

ORDINANCE #9

PARTIAL PROPERTY TAX EXEMPTION
FOR CATTLE FACILITIES

SECTION 1. PARTIAL EXEMPTION. A partial exemption is provided from property taxation of the actual value added to owner-operated cattle facilities, including small or medium sized feedlots but not including slaughter facilities, either by new construction or by the retrofitting of existing facilities, pursuant to Section 427B.7, Code of Iowa.

SECTION 2. DEFINITIONS. "New Construction" means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New Construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure, unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products which determination shall receive prior approval from the Board of Supervisors upon the recommendation of the Iowa Development Commission. The exemption shall also apply to new machinery and equipment assessed as real estate pursuant to Section 427A.1(1)(e) of the Iowa Code unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.

"Actual value added" as used in this ordinance means that the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means that actual value as determined by the assessor as of January 1st of each year for which the exemption is received.

SECTION 3. AMOUNT OF EXEMPTION. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

- A. For the first year, seventy-five percent (75%).
- B. For the second year, sixty percent (60%).
- C. For the third year, forty-five percent (45%).
- D. For the fourth year, thirty percent (30%).
- E. For the fifth year, fifteen percent (15%).

The granting of the exemption under this Section for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the owner-operated cattle facility real estate being reduced below the assessed value of the owner-operated cattle facility real estate before the start of the new construction added.

SECTION 4. PROCEDURE. An application shall be filed for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the county assessor by February 1st of the assessment year in which the value added is first assessed for taxation. Applications for exemption shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the Director of Revenue.

A person may submit a proposal to the Board of Supervisors to receive prior approval for eligibility for a tax exemption on new construction. The Board of Supervisors, by ordinance may give its prior approval of a tax exemption for new construction if the new construction is in conformance with the zoning plans for the county. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate. However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the Board of Supervisors to approve or reject.

- SECTION 5. RIGHT TO APPEAL. When in the opinion of the County Board of Supervisors continuation of the exemption granted by this Act ceased to be of benefit to the County, the County Board of Supervisors may repeal the ordinance authorized by Section One (1) of the ordinance, but all existing exemptions shall continue until their expiration.
- SECTION 6. LIMITATION OF EXEMPTION. A property tax exemption under this ordinance shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.
- SECTION 7. REPEALER. All ordinances and resolutions, parts thereof or amendments thereto in conflict with this ordinance are hereby repealed.
- SECTION 8. SEVERABILITY OF REPEALER. All ordinances are resolutions, parts thereof or amendments thereto not directly affected by this ordinance, shall remain in full force and effect.
- SECTION 9. SEVERABILITY. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such section, provision or part shall be severable from the rest of the ordinance, and such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part not adjudged invalid or unconstitutional.
- SECTION 10. EFFECTIVE DATE. This ordinance shall be in full force and effect after its final passage and publication as by law provided.

PASSED AND ADOPTED THIS 17th DAY OF December, 1990.

VOTES AS FOLLOWS: AYES: Mayer, Hendrickson, McCarthy

NAYS: none


Betty McCarthy
CHAIRMAN MITCHELL COUNTY BOARD
OF SUPERVISORS

ATTEST: Sandra Heckstein
SANDRA HECKSTEIN
MITCHELL COUNTY AUDITOR

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