

A nonprofit organization formed to provide food and drink to firemen, policemen, and other authorized personnel at the scene of major disasters qualifies for exemption under section 501(c)(3) of the Code.

Advice has been requested whether the nonprofit organization described below qualifies for exemption from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1954.

The organization was formed to provide food and drink to firemen, police, and other emergency personnel at the scene of fires, riots, and other disasters. The organization owns a station house equipped to receive all alarms throughout the city. It operates two trucks equipped for dispensing snacks and beverages.

The organization responds to all fires of two or more alarms and to other emergency situations. These fires usually involve personnel of several fire companies plus personnel from other sources working under emergency conditions for several hours. The critical nature of the situations precludes the assigned personnel from leaving their posts. Volunteer workers of the organization dispense snacks and beverages to the emergency personnel, thus enabling them to perform their duties more efficiently. The organization is authorized by the local government to perform these activities. It is supported by contributions from the general public.

Section 501(c)(3) of the Code provides for the exemption from Federal income tax of organizations organized and operated exclusively for charitable purposes.

Section 1.501(c)(3)-1(d)(2) of the Income Tax Regulations provides that the term 'charitable' is used in section 501(c)(3) in its generally accepted legal sense and includes lessening of the burdens of Government.

In the general law of charity, certain purposes are clearly charitable. These include relief of the poor and distressed or underprivileged, advancement of religion, advancement of education, erection or maintenance of public buildings, monuments, or works, or otherwise lessening the burdens of Government, and other purposes the accomplishment of which is beneficial to the community. See Rev. Rul. 67-325, C.B. 1967-2, 113.

Trusts that benefit Federal, state, or local governments are charitable in the generally accepted legal sense. See IV Scott on Trusts (3rd edition 1967) Sec. 373.1. Bogert Law of Trusts Sec. 378, (2d ed. 1964).

Similarly, organizations that render services to such governments are charitable. For example, an organization that

researches regional problems for municipal governments is charitable. See Rev. Rul. 70-79, C.B. 1970-1, 127, Rev. Rul. 70-583, C.B. 1970-2, 114, and Rev. Rul. 70-584, C.B. 1970-2, 114, which illustrate situations of lessening the burdens of Government.

By assisting firemen, police, and other personnel to perform their duties more efficiently during emergency conditions, the organization is both accomplishing a purpose beneficial to the entire community and assisting the government in carrying out its function. In this manner it is helping to lessen the burdens of Government.

Accordingly, it is held that the organization is exempt from Federal income tax under section 501(c)(3) of the Code.

Even though an organization considers itself within the scope of this Revenue Ruling, it must file an application on Form 1023, Exemption Application, in order to be recognized by the Service as exempt under section 501(c)(3) of the Code. The application should be filed with the District Director of Internal Revenue for the district in which is located the principal place of business or principal office of the organization. See Section 1.501(a)-1 of the regulations.