the department of ~~water~~ management, who

shall certify to the comptroller whether the entity so inspected is eligible for the exemption under this section being claimed by such entity.

(Prior code § 185-47; Amend Coun. J. 12-4-02, p. 99026, § 1.12; Amend Coun. J. 12-14-05, p. 66648, § 1; Amend Coun. J. 11-16-11, p. 13798, Art. VIII, § 3)

Robert W. Fioretti
Alderman, 2nd Ward

Howard Brookins Jr.
Alderman, 21st Ward

Waterman, 27th

Scott Wagman 32
James Mitts 37
Sandy Jackson 7th
Debra K. Strakos 27th
Joan A. Year 49

Joe A. Fox 45
Joe A. Fox 1540
Linda L. Foster 5th
Linda L. Foster 18
Robert Malbon 26th
Amy A. Allen 47
Joel Allen 1st

Nicholas G. Gato 36th

Rob. M. G. 22nd

John K. G. 2012
24th 11 Charles

Joe A. Fox 10th

James Belar 4
James Appleman 46
John Thompson 16th

Pat Lowell 3rd
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