

TAMA COUNTY ORDINANCE VI.5 (6.5)

**WIND ENERGY CONVERSION ASSESSMENT ORDINANCE**

Section 1. Purpose.

The purpose of this ordinance is to provide for the special valuation of wind energy conversion property pursuant to Iowa Code Chapter 427B.26.

Section 2. Definitions.

1. Net Acquisition Cost: means the acquired cost of the property including all foundations and installation cost less any excess cost adjustment.
2. Wind Energy Conversion Property: means the entire wind plant including, but not limited to, a wind charger, windmill, wind turbine, tower and electrical equipment, pad mount transformers, power lines, and substation.

Section 3. Authority to Establish.

The Board of Supervisors is authorized, pursuant to Iowa Code Chapter 427B.26 to provide by ordinance for special valuation of wind energy conversion property as provided in Section 4.

Section 4. Establishment.

Pursuant to Iowa Code Chapter 427B.26, a special valuation of wind energy conversion property is allowed in lieu of the valuation assessment provision in Iowa Code Chapter 441.21, subsection 8, paragraphs b and c, and Iowa Code Chapter 428.24 to 428.29, wind energy conversion property which is first assessed for property taxation on or after January 1, 1994, and on or after the effective date of the ordinance.

Section 5. Amount of Valuation.

Wind energy conversion property, first assessed on or after the effective date of this ordinance, shall be valued by the county assessor for property tax as follows:

- Assessment year 1 = 0% of the net acquisition cost.
- Assessment year 2 = 5% of the net acquisition cost.
- Assessment year 3 = 10% of the net acquisition cost.
- Assessment year 4 = 15% of the net acquisition cost.
- Assessment year 5 = 20% of the net acquisition cost.
- Assessment year 6 = 25% of the net acquisition cost.
- Assessment years after the 7<sup>th</sup> year = 30% of the net acquisition cost.

Section 6. Declaration of Special Valuation.

The taxpayer shall file with the local assessor by February 1<sup>st</sup> of the assessment year in which the wind energy conversion property is first assessed for property tax purposes, a declaration of intent to have

the property assessed at the value determined under this section in lieu of the valuation and assessment provisions in section 441.21, subsection 8, paragraphs b and c, and sections 428.24 to 428.29.

If the taxpayer does not file with the county assessor by February 1 of the assessment year for which the person files a declaration of intent to have the property assessed as provided above, then the declaration of intent shall be considered as a declaration filed for the following year.

#### Section 7. Reporting Requirements.

The following reports shall be filed annually with the county assessor by the taxpayer; in the first year, with the declaration of intent prescribed in Section 6; and by February 1 of each year thereafter:

1. Copy of asset ledger sheet to IRS;
2. Engineering breakdown of component parts;
3. Tower numbering system;
4. Name of the contact person, phone number, fax number, and mailing address;
5. Report of all leased equipment, the name(s) of the company(s) it is leased from, and the agreement between the lesser and lessee regarding who is responsible for the property tax on the leased equipment.

#### Section 8. Repeal of Special Valuation.

If in the opinion of the Board of Supervisors continuation of the special valuation provided under Section 4 ceases to be of benefit to the county, the Board of Supervisors may repeal the ordinance. Property specially valued under Section 4 prior to the repeal of the ordinance shall continue to be valued under Section 4 until the end of the 19<sup>th</sup> assessment year following the assessment year in which the property was first assessed.

#### Section 9. Repealer.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

#### Section 10. Severability Clause.

If any section, provision, or other part of this ordinance shall be judged invalid or unconstitutional, said adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or other part thereof not adjudged invalid or unconstitutional.

#### Section 11. Effective Date.

This ordinance shall be effective after its final passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS 5<sup>TH</sup> DAY OF JANUARY, 2010.

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Chair, Board of Supervisors

ATTEST: \_\_\_\_\_  
Tama County Auditor