

Title: Assessment of Wind Energy Conversion Property

Be it enacted by the Board of Supervisors of Des Moines, Iowa:

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

For use in this ordinance, certain terms and words used herein shall be interpreted or defined as provided for in the Iowa Code 427B.26 or if not defined as follows:

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, substation and any other property that would be accessible for which the wind energy conversion property lies thereon.

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 below.

Section 4: Establishment

Pursuant to Iowa Code chapter 427B.26, a special valuation of wind energy conversion property is allowed in lieu of valuation assessment provisions in Iowa Code Chapter 442.21(9)(b) and (c), and Iowa Code Chapters 428.24 to 428.29. The special valuation shall only apply to wind energy conversion property first assessed on or after the effective date of this ordinance as noted below.

Section 5: Amount of Valuation

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

1. For the first assessment year, at zero percent (0%) of the net acquisition cost.
2. For the second (2nd) through sixth (6th) assessment years, at a percent of the net acquisition cost which rate increases by five percent (5%) each assessment year.
3. For the seventh (7th) and succeeding assessment years (19 in total as provided for in Iowa Code Section 427B.26) at thirty percent (30%) of the net acquisition cost.

Section 6: Declaration of Special Valuation

The taxpayer shall file with the county assessor by February 1 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 Section 5 in lieu of valuation assessment provisions in Iowa Code Chapter 441.21 (9)(b) and (c), and Iowa Code Chapters 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. The following year shall be the first of assessment as provided for above.

Section 7: 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 at any time at their discretion. Property specially valued under this ordinance prior thereto the Board of Supervisors'

repeal of the ordinance shall continue to be valued under Section 4 in Iowa Code Section 427 B.26 until the end of the nineteenth (19) assessment year following the assessment year in which the property was first assessed.

Section 8: Repealer

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

Section 9: Severability Clause

If any section, provision, or other part of this ordinance shall be adjudged 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 10: Penalty

Any person, firm or corporation violating any regulation in or any provision of this ordinance or of any amendment of supplement thereto, shall be guilty of a simple misdemeanor which is punishable by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment of not more than thirty (30) days and shall be guilty of a county infraction punishable by a civil penalty of not more than One Hundred Dollars (\$100.00), or if the infraction is a repeat offense, by a civil penalty not to exceed Two Hundred Dollars (\$200.00). Each day that a violation occurs or is permitted by the Defendant to exist, constitutes a separate offense.

Section 11: When Effective

This ordinance shall be in effect upon its final passage, approval and publication as provided by law and made by Dan Cahill and seconded by Robert Beck. To approve the final reading of Des Moines County Rule Ordinance No. 52 entitled "Assessment of Wind Energy Conversion Property".

Votes taken results as follows:

1 st Reading	2 nd Reading	3 rd Reading
Jeff M. Heland		Jeff M. Heland
Robert W. Beck	Robert W. Beck	Robert W. Beck
Dan Cahill	Dan Cahill	Dan Cahill

PASSED AND APPROVED this 1st day of September, 2009.
DES MOINES COUNTY, IOWA, BOARD OF SUPERVISORS
Jeffrey Heland, Chairman
Board of Supervisors, Des Moines County
ATTEST: Carol S. Copeland by Donna J. Bonar, Deputy