

Chapter 140

PROPERTY TAX ABATEMENT

Sec. 140-1 Abatement.

The County Clerk of Carroll County shall abate a sum equal to 100% of the County General Fund, County Highway Fund, County Matching Fund and County Bridge Fund taxes on the following properties if notified by the County Treasurer that the owner or occupier of the property has complied with the terms of this chapter and is entitled to the abatement:

(a) Commercial and Industrial Properties.

(1) The property of any commercial or industrial firm, including but not limited to the property of any firm that is used for collecting, separating, storing, or processing recyclable materials, locating within the taxing district during the immediately preceding year from another state, territory, or country, or having been newly created within this State during the immediately preceding year, or expanding an existing facility. The abatement shall not exceed a period of 10 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed \$4,000,000; or

(2) The property of any commercial or industrial development of at least 500 acres having been created within the taxing district. The abatement shall not exceed a period of 20 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed \$12,000,000.

(3) The property of any commercial or industrial firm currently located in the taxing district that expands a facility or its number of employees. The abatement shall not exceed a period of 10 years and the aggregate amount

of abated taxes for all taxing districts combined shall not exceed \$4,000,000. The abatement period may be renewed at the option of the taxing districts.

The term "number of new employees" shall mean the number of employees who worked at least 40 hours per week for at least 40 weeks during the calendar year minus the number of employees who worked at least 40 hours per week for at least 40 weeks during the preceding calendar year.

The term "percentage increase of employment" shall mean the number of new employees as defined above, divided by the number of employees who worked at least 40 hours per week for at least 40 weeks during the preceding calendar year.

The abatement shall vary yearly on the basis of an increase in employment in accordance with following schedule:

<u>Number of New Employees</u>	<u>% Increase of Employment</u>	<u>% of County Taxes Abated</u>
2 - 4	25%	50%
5 - 19	50%	75%
20 or more	75% or more	100%

The abatement shall be calculated on the basis of the number of new employees or the percentage increase of employees, whichever yields the lesser abatement. In no event shall a firm receive an abatement under this resolution in any tax year for any single facility in excess of \$5,000.

(b) Housing for Older Persons. Any property in the taxing district that is devoted exclusively to affordable housing for older households. For purposes of this paragraph, "older households" means those

households (i) living in housing provided under any State or federal program that the Department of Human Rights determines is specifically designed and operated to assist elderly persons and is solely occupied by persons 55 years of age or older and (ii) whose annual income does not exceed 80% of the area gross median income, adjusted for family size, as such gross income and median income are determined from time to time by the United States Department of Housing and Urban Development. The abatement shall not exceed a period of 15 years, and the aggregate amount of abated taxes for all taxing districts shall not exceed \$3,000,000.

Sec 140-2 Establishing Eligibility for Abatement.

It shall be the responsibility of the person seeking an abatement to establish by clear and convincing evidence that it is eligible for the abatement requested. The Treasurer may request any form of documentation or information he reasonably believes may assist in his determination that the applicant for the abatement is entitled thereto, and the failure of any applicant to supply such information in a timely manner when requested shall constitute a withdrawal of the application.

Sec. 140-3 Alter Ego.

No person, firm or entity which is an *alter ego* as the term is defined in the opinion in Superior Coal Co. v. Dept. of Finance, 377 Ill. 282 (1941) of an eligible firm shall be eligible for a tax abatement under this resolution. A person, firm or entity seeking abatement hereunder shall provide the Treasurer with such information as he may require to establish that the firm is not an alter ego of a firm which is ineligible for the abatement.

Sec. 140-4 Application for Abatement.

Applications for abatement under this resolution shall be made with the County Treasurer on such forms as he may prescribe and shall be completed prior to the last business day in March of the year in which the abated taxes would be due.

Sec. 140-5 Procedure After Application.

If the County Treasurer is satisfied that the firm would receive an abatement, he

shall so certify to the County Clerk. The firm receiving the abatement shall pay the full amount of taxes assessed in a timely manner as if there were no abatement; the County Treasurer shall then by October 1 of that year re-pay the abated amount to the firm. A person, firm or entity which is delinquent in its taxes shall forfeit any right to the abatement.

Sec 140-6 Limitations.

This chapter shall apply to all of the territory of the County except that which is included within the territory of an Enterprise Zone.

History:

Authority: 35 ILCS 200/18-165.