

WISCONSIN PROPERTY TAX EXEMPTIONS

A GUIDE FOR DETERMINING EXEMPTION STATUS

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70.109 PRESUMPTION OF TAXABILITY

70.109 Exemptions under this chapter shall be strictly construed in every instance with a presumption that the property in question is taxable, and the burden of proof is on the person who claims the exemption.

History: 1997 a. 237. Exemption from payment of taxes is an act of legislative grace; the party seeking the exemption bears the burden of proving entitlement. Exemptions are only allowed to the extent the plain language of a statute permits. For tax exemptions to be valid they must be clear and express, and not extended by implication.. In construing tax exemptions, courts apply a strict but reasonable construction resolving any doubts regarding the exemption in favor of taxability. *United Rentals, Inc. v. City of Madison*, 2007 WI App 131, 302 Wis. 2d 245, 733 N.W.2d 322, 05-1440.

Court Cases

DOR Guidelines:

WPAM:

Notes/Cross Reference:

70.11 PROPERTY EXEMPTED FROM TAXATION

70.11 The property described in this section is exempted from general property taxes if the property is exempt under [sub. \(1\)](#) (*Property of the State*), [\(2\)](#) (*Municipal Property and Property of Certain Districts, Exception*), [\(18\)](#) (*Housing*), [\(21\)](#) (*Treatment Plant and Pollution Abatement Equipment*), [\(27\)](#) (*Manufacturing Machinery and Specific Processing Equipment*) or [\(30\)](#) (*Crops*); if it was exempt for the previous year and its use, occupancy or ownership did not change in a way that makes it taxable; if the property was taxable for the previous year, the use, occupancy or ownership of the property changed in a way that makes it exempt and its owner, on or before March 1, files with the assessor of the taxation district where the property is located a form that the department of revenue prescribes or if the property did not exist in the previous year and its owner, on or before March 1, files with the assessor of the taxation district where the property is located a form that the department of revenue prescribes. Leasing a part of the property described in this section does not render it taxable if the lessor uses all of the leasehold income for maintenance of the leased property or construction debt retirement of the leased property, or both, and, except for residential housing, if the lessee would be exempt from taxation under this chapter if it owned the property. Any lessor who claims that leased property is exempt from taxation under this chapter shall, upon request by the tax assessor, provide records relating to the lessor's use of the income from the leased property. Property exempted from general property taxes is listed on the subsequent pages.

Court Cases

DOR Guidelines: “**Maintenance**” for leased properties would include expenses for the exterior structure and interior components of the property.

Examples of expenses that qualify as maintenance:

- *Cleaning expenses*
- *Ventilation system & elevator repairs and maintenance*
- *Flooring repairs, wall repairs and painting*
- *Refuse collection & snow removal*
- *Property insurance*
- *Government fees required for completion of maintenance such as building permit fees for roof replacement*
- *Reserves for replacement – for those annual allowances to replace building components, fixtures, and equipment, such as flooring, roof, or window replacement, and ventilation system replacement.*
- *Cost of labor and related supplies required to complete the aforementioned tasks.*

Examples of expenses that would NOT qualify as maintenance:

- *Business insurance*
- *Advertising*
- *Depreciation*
- *Property additions & acquisitions*
- *Debt payments*
- *Management, legal, accounting and financing fees*
- *Income, franchise, corporate and real estate taxes*
- *Fees & expenses that are associated with providing social, healthcare and other services for residents*
- *Cost of labor and any related supplies for these types of expenses*

WPAM: See pages 21.7-1 for LEGAL REFERENCE, 22-2 through 22-8 for GENERAL information, and 22-27 for ASSOCIATED HOSPITALS.

Notes:

(1) PROPERTY OF THE STATE.

70.11(1) Property owned by this state except land contracted to be sold by the state. This exemption shall not apply to land conveyed after September, 1933, to this state or for its benefit while the grantor or others for the grantor's benefit are permitted to occupy the land or part thereof in consideration for the conveyance; nor shall it apply to land devised to the state or for its benefit while another person is permitted by the will to occupy the land or part thereof. This exemption shall not apply to any property acquired by the department of veterans affairs under [s. 45.32 \(5\)](#) – [Exercise the rights of a mortgagee, generally including the right to do any of the following:

- (a) Acquire or take possession of the mortgaged property and in so doing the department may accept voluntary surrender and conveyance of title to the property in full satisfaction of a mortgage debt or may bid for and purchase the property at a sheriff's sale or replevin the property.
- (b) Commit itself to execute and execute subordination agreements, partial releases, and other necessary instruments.
- (c) Set up and follow procedures to assure proper disbursement of the proceeds of insurance checks, share drafts, or other drafts covering damages sustained on mortgaged properties.
- (d) Pay the principal and interest on any obligations incurred in connection with the mortgages on the property including real estate taxes, insurance premiums, attorney fees, and obligations created as a result of its exercise of powers vested in it under this subchapter.
- (e) Exercise any other powers as may be necessary for the efficient administration of this subchapter]

and [\(7\)](#) – [Manage, operate, lease, exchange, sell, and otherwise convey real property] or to the property of insurers undergoing rehabilitation or liquidation under [ch. 645](#) – [Insurers Rehabilitation and Liquidation]. Property exempt under this subsection includes general property owned by the state and leased to a private, nonprofit corporation that operates an Olympic ice training center, regardless of the use of the leasehold income.

Court Cases

DOR Guidelines:

WPAM: See pages 21.7-2 for LEGAL REFERENCE
22-39 for ICE TRAINING CENTER
22-47 for STATE OF WI

Notes/Cross Reference: Indicia of true and beneficial ownership of leased property under sub. (1) are discussed. *Gebhardt v. City of West Allis*, 89 Wis. 2d 103, 278 N.W.2d 465 (1979).

(2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.

70.11(2) Property owned by any county, city, village, town, school district, technical college district, public inland lake protection and rehabilitation district, metropolitan sewerage district, municipal water district created under [s. 198.22](#) – [Municipal water districts], joint local water authority created under [s. 66.0823](#) – [Joint local water authorities], long-term care district under [s. 46.2895](#) – [Long-term care district] or town sanitary district; lands belonging to cities of any other state used for public parks; land tax-deeded to any county or city before January 2; but any residence located upon property owned by the county for park purposes that is rented out by the county for a nonpark purpose shall not be exempt from taxation. Except as to land acquired under [s. 59.84 \(2\) \(d\)](#) – [Acquisition of lands and interests therein], this exemption shall not apply to land conveyed after August 17, 1961, to any such governmental unit or for its benefit while the grantor or others for his or her benefit are permitted to occupy the land or part thereof in consideration for the conveyance. Leasing the property exempt under this subsection, regardless of the lessee and the use of the leasehold income, does not render that property taxable.

Court Cases

DOR Guidelines:

WPAM: See 21.7-3 and 21.7-17 for LEGAL REFERENCE

22-30 for CITY PROPERTIES

22-31 for COUNTIES

22-33 for FAMILY CARE DISTRICTS

22-42 for METROPOLITAN SEWERAGE DISTRICTS

22-43 for MUNICIPALLY OWNED PROPERTY & MUNICIPAL WATER DISTRICT PROPERTY

22-45 for PUBLIC INLAND LAKE PROTECTION & REHABILITATION DISTRICTS

22-47 for SCHOOL DISTRICT & SEWERAGE DISTRICTS

22-49 for TOWNS

22-50 for VILLAGE PROPERTY & VOCATIONAL SCHOOL DISTRICTS

22-50 for WATER AUTHORITY

Notes/Cross Reference: "Owned" under sub. (2) cannot be equated with paper title only. When a corporate lessee was the beneficial and true owner of improvements made to a structure, the lessee was the owner for personal property assessment purposes. *State ex rel. Mitchell Aero v. Bd. of Review*, 74 Wis. 2d 268, 246 N.W.2d 521 (1976). Retaining legal title to land does not guarantee that a municipality will remain the owner of property for tax exemption purposes. Taxation or exemption depends not upon legal title but on the status of the owner of the beneficial interest in the property. "Owned" in sub. (2) means beneficial ownership, not mere technical title. *Milwaukee Regional Medical Center v. City of Wauwatosa*, 2007 WI 101, ___ Wis. 2d ___, 735 N.W.2d 156, 05-1160.

(2m) PROPERTY LEASED OR SUBLEASED TO SCHOOL DISTRICTS.

70.11(2m) All of the property that is owned or leased by a corporation, organization or association that is exempt from federal income taxation under section 501 (c) (3) – [*Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation (except as otherwise provided in subsection (h)), and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.*] of the Internal Revenue Code if all of that property is leased or subleased to a school district for no or nominal consideration for use by an educational institution that offers regular courses for 6 months in a year.

Court Cases

DOR Guidelines:

WPAM: See page 22-47 for *SCHOOL DISTRICT-Property Leased or Subleased to*.

Notes/Cross Reference:

(3) COLLEGES AND UNIVERSITIES.

70.11(3)

(a) Grounds of any incorporated college or university, not exceeding 80 acres.

(b) The fact that college or university officers, faculty members, teachers, students or employees live on the grounds does not render them taxable. In addition to the exemption of leased property specified in the introductory phrase of this section, a university or college may also lease property for educational or charitable purposes without making it taxable if it uses the income derived from the lease for charitable purposes.

(c) All buildings, equipment and leasehold interests in lands described in s. 36.06, 1971 stats., and s. 37.02 (3), 1971 stats.

Court Cases

DOR Guidelines:

WPAM: See pages 22-10,

22-30 for COLLEGES & UNIVERSITIES

22-33 for EDUCATIONAL INSTITUTIONS OR ASSOCIATIONS

22-48 for STATE UNIVERSITY & COLLEGES

Notes/Cross Reference: Not to exceed 30 or 80 acres. Non-adjointing property may constitute "grounds" of a college or university under sub. (3) (a). *Indiana University v. Town of Rhine*, 170 Wis. 2d 293, 488 N.W.2d 128 (Ct. App. 1992).

(3a) BUILDINGS AT THE WISCONSIN VETERANS HOMES.

70.11(3a) All buildings, equipment and leasehold interests in lands described in [s. 45.03 \(5\)](#) – [Department powers to provide structures, facilities, and permanent improvements].

Court Cases

DOR Guidelines:

WPAM: See page 22-50 for VETERANS' INFIRMARY - DOMICILIARY BUILDINGS and WISCONSIN VETERANS HOME BUILDINGS.

Notes/Cross Reference: Non-adjointing property may constitute "grounds" of a college or university under sub. (3) (a). *Indiana University v. Town of Rhine*, 170 Wis. 2d 293, 488 N.W.2d 128 (Ct. App. 1992).

(3m) STUDENT HOUSING FACILITIES.

70.11(3m) (a) All real and personal property of a housing facility for which all of the following applies:

1. The facility is owned by a nonprofit organization.
2. At least 90 percent of the facility's residents are students enrolled at the University of Wisconsin-Madison and the facility houses no more than 300 such students.
3. The facility offers support services and outreach programs to its residents, the public or private institution of higher education at which the student residents are enrolled, and the public.

(b) If a nonprofit organization owns more than one housing facility, as described under [par. \(a\)](#), the exemption applies to only one facility, at one location.

(c) Leasing a part of the property described in this subsection does not render it taxable if the lessor uses the leasehold income only for the following:

1. Maintenance of the leased property.
2. Construction debt retirement of the leased property.
3. The purposes for which the exemption under section 501 (c) (3) of the Internal Revenue Code is granted to the nonprofit organization that owns the facility.

Court Cases

DOR Guidelines:

WPAM:

Notes/Cross Reference:

(4) EDUCATIONAL, RELIGIOUS AND BENEVOLENT INSTITUTIONS; WOMEN'S CLUBS; HISTORICAL SOCIETIES; FRATERNITIES; LIBRARIES.

70.11(4) (a) Property owned and used exclusively by educational institutions offering regular courses 6 months in the year; or by churches or religious, educational or benevolent associations, or by a nonprofit entity that is operated as a facility that is licensed, certified, or registered under [ch. 50](#), (*Licensed Facilities*) including benevolent nursing homes but not including an organization that is organized under [s. 185.981](#) (*Cooperative sickness care*) or [ch. 611](#) (*Domestic Stock and Mutual Insurance Corporations*), [613](#) (*Service Insurance Corporations*) or [614](#) (*Insurance – Fraternal*) and that offers a health maintenance organization as defined in [s. 609.01 \(2\)](#) – [*Health maintenance organization" means a health care plan offered by an organization established under [ch. 185](#) (Cooperatives) or [193](#) (Unincorporated Cooperative Associations), [611](#) (Domestic Stock and Mutual Insurance Company), [613](#) (Service Insurance Corporations) or [614](#) (Insurance – Fraternal) or issued a certificate of authority under [ch. 618](#) (Nondomestic Insurers) that makes available to its enrollees, in consideration for predetermined periodic fixed payments, comprehensive health care services performed by providers participating in the plan]*] or a limited service health organization as defined in [s. 609.01 \(3\)](#) – [*Limited service health organization" means a health care plan offered by an organization established under [ch. 185](#) –(Cooperatives), [611](#) (Domestic Stock and Mutual Insurance Company), [613](#) (Service Insurance Corporations) or [614](#) (Insurance – Fraternal) or issued a certificate of authority under [ch. 618](#) (Nondomestic Insurers) that makes available to its enrollees, in consideration for predetermined periodic fixed payments, a limited range of health care services performed by providers participating in the plan]*] or an organization that is issued a certificate of authority under [ch. 618](#) (*Nondomestic Insurers*) and that offers a health maintenance organization or a limited service health organization and not including property owned by any nonstock, nonprofit corporation which services guaranteed student loans for others or on its own account, and also including property owned and used for housing for pastors and their ordained assistants, members of religious orders and communities, and ordained teachers, whether or not contiguous to and a part of other property owned and used by such associations or churches; or by women's clubs; or by domestic, incorporated historical societies; or by domestic, incorporated, free public library associations; or by fraternal societies operating under the lodge system (except university, college and high school fraternities and sororities), but not exceeding 10 acres of land necessary for location and convenience of buildings while such property is not used for profit. Property owned by churches or religious associations necessary for location and convenience of buildings, used for educational purposes and not for profit, shall not be subject to the 10-acre limitation but shall be subject to a 30-acre limitation. Property that is exempt from taxation under this subsection and is leased remains exempt from taxation only if, in addition to the requirements specified in the introductory phrase of this section, the lessee does not discriminate on the basis of race.

(b) 1. Leasing a part of property described in [par. \(a\)](#) that is owned and operated by a nonprofit organization as a facility that is licensed, certified, or registered under [ch. 50](#), (*Uniform Licensure*) as residential housing, does not render the property taxable, regardless of how the lessor uses the leasehold income.

2. Leasing a part of property described in [par. \(a\)](#) that is occupied by one or more individuals with permanent disabilities for whom evidence is available that demonstrates that such individuals meet the medical definition of permanent disability used to determine eligibility for programs administered by the federal social security administration, as residential housing, does not render the property taxable, regardless of how the lessor uses the leasehold income.

Court Cases: *Deutsches Land, Inc. v. City of Glendale*, 225 Wis. 2d 70, 80-88, 99, 591 N.W.2d 583 (1999)

- *University of Wisconsin Medical Foundation, Inc. v. City of Madison*, 2003 WI App 204, 267 Wis. 2d 504, 671 N.W.2d 292
- *Milwaukee Protestant Home for the Aged v. City of Milwaukee*, 41 Wis. 2d 284, 294, 164 N.W.2d 289 (1969)
- *St. John's Lutheran Church v. City of Bloomer*, 118 Wis. 2d 398, 347 N.W.2d 619 (Ct. App. 1984) – Retirement home held exempt.
- *Attic Angel Prairie Point, Inc. v. City of Madison*, No. 03-CV-1617 (Wis. Cir. Ct. Dane County Nov. 9, 2005)
- *Columbus Park Housing Corp. V. City of Madison*, 2003 WI 143, 29, 46, 267 Wis. 2d 59, 671 N.W.2d 633
- *Wauwatosa Ave. United Methodist Church v. City of Wauwatosa* [No. 09-0202](#)

DOR Guidelines: <http://www.revenue.wi.gov/slf/assessor/09lowovr.pdf>

WPAM: See pages 21.7-4 through 21.7-13, 21.7-17 and 21.7-28 for LEGAL REFERENCE

21.7-7 through 21.7-13, 22-12, 22-13 & 22-27 for BENEVOLENT ASSOC

22-10, 22-11 & 22-30 for CHURCHES

22-32 for DAY CARE CENTERS

21.7-4, 21.7-5, 22-10 & 22-33 for EDUCATIONAL

22-19, 22-20 & 22-35 for FRATERNAL SOCIETIES

22-37 for HISTORICAL SOCIETIES (domestic, incorporated)

22-40 for LIBRARY ASSOCIATIONS

22-40 for LODGES - FRATERNAL

22-41 for LOW INCOME HOUSING FOUNDATIONS

22-15 & 22-43 for NURSING HOMES

22-44 for PARSONAGES

21.7-5, 21.7-6, 22-10 & 22-46 for RELIGIOUS ASSOCIATIONS/INSTITUTIONS

22-15 & 22-46 for RETIREMENT HOMES

22-51 for WOMEN'S CLUBS.

Notes/Cross Reference: **Not to exceed 10 or 30 acres.** A building used as a residence by various missionaries for rest and recreation falls within the housing exemption under sub. (4) [now sub. (4) (a)]. *Evangelical Alliance Mission v. Williams Bay*, 54 Wis. 2d 187, 194 N.W.2d 646 (1972). A day care center devoted primarily to educational purposes was exempt under sub. (4) [now sub. (4) (a)] *Janesville Community Day Care v. Spoden*, 126 Wis. 2d 231, 376 N.W.2d 78 (Ct. App. 1985). An educational institution under sub. (4) [now sub. (4) (a)] must be substantially and primarily devoted to educational purposes, the determination of which requires a careful analysis of the property's use. *National Foundation v. Brookfield*, 65 Wis. 2d 263, 222 N.W.2d 608 (1974). Religious persons whose housing is exempt under sub. (4) [now sub. (4) (a)] include only those who have official leadership roles in the activities of the congregation. *Midtown Church of Christ v. City of Racine*, 83 Wis. 2d 72, 264 N.W.2d 281 (1978). Benevolent ownership of property is not enough to satisfy sub. (4) [now sub. (4) (a)]; benevolent use is also required. A property owner must detail its use of the property so that tax assessors know what type of activities, if any, are occurring on the property. Unsupported opinion testimony and generalized assertions about the purportedly benevolent use will not suffice. *UW Medical Foundation, Inc. v. City of Madison*, 2003 WI App 204, 267 Wis. 2d 504, 671 N.W.2d 292, [02-1473](#). All provision of medical care is not "benevolent" merely because it makes the recipients better members of society by improving their physical and mental condition. A benevolent foundation that charged market rates for medical services, advertised extensively to promote them, and typically forbore collecting for its services only when accounts were deemed uncollectible was not engaged in a benevolent use of its clinic properties. *UW Medical Foundation, Inc. v. City of Madison*, 2003 WI App 204, 267 Wis. 2d 504, 671 N.W.2d 292, [02-1473](#). A benevolent association under sub. (4) [now sub. (4) (a)] is not required to provide free services or to be affordable by all in the community and may pay its officers reasonable compensation for their services; housing for "aged" under sub. (4) requires occupancy by one person at least 55 years old. *Friendship Village Milwaukee v. Milwaukee*, 181 Wis. 2d 207, 511 N.W.2d 345 (Ct. App. 1993). The residence of a hospital chaplain was exempt under sub. (4) [now sub. (4) (a)] as housing for a pastor and under sub. (4m) because it was reasonably necessary for the hospital to have a priest located near the hospital to serve the spiritual needs of its patients and staff. *Sisters of St. Mary v. City of Madison*, 89 Wis. 2d 372, 278 N.W.2d 814 (1979). To qualify as an educational association under sub. (4) [now sub. (4) (a)], an organization must be devoted to "traditional" educational activities, which must include traditional charitable objectives and which must benefit the public directly and lessen the burden of government in some way. *International Foundation v. City of Brookfield*, 95 Wis. 2d 444, 290 N.W.2d 720 (Ct. App. 1980). Sub. (4) [now sub. (4) (a)] is constitutional. *Evangelical Lutheran Synod v. Prairie du Chien*, 125 Wis. 2d 541, 373 N.W.2d 78 (Ct. App. 1985). The determination of "land necessary for location and convenience of buildings" under sub. (4) [now sub. (4) (a)] is discussed. *Friendship Village v. Milwaukee*, 194 Wis. 2d 787, 535 N.W.2d 111 (Ct. App. 1995). The exclusivity requirement under sub. (4) [now sub. (4) (a)] does not prohibit occasional commercial use. The question is how consequential the use is compared to the total use of the property. The party seeking the exemption must present more than "recollections" and "observations" of use. *Deutsches Land, Inc. v. City of Glendale*, 225 Wis. 2d 70, 591 N.W.2d 583 (1999), [96-](#) 13

2489. The sub. (4) [now sub. (4) (a)] exemption of up to 10 acres of land is tied to and follows from the exemption of buildings. It does not allow for the exemption of buildings necessary for the use of the land. *Deutsches Land, Inc. v. City of Glendale*, 225 Wis. 2d 70, 591 N.W.2d 583 (1999), 96-2489. Revisions to subs. (4) [now sub. (4) (a)] and (4m) by 1995 Act 27 were constitutional. *Group Health Cooperative of Eau Claire v. DOR*, 229 Wis. 2d 846, 601 N.W.2d 1 (Ct. App. 1999), 98-1264. Property that on the assessment date was wholly vacant and unoccupied, and on which no construction had commenced, was not being readied for a benevolent use and was properly determined as not being used exclusively for benevolent purposes under sub. (4). *Group Health Cooperative of Eau Claire v. DOR*, 229 Wis. 2d 846, 601 N.W.2d 1 (Ct. App. 1999), 98-1264. To qualify for a property tax exemption under sub. (4) [now sub. (4) (a)], a property owner must pass the following 5-part test: 1) the owner must be an educational association; 2) the property at issue must be owned and used exclusively for the purposes of the association; 3) the property must be less than 10 acres; 4) the property must be necessary for location and convenience of the buildings; and 5) the property must not be used for profit. An educational association must be a nonprofit organization substantially and primarily devoted to educational purposes and to traditional educational activities. *Milwaukee Regional Medical Center v. City of Wauwatosa*, 2007 WI 101, ___ Wis. 2d ___, 735 N.W.2d 156, 05-1160. An exemption under sub. (4) depends on: 1) whether the residence is owned and used exclusively by the church; and 2) whether it is housing for any of 4 listed categories of persons, namely, pastors, ordained assistants, members of religious orders and communities, or ordained teachers. The exemption applies to a limited group who are members of a religious group and integral to the functioning of the church. It is not enough under sub. (4) or *Midtown* that a custodian's employment serves the church or is integral to the functioning of the church. The person must serve a religious leadership purpose. *Wauwatosa Avenue United Methodist Church v. City of Wauwatosa*, 2009 WI App 171, 321 Wis. 2d 796, 776 N.W.2d 280, 09-0202. Standards for determining whether a nonprofit corporation qualifies for tax exempt status as a retirement home under sub. (4) are discussed. 66 Atty. Gen. 232. An exemption under sub. (4) depends on: 1) whether the residence is owned and used exclusively by the church; and 2) whether it is housing for any of 4 listed categories of persons, namely, pastors, ordained assistants, members of religious orders and communities, or ordained teachers. The exemption applies to a limited group who are members of a religious group and integral to the functioning of the church. It is not enough under sub. (4) or *Midtown* that a custodian's employment serves the church or is integral to the functioning of the church. The person must serve a religious leadership purpose. *Wauwatosa Avenue United Methodist Church v. City of Wauwatosa*, 2009 WI App 171, 321 Wis. 2d 796, 776 N.W.2d 280, 09-0202. What is Benevolence? Clarifying Wisconsin's Real Property Tax Exemption for Benevolent Organizations and the Argument for the "Retirement" of the Exemption for High-End Senior-Housing Complexes. Jaynes. 2006 WLR 1434.
<http://hosted.law.wisc.edu/lawreview/issues/2006-5/jaynes.pdf>

(4a) BENEVOLENT LOW-INCOME HOUSING.

70.11(4a)

(a) Property owned by a nonprofit entity that is a benevolent association and used as low-income housing, including all common areas of a low-income housing project. Property used for a low-income housing project, including other low-income housing projects under common control with such project, and exempt under this subsection may not exceed 30 acres necessary for the location and convenience of buildings or 10 contiguous acres in any one municipality.

(b) For purposes of this subsection, "low-income housing" means any housing project described in sub. (4b) or any residential unit within a low-income housing project that is occupied by a low-income or very low-income person or is vacant and is only available to such persons.

(c) For purposes of this subsection, "low-income housing project" means a residential housing project for which all of the following apply:

1. At least 75 percent of the residential units are occupied by low-income or very low-income persons or are vacant and available only to low-income or very low-income persons.

2. At least one of the following applies:

a. At least 20 percent of the residential units are rented to persons who are very low-income persons or are vacant and are only available to such persons.

b. At least 40 percent of the residential units are rented to persons whose income does not exceed 120 percent of the very low-income limit or are vacant and only available to such persons.

(d) For purposes of this subsection, low-income persons and very low-income persons shall be determined in accordance with the income limits published by the federal department of housing and urban development for low-income and very low-income families under the National Housing Act of 1937.

(e) For purposes of this subsection, all properties included within the same federal department of housing and urban development contract or within the same federal department of agriculture, rural development, contract are considered to be one low-income housing project.

(f) Leasing property that is exempt from taxation under this subsection or [sub. \(4b\)](#) as low-income housing does not render it taxable, regardless of how the leasehold income is used.

1. Annually, no later than March 1, each person who owns a low-income housing project shall file with the assessor of the taxation district in which the project is located a statement that specifies which units were occupied on January 1 of that year by persons whose income satisfied the income limit requirements under [par. \(b\)](#), as certified by the property owner to the appropriate federal or state agency, and a copy of the federal department of housing and urban development contract or federal department of agriculture, rural development, contract, if applicable.

2. The format and distribution of statements under this paragraph shall be governed by [s. 70.09 \(3\)](#) (*Basic tax forms*).

3. If the statement required under this paragraph is not received on or before March 1, the taxation district assessor shall send the property owner a notice, by certified mail to the owner's last-known address of record, stating that failure to file a statement is subject to the penalties under [subd. 5](#).

4. In addition to the statement under [subd. 1.](#), the taxation district assessor may require that a property owner submit other information to prove that the person's property qualifies as low-income housing that is exempt from taxation under this subsection.

5. A person who fails to file a statement within 30 days after notification under [subd. 3.](#) shall forfeit \$10 for each succeeding day on which the form is not received by the taxation district assessor, but not more than \$500.

Court Cases:

DOR Guidelines: <http://www.revenue.wi.gov/slf/assessor/09lowovr.pdf>

WPAM: See pages 22-12 through 22-14 and 22-27

Notes/Cross Reference: *What is Benevolence? Clarifying Wisconsin's Real Property Tax Exemption for Benevolent Organizations and the Argument for the "Retirement" of the Exemption for High-End Senior-Housing Complexes.* Jaynes. 2006 WLR 1434. <http://hosted.law.wisc.edu/lawreview/issues/2006-5/jaynes.pdf>

(4b) HOUSING PROJECTS FINANCED BY HOUSING AND ECONOMIC DEVELOPMENT AUTHORITY.

70.11(4b) All property of a housing project that satisfies all of the following:

- (a)** It is owned by a corporation, organization, or association described in section 501 (c) (3) of the Internal Revenue Code that is exempt from taxation under section 501 (a) of the Internal Revenue Code.
- (b)** It is financed by the Housing and Economic Development Authority under [s. 234.03 \(13\)](#) (*To purchase and enter into commitments for the purchase of mortgages and securities*).
- (c)** The Housing and Economic Development Authority holds a first-lien mortgage security interest on it.
- (d)** It is in existence on January 1, 2008.

Court Cases:

DOR Guidelines: <http://www.revenue.wi.gov/slf/assessor/09lowovr.pdf>

WPAM: See pages 22-13 and 22-14
22-51 for WISCONSIN HOUSING & ECONOMIC DEVELOPMENT AUTHORITY (WHEDA)

Notes/Cross Reference:

(4d) BENEVOLENT RETIREMENT HOMES FOR THE AGED.

70.11(4d) Property that is owned by a nonprofit entity that is a benevolent association and used as a retirement home for the aged, but not exceeding 30 acres of land necessary for the location and convenience of buildings, while such property is not used for profit, if the fair market value of the individual dwelling unit, as determined by the assessor for the taxation district in which the property is located, is less than 130 percent of the average equalized value under [s. 70.57](#) (*Assessment of counties and taxation districts by department*) of improved parcels of residential property located in the county in which the retirement home for the aged is located in the previous year, as determined by the assessor of the taxation district in which the property is located based on the sum of the average per parcel equalized value of residential land and the average per parcel equalized value of residential improvements, as determined by the department of revenue. For purposes of determining the fair market value of an individual dwelling unit under this subsection, the value of any common area is excluded. The common area of a retirement home for the aged is exempt from general property taxes if 50 percent or more of the home's individual dwelling units are exempt from general property taxes under this subsection. If less than 50 percent of the home's individual dwelling units are exempt from general property taxes under this subsection, the common area of the retirement home for the aged is subject to general property taxes. Leasing a part of property used as a retirement home for the aged, as described in this subsection, does not render it taxable, regardless of how the leasehold income is used.

Court Cases:

DOR Guidelines: <http://www.revenue.wi.gov/slf/assessor/09lowovr.pdf>

WPAM: See pages 22-15 through 22-19
22-46 for **RETIREMENT HOMES**

Notes/Cross Reference: *The property tax exemption and nonprofit homes for the aged. 53 MLR 140. What is Benevolence? Clarifying Wisconsin's Real Property Tax Exemption for Benevolent Organizations and the Argument for the "Retirement" of the Exemption for High-End Senior-Housing Complexes. Jaynes. 2006 WLR 1434.*
<http://hosted.law.wisc.edu/lawreview/issues/2006-5/jaynes.pdf>

(4g) REAL PROPERTY HELD FOR REHABILITATION OR FUTURE CONSTRUCTION AND LATER SALE TO LOW-INCOME PERSONS.

70.11(4g) Real property owned by a nonprofit organization if all of the following requirements are fulfilled:

- (a)** The nonprofit organization holds the property for the purpose of rehabilitating an existing structure or constructing a new structure on the property for sale to low-income persons for use as a personal residence.
- (b)** The nonprofit organization offers low-income persons loans to purchase the property for which no interest is charged.
- (c)** The nonprofit organization requires prospective purchasers to participate in the rehabilitation or construction of the property.
- (d)** The nonprofit organization acquired the property within 3 years before the assessment date.

Court Cases:

DOR Guidelines:

WPAM: See page 22-46.

Notes:

(4m) NONPROFIT HOSPITALS.

70.11(4m)

(a) Real property owned and used and personal property used exclusively for the purposes of any hospital of 10 beds or more devoted primarily to the diagnosis, treatment or care of the sick, injured, or disabled, which hospital is owned and operated by a corporation, voluntary association, foundation or trust, except an organization that is organized under [s. 185.981](#) – [Cooperative sickness care] or [ch. 611](#) – [Domestic Stock and Mutual Insurance Corporations], [613](#) – [Service Insurance Corporations] or [614](#) – [Insurance – Fraternal] and that offers a health maintenance organization as defined in [s. 609.01 \(2\)](#) – [“Health maintenance organization” means a health care plan offered by an organization established under [ch. 185](#) (Cooperatives) or [193](#) (Unincorporated Cooperative Associations), [611](#) (Domestic Stock and Mutual Insurance Company), [613](#) (Service Insurance Corporations) or [614](#) (Insurance – Fraternal) or issued a certificate of authority under [ch. 618](#) (Nondomestic Insurers) that makes available to its enrollees, in consideration for predetermined periodic fixed payments, comprehensive health care services performed by providers participating in the plan] or a limited service health organization as defined in [s. 609.01 \(3\)](#) – [Limited service health organization” means a health care plan offered by an organization established under [ch. 185](#) –(Cooperatives), [611](#) (Domestic Stock and Mutual Insurance Company), [613](#) (Service Insurance Corporations) or [614](#) (Insurance – Fraternal) or issued a certificate of authority under [ch. 618](#) (Nondomestic Insurers) that makes available to its enrollees, in consideration for predetermined periodic fixed payments, a limited range of health care services performed by providers participating in the plan] or an organization that is issued a certificate of authority under [ch. 618](#) – [Nondomestic Insurers] and that offers a health maintenance organization or a limited service health organization, no part of the net earnings of which inures to the benefit of any shareholder, member, director or officer, and which hospital is not operated principally for the benefit of or principally as an adjunct of the private practice of a doctor or group of doctors. This exemption does not apply to property used for commercial purposes, as a health and fitness center or as a doctor's office. The exemption for residential property shall be limited to dormitories of 12 or more units which house student nurses enrolled in a state accredited school of nursing affiliated with the hospital.

(b) Real property leased by and used exclusively for the purposes of any hospital that has 10 beds or more, is devoted primarily to the diagnosis, treatment or care of the sick, injured or disabled and is owned and operated by a corporation, voluntary association, foundation or trust, except an organization that is organized under [s. 185.981](#) (Cooperative sickness care) or [ch. 611](#) (Domestic Stock and Mutual Insurance Corporations), [613](#) (Service Insurance Corporations) or [614](#) (Insurance – Fraternal) and that offers a health maintenance organization as defined in [s. 609.01 \(2\)](#) – [“Health maintenance organization” means a health care plan offered by an organization established under [ch. 185](#) or [193](#), [611](#), [613](#) or [614](#) or issued a certificate of authority under [ch. 618](#) that makes available to its enrollees, in consideration for predetermined periodic fixed payments, comprehensive health care services performed by providers participating in the plan] or a limited service health organization as defined in [s. 609.01 \(3\)](#) – [“Limited service health organization” means a health care plan offered by an organization established under [ch. 185](#), [611](#), [613](#) or [614](#) or issued a certificate of authority under [ch. 618](#) that makes available to its enrollees, in consideration for predetermined periodic fixed payments, a limited range of health care services performed by providers participating in the plan] or an organization that is issued a certificate of authority under [ch. 618](#) – [Nondomestic Insurers] and that offers a health maintenance organization or a limited service health organization, no part of the net earnings of which inures to the benefit of any shareholder, member, director or officer and is not operated principally for the benefit of or principally as an adjunct to the private practice of a doctor or group of doctors. This exemption applies only to real property leased from a nonprofit organization or nonprofit hospital that is exempt from taxation under this chapter and that uses the income derived from the lease only for maintenance of the leased property or construction debt retirement of the leased property or both. This exemption does not apply to property used for commercial purposes, as a health and fitness center or as a doctor's office.

(c) In this subsection, "health and fitness center" means an establishment the primary purpose of which is to provide recreational services or facilities that are purported to assist patrons in physical exercise, in weight control or in figure development, including but not limited to a health and fitness center, studio, salon or club. In this subsection, "health and fitness center" does not include a facility the primary purpose of which is to provide services or facilities that are primarily a part of a course of rehabilitation or therapy prescribed by a physician or physical therapist to treat a physical injury or dysfunction and that are aimed primarily at patients

of the hospital or an affiliated entity and not at the general public and that is located within the physical confines of a hospital.

Court Cases:

- *Clare Hospital of Monroe, WI, Inc. v. City of Monroe*, 209 Wis. 2d 364, 563 N.W.2d 170 (Ct. App. 1997)
- *St. Elizabeth Hospital, Inc. v. City of Appleton*, 141 Wis. 2d 787, 416 N.W.2d 620 (Ct. App. 1987)
- *Columbia Hospital Association v. City of Milwaukee*, 35 Wis.2d 660, 669, 151 N.W.2d 750 (1967)

DOR Guidelines:

WPAM: See pages 21.7-1, 21.7-2, 21.7-13 through 21.7-16 for LEGAL REFERENCE, and 22-38.

Notes/Cross Reference: A hospital seeking tax-exempt status for property under sub. (4m) (a) has the burden of showing a benefit to the functioning of the hospital, but no burden of showing that the benefit is not otherwise available. Assuming, without deciding, that partial exemptions are allowed, the portion of a hospital's child care center attributable to use by hospital employees is tax exempt. Whether the portion attributable to children whose parents are not hospital employees is exempt depends on whether the children's parents are reasonably necessary to the efficient functioning of the hospital as an organization. *Saint Joseph's Hospital of Marshfield, Inc. v. City of Marshfield*, 2004 WI App 187, 276 Wis. 2d 574, 688 N.W.2d 658, [03-1006](#). "Used exclusively" under sub. (4m) means to physically employ the tangible characteristics of the property. Although medical equipment was leased commercially, it was "used exclusively" for hospital purposes and was exempt. *First National Leasing Corp. v. Madison*, 81 Wis. 2d 205, 260 N.W.2d 251 (1977). The residence of a hospital chaplain was exempt under sub. (4) as housing for a pastor and under sub. (4m) because it was reasonably necessary for the hospital to have a priest located near the hospital to serve the spiritual needs of its patients and staff. *Sisters of St. Mary v. City of Madison*, 89 Wis. 2d 372, 278 N.W.2d 814 (1979). Whether a clinic building is a "doctor's office" under is sub. (4m) is not dependent on whether or not it is operated as part of a for profit practice owned by physicians or as a nonprofit corporation. A clinic operated by a nonprofit corporation that contains offices for doctors, provides outpatient care only, and is open for regular business hours is a "doctors office." *St. Clare Hospital v. City of Monroe*, 209 Wis. 2d 364, 563 N.W.2d 170 (Ct. App. 1997), [96-0732](#). Revisions to subs. (4) and (4m) by 1995 Act 27 were constitutional. *Group Health Cooperative of Eau Claire v. DOR*, 229 Wis. 2d 846, 601 N.W.2d 1 (Ct. App. 1999), [98-1264](#). The standard under *Sisters of Saint Mary* that properties that are "reasonably necessary" to the operation of an exempt use are also exempt is restricted to hospitals subject to sub. (4m). *UW Medical Foundation, Inc. v. City of Madison*, 2003 WI App 204, 267 Wis. 2d 504, 671 N.W.2d 292, [02-1473](#). "Commercial purposes" as used in sub. (4m) are those through which profits are made. Even if the property is reasonably necessary to the primary and secondary purposes of the hospital, a strict but reasonable construction of sub. (4m) indicates that property fails to qualify for the exemption if it nevertheless is used for a commercial purpose. *FH Healthcare Development, Inc. v. City of Wauwatosa*, 2004 WI App 182, 276 Wis. 2d 243, 687 N.W.2d 532, [03-2999](#).

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(5) AGRICULTURAL FAIRS.

70.11(5) Property owned and used exclusively by any state or county agricultural society, or by any other domestic corporation formed to encourage agricultural and industrial fairs and exhibitions and necessary for fairgrounds or for exhibition and sale of agricultural and dairy property, not exceeding 80 acres. The use of such property for celebrations or as places of amusement shall not render it taxable.

Court Cases:

DOR Guidelines:

WPAM: See page 22-25 for *AGRICULTURAL SOCIETY & INDUSTRIAL FAIRS*

Notes: Not to exceed 80 acres.

(6) FIRE COMPANIES.

70.11(6) Property of any fire company used exclusively for its purposes.

Court Cases:

DOR Guidelines:

WPAM: See page 22-35.

Notes:

(7) LAND OF MILITARY ORGANIZATIONS.

70.11(7) Land owned by military organizations and used for armories, public parks or monument grounds but not used for private gain.

Court Cases:

DOR Guidelines:

WPAM: See page 22-26 for *ARMORIES* and 22-42 for *MILITARY ORGANIZATIONS*.

Notes:

(9) MEMORIALS.

70.11(9) All memorial halls and the real estate upon which the same are located, owned and occupied by any organization of United States war veterans organized pursuant to act of congress and domesticated in this state pursuant to the laws of this state, containing permanent memorial tablets with the names of former residents of any given town, village, city or county who lost their lives in the military or naval service of the state or the United States in any war inscribed thereon, and all personal property owned by such organizations, and all buildings erected, purchased or maintained by any county, city, town or village as memorials under [s. 45.72](#) (*County and municipal memorials*). The renting of such halls or buildings for public purposes shall not render them taxable, provided that all income derived there from be used for the upkeep and maintenance thereof. Where such hall or building is used in part for exempt purposes and in part for pecuniary profit, it shall be assessed for taxation to the extent of such use for pecuniary profit as provided in [s. 70.1105 \(1\)](#) – [*Property that is exempt under [s. 70.11](#) and that is used in part in a trade or business for which the owner of the property is subject to taxation under sections 511 to 515 of the internal revenue code, as defined in [s. 71.22 \(4m\)](#), shall be assessed for taxation at that portion of the fair market value of the property that is attributable to the part of the property that is used in the unrelated trade or business. This section does not apply to property that is leased by an exempt organization to another person or to property that is exempt under [s. 70.11 \(34\)](#) (Historic properties)]].*

Court Cases:

DOR Guidelines:

WPAM: See pages 21.7-17 for *LEGAL REFERENCE*, and 22-42 for *AMERICAN LEGIONS & MEMORIAL HALLS* (including *VETERANS' - US*)

Notes:

(10m) LIONS FOUNDATION CAMPS FOR CHILDREN WITH VISUAL IMPAIRMENTS.

70.11(10m) Lands not exceeding 40 acres and the buildings thereon owned by the Wisconsin Lions Foundation and used as camps for children with visual impairments, so long as the property is used for such purposes and not for pecuniary profit of any individual.

Court Cases:

DOR Guidelines:

WPAM: See page 22-28 for CAMPS FOR VISUALLY IMPAIRED CHILDREN
22-40 for LIONS CLUB FOUNDATION

Notes: Not to exceed 40 acres.

(11) BIBLE CAMPS.

70.11(11) All real property not exceeding 30 acres and the personal property situated therein, of any Bible camp conducted by a religious nonprofit corporation organized under the laws of this state, so long as the property is used for religious purposes and not for pecuniary profit of any individual.

Court Cases:

DOR Guidelines:

WPAM: See page 22-27.

Notes: Not to exceed 30 acres.

(12) CERTAIN CHARITABLE ORGANIZATIONS.

70.11(12)

(a) Property owned by units which are organized in this state of the following organizations: the Salvation Army; Goodwill Industries, not exceeding 10 acres of property in any municipality; the Boy Scouts of America; the Boys' Clubs of America; the Girl Scouts or Camp Fire Girls; the Young Men's Christian Association, not exceeding 40 acres for property that is located outside the limit of any incorporated city or village and not exceeding 10 acres for property that is located inside the limit of any incorporated city or village; the Young Women's Christian Association, not exceeding 40 acres for property that is located outside the limit of any incorporated city or village and not exceeding 10 acres for property that is located inside the limit of any incorporated city or village; or any person as trustee for them of property used for the purposes of those organizations, provided no pecuniary profit results to any individual owner or member.

(b) Real property not exceeding 40 acres and the personal property located thereon owned by units which are not organized in this state of the organizations listed in [par. \(a\)](#). No such unit which is not organized in this state may claim an exemption for more than a total of 80 rods of shoreline on lakes, rivers and streams.

Court Cases:

DOR Guidelines:

WPAM: See page 22-29 for BOY SCOUTS, CAMP FIRE GIRLS, GIRL SCOUTS & SALVATION ARMY.
22-52 for YOUNG MEN'S & WOMEN'S CHRISTIAN ASSOCIATIONS (YMCA & YWCA)

Notes/Cross Reference: The portion of sub. (12) (a) exempting from taxation property owned by Young Men's Christian Associations is constitutional. *Lake Country Racquet and Athletic Club, Inc. v. Morgan*, 2006 WI App 25, 289 Wis. 2d 498, 710 N.W.2d 701, [04-3061](#).

(13) CEMETERIES.

70.11(13) Land owned by cemetery authorities, as defined in [s. 157.061 \(2\)](#) – [“Cemetery authority” means any person who owns or operates a cemetery specified in [s. 157.065 \(1\)](#) – {No cemetery may be used for burials except any of the following: (a) A cemetery in use on April 4, 1864. (b) A cemetery organized and operated by any of the following: 1.) A municipality. 2.) A religious association. 3.) A fraternal or benevolent society. 4.) An incorporated college of a religious order. 5.) A cemetery association created under [s. 157.062](#). 6.) A corporation organized under [ch. 180](#) or [181](#). 7.) A limited liability company organized under [ch. 183](#)}], and used exclusively as public burial grounds and tombs and monuments therein, and privately owned burial lots; land adjoining such burial grounds, owned and occupied exclusively by the cemetery authority for cemetery purposes; personal property owned by any cemetery authority and necessary for the care and management of burial grounds; burial sites and contiguous lands which are cataloged under [s. 157.70 \(2\) \(a\)](#) – [Under a special inspection warrant as required under [s. 66.0119](#), identify and record in a catalog burial sites in this state and, for burial sites which are not dedicated, sufficient contiguous land necessary to protect the burial site from disturbance, and notify in writing every owner of a burial site or of such land so recorded and any county or local historical society in the county where the burial site or the land is located. Any information in the catalog related to the location of any burial site, the disclosure of which would be likely to result in the disturbance of the burial site or the cataloged land contiguous to the burial site, is not subject to [s. 19.35 \(1\)](#). The notice shall include information about the permit required under [sub. \(5\)](#) and the toll free number the owner may call for more information. In this paragraph, “sufficient contiguous land” means land that is within at least 5 feet from any part of a burial site].

Court Cases:

DOR Guidelines:

WPAM: See pages 21.7-18 for LEGAL REFERENCE and 22-28 for CEMETARY ASSOCIATION.

Notes:

(13m) ARCHAEOLOGICAL SITES.

70.11(13m) Archaeological sites and contiguous lands identified under [s. 44.02 \(23\)](#) – [*Identify any archaeological site, including contiguous land necessary to protect the site, in this state that is listed in the national register of historic places in Wisconsin or the state register of historic places and that is not cataloged under [s. 157.70 \(2\) \(a\)](#) – {Under a special inspection warrant as required under [s. 66.0119](#), identify and record in a catalog burial sites in this state and, for burial sites which are not dedicated, sufficient contiguous land necessary to protect the burial site from disturbance, and notify in writing every owner of a burial site or of such land so recorded and any county or local historical society in the county where the burial site or the land is located. Any information in the catalog related to the location of any burial site, the disclosure of which would be likely to result in the disturbance of the burial site or the cataloged land contiguous to the burial site, is not subject to [s. 19.35 \(1\)](#). The notice shall include information about the permit required under [sub. \(5\)](#) and the toll free number the owner may call for more information. In this paragraph, "sufficient contiguous land" means land that is within at least 5 feet from any part of a burial site.}. Any information collected under this subsection the disclosure of which would be likely to result in the disturbance of an archaeological site is not subject to [s. 19.35 \(1\)](#) – {Right to inspection}] if the property is subject to a permanent easement, covenant or similar restriction running with the land and if that easement, covenant or restriction is held by the state historical society or by an entity approved by the state historical society and protects the archaeological features of the property.*

Court Cases:

DOR Guidelines:

WPAM: See pages 21.7-18 for LEGAL REFERENCE, 22-21 and 22-26.

Notes/Cross Reference: The exemption under sub. (13m) will not be applied to reduce the value of a remaining taxable property not a part of the exempt archeological site. *Wrase v. City of Neenah*, 220 Wis. 2d 166, 582 N.W.2d 457 (Ct. App. 1998), [97-3457](#).

(14) ART GALLERIES.

70.11(14) Property of any public art gallery, if used exclusively for art exhibits and for art teaching, if public access to such gallery is free not less than 3 days in each week.

Court Cases:

DOR Guidelines:

WPAM: See page 22-26.

Notes:

(15) MANURE STORAGE FACILITIES.

70.11(15) Any manure storage facility used by a farmer. This exemption shall apply whether the facility is deemed personal property or is so affixed to the realty as to be classified as real estate.

Court Cases:

DOR Guidelines:

WPAM: See page 22-41, and also 22-34 for FARM MACHINERY & EQUIPMENT

Notes:

(15m) SECONDARY CONTAINMENT STRUCTURES.

70.11(15m) Secondary containment structures used to prevent leakage of liquid fertilizer or pesticides.

Court Cases:

DOR Guidelines:

WPAM: See page 22-47.

Notes:

(16) LABOR TEMPLES.

70.11(16) Property owned and used exclusively by any labor organization or by any domestic corporation whose members are workmen associated according to crafts, trades or occupations or their authorized representatives or associations composed of members of different crafts, trades or occupations, provided no pecuniary profit results to any member.

Court Cases:

DOR Guidelines:

WPAM: See page 22-40.

Notes:

(17) FARMERS' TEMPLES.

70.11(17) Property owned and used exclusively for social and educational purposes and for meetings by any corporation, all of whose members are farmers; provided no pecuniary profit results to any member.

Court Cases:

DOR Guidelines:

WPAM: See page 22-33.

Notes:

(18) HOUSING.

70.11(18) Property of housing authorities exempt from taxation under [s. 66.1201 \(22\)](#) – [Tax exemption and payments in lieu of taxes. The property of an authority is public property used for essential public and governmental purposes and the property and an authority are exempt from all taxes of the state or any state public body, except that the city in which a project or projects are located may fix a sum to be paid annually in lieu of taxes by the authority for the services, improvements or facilities furnished to the property of the authority by the city. The amount paid in lieu of taxes may not exceed the amount that would be levied as the annual tax of the city upon the project].

Court Cases:

DOR Guidelines:

WPAM: See page 22-38 for HOUSING AUTHORITIES.

Notes:

(19) INSTITUTIONS AND CENTERS FOR DEPENDENT CHILDREN AND PERSONS WHO HAVE DEVELOPMENTAL DISABILITIES.

70.11(19) The property of any residential care center for children and youth that is licensed under [s. 48.60](#) – [Child welfare agencies licensed] for the care of dependent or neglected children or delinquent juveniles if that property is used for that purpose and the property of any nonprofit institution that is subject to examination under [s. 46.03 \(5\)](#) – [Mental hygiene] and that has a full-time population of at least 150 individuals who have developmental disabilities, as defined in [s. 51.01 \(5\)](#) – [“Developmental disability” means a disability attributable to brain injury, cerebral palsy, epilepsy, autism, Prader-Willi syndrome, mental retardation, or another neurological condition closely related to mental retardation or requiring treatment similar to that required for individuals with mental retardation, which has continued or can be expected to continue indefinitely and constitutes a substantial handicap to the afflicted individual. “Developmental disability” does not include dementia that is primarily caused by degenerative brain disorder], if that property is used for that purpose.

Court Cases:

DOR Guidelines:

WPAM: See page 22-32 for *DEPENDENT CHILDREN* and *CHILDREN’S INSTITUTIONS* and 22-44 for *ORPHANAGES*.

Notes/Cross Reference: Property leased by an institution for the care of dependent children was not exempt under sub. (19). *Chileda Institute, Inc. v. La Crosse*, 125 Wis. 2d 554, 373 N.W.2d 43 (Ct. App. 1985).

(20) PROPERTY HELD IN TRUST IN PUBLIC INTEREST.

70.11(20) Property that is owned by, or held in trust for, a nonprofit organization, if all of the following requirements are fulfilled:

- (a)** The property is used to preserve native wild plant or native wild animal life, Indian mounds or other works of ancient persons or geological or geographical formations of scientific interest.
- (b)** The property is open to the public subject to reasonable restrictions.
- (c)** No pecuniary profit accrues to any owner or member of the organization or to any associate of any such owner or member from the use or holding of the property.
- (d)** The county board of the county where the property is located has not determined that the property is not owned by, or held in trust for, a nonprofit organization and has not determined that at least one of the requirements under [pars. \(a\)](#) to [\(c\)](#) has not been fulfilled.

Court Cases:

DOR Guidelines:

WPAM: See pages 21.7-18, 21.7-19, and 22-25 for ANCIENT MANWORKS of, ANIMAL LIFE, GEOLOGICAL or GEOGRAPHICAL FORMATIONS of SCIENTIFIC INTEREST, INDIAN MOUNDS, PLANT LIFE—wild, native.

Notes/Cross Reference: No notice of claim under s. 893.80 is ever required on a claim arising from a county board determination under sub. (20) (d). *Little Sissabagama Lake Shore Owners Assoc. v. Town of Edgewater*, 208 Wis. 2d 259, 559 N.W.2d 914 (Ct. App. 1997), [96-1800](#).

(21) TREATMENT PLANT AND POLLUTION ABATEMENT EQUIPMENT.

70.11(21)

(ab) In this subsection:

1. "Air contaminants" has the meaning given in [s. 285.01 \(1\)](#) – [*"Air contaminant" means dust, fumes, mist, liquid, smoke, other particulate matter, vapor, gas, odorous substances or any combination thereof but shall not include uncombined water vapor.*]
2. "Industrial waste" means waste resulting from any process of industry, trade, or business, or the development of any natural resource, that has no monetary or market value, except as provided in [subd. 3. b.](#), and that would otherwise be considered superfluous, discarded, or fugitive material. "Industrial waste" does not include other wastes, as defined in [s. 281.01 \(7\)](#) – [*"Other wastes" includes all other substances, except industrial wastes and sewage, which pollute any of the surface waters of the state. The term also includes unnecessary siltation resulting from operations such as the washing of vegetables or raw food products, gravel washing, stripping of lands for development of subdivisions, highways, quarries and gravel pits, mine drainage, cleaning of vehicles or barges or gross neglect of land erosion.*]
3. "Used exclusively" means to the exclusion of all other uses except any of the following:
 - a. For other use not exceeding 5 percent of total use.
 - b. To produce heat or steam for a manufacturing process, if the fuel consists of either 95 percent or more industrial waste that would otherwise be considered superfluous, discarded, or fugitive material or 50 percent or more of wood chips, sawdust, or other wood residue from the paper and wood products manufacturing process, if the wood chips, sawdust, or other wood residue would otherwise be considered superfluous, discarded, or fugitive material.

(am) All property purchased or constructed as a waste treatment facility used exclusively and directly to remove, store, or cause a physical or chemical change in industrial waste or air contaminants for the purpose of abating or eliminating pollution of surface waters, the air, or waters of the state if that property is not used to grow agricultural products for sale and, if the property's owner is taxed under [ch. 76](#) – [*Public Utilities*], if the property is approved by the department of revenue. The department of natural resources and department of health services shall make recommendations upon request to the department of revenue regarding such property. All property purchased or upon which construction began prior to July 31, 1975, shall be subject to s. 70.11 (21), 1973 stats.

NOTE: Par. (am) is shown as amended eff. 7-1-08 by 2007 Wis. Act 20, section 9121 (6) (a). Prior to 7-1-08 it reads:

(am) All property purchased or constructed as a waste treatment facility used exclusively and directly to remove, store, or cause a physical or chemical change in industrial waste or air contaminants for the purpose of abating or eliminating pollution of surface waters, the air, or waters of the state if that property is not used to grow agricultural products for sale and, if the property's owner is taxed under [ch. 76](#), if the property is approved by the department of revenue. The department of natural resources and department of health and family services shall make recommendations upon request to the department of revenue regarding such property. All property purchased or upon which construction began prior to July 31, 1975, shall be subject to s. 70.11 (21), 1973 stats.

(b) The books and records of owners of property covered by this subsection shall be open to examination by representatives of the department of natural resources, department of health services and department of revenue.

NOTE: Par. (b) is shown as amended eff. 7-1-08 by 2007 Wis. Act 20, section 9121 (6) (a). Prior to 7-1-08 it reads:

(b) The books and records of owners of property covered by this subsection shall be open to examination by representatives of the department of natural resources, department of health and family services and department of revenue.

(c) A prerequisite to exemption under this subsection for owners who are taxed under [ch. 76](#) – [Public Utilities] is the filing of a statement on forms prescribed by the department of revenue with the department of revenue. This statement shall be filed not later than January 15 of the year in which a new exemption is requested or in which a waste treatment facility that has been granted an exemption is retired, replaced, disposed of, moved to a new location, or sold.

(d) The department of revenue shall allow an extension to a date determined by the department by rule for filing the report form required under [par. \(c\)](#) if a written application for an extension, stating the reason for the request, is filed with the department of revenue before January 15.

(f) If property about which a statement has been filed under [par. \(c\)](#) is determined to be taxable, the owner may appeal that determination under [s. 76.08](#) – [Review of assessment].

Court Cases:

- *The Newark Group, Inc. v. Wisconsin Department of Revenue, Nos. 99-R-70, 99-R-72---99-R-83, and 00-M-44---00-M-48, Wis. Tax rep. (CCH) 400-740 (Wis. Tax App. Comm'n Mar. 22, 2004), 400-761 (Wis. Tax App. Comm'n June 2, 2004)*

DOR Guidelines:

WPAM: See page 21.7-20 and 21.7-29 for LEGAL REFERENCE, 22-50 for WASTE TREATMENT FACILITY.

Notes/Cross Reference: See also [s. Tax 12.40](#) – [Waste treatment facilities - industrial], Wis. adm. code. The property tax exemption for pollution control facilities provided in sub. (21) (a) applies to pollution control facilities incorporated into new plants to be constructed, in addition to those installed to abate or eliminate existing pollution sources. 60 Atty. Gen. 154. Property exempted under sub. (21) (a) need not have a "primary purpose" of eliminating pollution. *Owens-Illinois v. Town of Bradley*, 132 Wis. 2d 310, 392 N.W.2d 104 (Ct. App. 1986).

(22) CAMPS FOR PERSONS WITH DISABILITIES.

70.11(22) Lands not exceeding 10 acres and the buildings thereon owned by the Wisconsin Easter Seal Society for Crippled Children and Adults, Incorporated, and known as Camp Wawbeek, used for camps for children and adults with orthopedic impairments and not to exceed 371 acres of wooded and meadowland adjacent thereto used in connection therewith, excluding a caretaker's home and 10 acres of land in connection therewith, so long as the property is used solely for such purposes and not for pecuniary profit of any individual.

Court Cases:

DOR Guidelines:

WPAM: See page 22-32 for *CAMP WAWBEEK & EASTER SEAL SOCIETY*.

Notes:

(25) NONPROFIT MEDICAL RESEARCH FOUNDATIONS.

70.11(25) Property owned and operated by a corporation, voluntary association, foundation or trust, no part of the net earnings of which inure to the benefit of any shareholder, member, director or officer thereof, which property is used exclusively for the purposes of: medical and surgical research the knowledge derived from which is applied to the cures, prevention, relief and therapy of human diseases; providing instruction for practicing physicians and surgeons, promoting education, training, skill and investigative ability of physicians, scientists and individuals engaged in work in the basic sciences which bear on medicine and surgery; or providing diagnostic facilities and treatment for deserving destitute individuals not eligible for assistance from charitable or governmental institutions. Such corporation, voluntary association, foundation or trust must have received a certificate under section 501 (c) (3) of the internal revenue code as a nonprofit organization exempt for income tax purposes.

Court Cases:

DOR Guidelines:

WPAM: See page 22-41.

Notes/Cross Reference: For a claim under sub. (25) to survive summary judgment, the property owner must establish in the summary judgment record that there is, at a minimum, a factual dispute that the main purpose to which the properties were primarily devoted was one or more of medical research, physician education, or care for destitute individuals. *UW Medical Foundation, Inc. v. City of Madison*, 2003 WI App 204, 267 Wis. 2d 504, 671 N.W.2d 292, [02-1473](#).

(26) PROPERTY OF INDUSTRIAL DEVELOPMENT AGENCIES.

70.11(26) All real and personal property owned by an industrial development agency formed under [s. 59.57 \(2\)](#) – *[Industrial development agencies]*. Any such property subject to contract of sale or lease shall be taxed as personal property to the vendee or lessee thereof.

Court Cases:

DOR Guidelines:

WPAM: See page 22-39.

Notes:

(27) MANUFACTURING MACHINERY AND SPECIFIC PROCESSING EQUIPMENT.

70.11(27)

(a) In this subsection:

1. "Building" means any structure used for sheltering people, machinery, animals or plants; storing property; or working, office, parking, sales or display space.
2. "Machinery" means a structure or assemblage of parts that transmits forces, motion or energy from one part to another in a predetermined way by electrical, mechanical or chemical means, but "machinery" does not include a building.
3. "Manufacturing" means engaging in an activity classified as manufacturing under [s. 70.995](#) – [*State assessment of manufacturing property*].
4. "Power wiring" means bus duct, secondary service wiring or other wiring that is used exclusively to provide electrical service to production machines that are exempt under [par. \(b\)](#). "Power wiring" does not include transformers.
5. "Production process" means the manufacturing activities beginning with conveyance of raw materials from plant inventory to a work point of the same plant and ending with conveyance of the finished product to the place of first storage on the plant premises, including conveyance of work in process directly from one manufacturing operation to another in the same plant, including the holding for 3 days or less of work in process to ensure the uninterrupted flow of all or part of the production process and including quality control activities during the time period specified in this subdivision but excluding storage, machine repair and maintenance, research and development, plant communication, advertising, marketing, plant engineering, plant housekeeping and employee safety and fire prevention activities; and excluding generating, transmitting, transforming and furnishing electric current for light or heat; generating and furnishing steam; supplying hot water for heat, power or manufacturing; and generating and furnishing gas for lighting or fuel or both.
6. "Specific processing equipment" means containers for chemical action, mixing or temporary holding of work in process to ensure the uninterrupted flow of all or part of the production process, process piping, tools, implements and quality control equipment.
- 6m. "Storage" means the holding or safekeeping of raw materials or components before introduction into the production process; the holding, safekeeping or preservation of work in process or of components outside the production process; and the holding or safekeeping of finished products or of components after completion of the production process; whether or not any natural processes occur during that holding, safekeeping or preservation; but "storage" does not include the holding for 3 days or less of work in process to ensure the uninterrupted flow of all or part of the production process.
7. "Used directly" means used so as to cause a physical or chemical change in raw materials or to cause a movement of raw materials, work in process or finished products.
8. "Used exclusively" means to the exclusion of all other uses except for other use not exceeding 5% of total use.

(b) Machinery and specific processing equipment; and repair parts, replacement machines, safety attachments and special foundations for that machinery and equipment; that are used exclusively and directly in the production process in manufacturing tangible personal property, regardless of their attachment to real property, but not including buildings. The exemption under this paragraph shall be strictly construed.

Court Cases:

DOR Guidelines:

WPAM: See page 22-41.

Notes/Cross Reference: A "function or use" test, rather than a "physical appearance" test, was applied to determine whether building-like structures were eligible for the machinery and equipment exemption under sub. (27). *Ladish Malting Co. v. DOR*, 98 Wis. 2d 496, 297 N.W.2d 56 (Ct. App. 1980). Under an "integrated plant test" for classifying property directly used in manufacturing, graving docks were exempt under sub. (27). The exemption was not destroyed by incidental use of the dock for a nonexempt purpose. *Manitowoc Co., Inc. v. Sturgeon Bay*, 122 Wis. 2d 406, 362 N.W.2d 432 (Ct. App. 1984).

(28) HUMANE SOCIETIES.

70.11(28) Property owned and operated by a humane society organized primarily for the care and shelter of homeless, stray or abused animals, on a nonprofit basis, no part of the net income of which inures to the benefit of any member, officer or shareholder, if the property is used exclusively for the primary purposes of the humane society.

Court Cases:

DOR Guidelines:

WPAM: See page 22-38.

Notes:

(29) NONPROFIT RADIO STATIONS.

70.11(29) Property owned by a radio station that is exempt from taxation under section 501 of the internal revenue code as amended to December 31, 1980, if the property is used for the purposes for which the exemption was granted.

Court Cases:

DOR Guidelines:

WPAM:

Notes:

(29m) NONPROFIT THEATERS.

70.11(29m) All of the property owned or leased by a corporation, organization or association exempt from taxation under section 501 (c) (3) of the internal revenue code, if all of the property is used for the purposes for which the exemption was granted, the property includes one or more buildings listed on the national register of historic places, the property includes one or more theaters for performing theater arts which have a total seating capacity of not less than 800 persons and the corporation, organization or association operates the theater or theaters.

Court Cases:

DOR Guidelines:

WPAM: See page 22-48.

Notes:

(29p) NONPROFIT OUTDOOR THEATERS.

70.11(29p) All the property owned or leased by an organization that is exempt from taxation under section 501 (c) (3) of the Internal Revenue Code, as confirmed by a determination letter issued by the Internal Revenue Service no later than July 31, 1969, if all of the property is used for the purposes for which the exemption was granted, the property includes one or more outdoor theaters for performing theater arts which have a total seating capacity of not less than 400 persons, and the organization operates the theater or theaters.

Court Cases:

DOR Guidelines:

WPAM: See page 22-43.

Notes:

(30) CROPS.

70.11(30) All perennial plants that produce an annual crop.

Court Cases:

DOR Guidelines:

WPAM:

Notes:

(31) SPORTS AND ENTERTAINMENT FACILITIES.

70.11(31) Real and personal property consisting of or contained in a sports and entertainment facility, including related or auxiliary structures, constructed by a nonprofit corporation for the purpose of donation to the state or to an instrumentality of the state, if the state indicates by legislative or executive action that it will accept the facility. This exemption shall apply during construction and operation if the facility is owned by a nonprofit corporation, the state or an instrumentality of the state.

Court Cases:

DOR Guidelines:

WPAM:

Notes:

(31m) RAILROAD HISTORICAL SOCIETIES.

70.11(31m) Right-of-way and rolling stock owned by railroad historical societies.

Court Cases:

DOR Guidelines:

WPAM: See page 22-45.

Notes:

(32) NONPROFIT YOUTH HOCKEY ASSOCIATIONS.

70.11(32) Land not exceeding 13 acres, the buildings on that land and personal property if the land is owned or leased by and the buildings and personal property are owned by, and all the property is used exclusively for the purposes of, a nonprofit youth hockey association, except that the exemption under this subsection does not apply to the property of a nonprofit youth hockey association if any of its property was funded in whole or in part by industrial revenue bonds unless that association's facilities were placed in operation after January 1, 1988. Leasing all or a portion of the property does not render that property taxable if all of the leasehold income is used for maintenance of the leased property.

Court Cases:

DOR Guidelines:

WPAM: See page 22-52.

Notes:

(33) CAMPS FOR MENTALLY OR PHYSICALLY DISABLED PERSONS.

70.11(33) Land, not exceeding 50 acres, and the buildings on that land used as a residential campground exclusively for mentally or physically disabled persons and their families as long as the property is used for that purpose and not for the pecuniary profit of any individual.

Court Cases:

DOR Guidelines:

WPAM: See page 22-28.

Notes: Not to exceed 50 acres

(34) HISTORIC PROPERTIES.

70.11(34)

(a) Real property all of which fulfills all of the following requirements:

1. Is listed on the national register of historic places in Wisconsin or the state register of historic places.
2. Is a public building, as defined in [s. 101.01 \(12\)](#) – [*"Public building" means any structure, including exterior parts of such building, such as a porch, exterior platform, or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, "public building" does not include a previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) – {"Community-based residential facility" means a place where 5 or more adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board but that include no more than 3 hours of nursing care per week per resident. "Community-based residential facility" does not include any of the following: (a) A convent or facility owned or operated by members of a religious order exclusively for the reception and care or treatment of members of that order. (b) A facility or private home that provides care, treatment, and services only for victims of domestic abuse, as defined in s. 49.165 (1) (a), and their children.} which serves 20 or fewer residents who are not related to the operator or administrator or an adult family home, as defined in s. 50.01 (1)*].
3. Is owned or leased by an organization that is exempt from taxation under section 501 of the internal revenue code as amended to December 31, 1986.
4. Is used for civic, governmental, cultural or educational purposes.
5. Is subject to an easement, covenant or similar restriction running with the land that is held by or approved by the state historical society or by an entity approved by the state historical society, that protects the historic features of the property and that will remain effective for at least 20 years after January 1, 1989.

Court Cases:

DOR Guidelines:

WPAM: See page 22-37.

Notes:

(35) CULTURAL AND ARCHITECTURAL LANDMARKS.

70.11(35) Property described in s. 234.935 (1), 1997 stats.

Court Cases:

DOR Guidelines:

WPAM: See page 22-32.

Notes:

(36) PROFESSIONAL SPORTS & ENTERTAINMENT HOME STADIUMS.

70.11(36) (a) Property consisting of or contained in a sports and entertainment home stadium, except a football stadium as defined in [s. 229.821 \(6\)](#) – [*"Football stadium" means a stadium that is principally used as the home stadium of a professional football team described in s. 229.823* – {Jurisdiction. A district's jurisdiction is any county with a population at the date of the district's creation of more than 150,000 that includes the principal site of a stadium that is home to a professional football team, that is a member of a league of professional football teams that have home stadiums in at least 10 states and a collective average attendance for all league members of at least 40,000 persons per game over the 5 years immediately preceding the year in which a district is created, and that is approved by that league for use as a home stadium for that professional football team. Once created, the district's jurisdiction remains fixed even if population or attendance figures subsequently decline below the minimums described in this section.} *at the time that a district is created, or if no home stadium exists at the time that a district is created, "football stadium" means a stadium that includes the site of a proposed home stadium of such a team.*]; including but not limited to parking lots, garages, restaurants, parks, concession facilities, entertainment facilities, transportation facilities, and other functionally related or auxiliary facilities and structures; including those facilities and structures while they are being built; constructed by, leased to or primarily used by a professional athletic team that is a member of a league that includes teams that have home stadiums in other states, and the land on which that stadium and those structures and facilities are located. Leasing or subleasing the property; regardless of the lessee, the sublessee and the use of the leasehold income; does not render the property taxable.

(b) Property consisting of or contained in a football stadium, as defined in [s. 229.821 \(6\)](#) – [*"Football stadium" means a stadium that is principally used as the home stadium of a professional football team described in s. 229.823* – {A district's jurisdiction is any county with a population at the date of the district's creation of more than 150,000 that includes the principal site of a stadium that is home to a professional football team, that is a member of a league of professional football teams that have home stadiums in at least 10 states and a collective average attendance for all league members of at least 40,000 persons per game over the 5 years immediately preceding the year in which a district is created, and that is approved by that league for use as a home stadium for that professional football team. Once created, the district's jurisdiction remains fixed even if population or attendance figures subsequently decline below the minimums described in this section.} *at the time that a district is created, or if no home stadium exists at the time that a district is created, "football stadium" means a stadium that includes the site of a proposed home stadium of such a team.*], and related facilities and structures, including those facilities and structures while they are being built or constructed, primarily used by a professional football team described in [s. 229.823](#) – [*A district's jurisdiction is any county with a population at the date of the district's creation of more than 150,000 that includes the principal site of a stadium that is home to a professional football team, that is a member of a league of professional football teams that have home stadiums in at least 10 states and a collective average attendance for all league members of at least 40,000 persons per game over the 5 years immediately preceding the year in which a district is created, and that is approved by that league for use as a home stadium for that professional football team. Once created, the district's jurisdiction remains fixed even if population or attendance figures subsequently decline below the minimums described in this section.*], and the land, including parking lots, on which that stadium and those facilities and structures are located. Related facilities and structures are limited to improvements that share common structural supports with the stadium or are physically attached to the stadium. Using the property for garages, restaurants, parks, concession facilities, entertainment facilities, transportation facilities, or other functionally related or auxiliary facilities does not render the property taxable. Leasing or subleasing the property; regardless of the lessee, the sublessee and the use of the leasehold income; does not render the property taxable.

Court Cases:

DOR Guidelines:

WPAM: See page 22-44.

Notes:

(37) LOCAL EXPOSITION DISTRICT.

70.11(37) The property of a local exposition district under [subch. II](#) – [Local Exposition District] of ch. 229.

Court Cases:

DOR Guidelines:

WPAM: See page 22-33.

Notes:

(38) UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY.

70.11(38) Notwithstanding the provisions of [s. 70.11 \(intro.\)](#) that relate to leased property, all property owned by the University of Wisconsin Hospitals and Clinics Authority and all property leased to the University of Wisconsin Hospitals and Clinics Authority that is owned by the state, provided that use of the property is primarily related to the purposes of the authority.

Court Cases:

DOR Guidelines:

WPAM: See page 22-49.

Notes:

(38m) WISCONSIN AEROSPACE AUTHORITY.

70.11(38m) Notwithstanding the provisions of [s. 70.11 \(intro.\)](#) that relate to leased property or that impose other limitations, all property owned or leased by the Wisconsin Aerospace Authority, provided that use of the property is primarily related to the purposes of the authority.

Court Cases:

DOR Guidelines:

WPAM: See page 22-51.

Notes:

(39) COMPUTERS.

70.11(39) If the owner of the property fulfills the requirements under [s. 70.35](#) - [Taxpayer examined under oath or to submit return], mainframe computers, minicomputers, personal computers, networked personal computers, servers, terminals, monitors, disk drives, electronic peripheral equipment, tape drives, printers, basic operational programs, systems software, and prewritten software. The exemption under this subsection does not apply to custom software, fax machines, copiers, equipment with embedded computerized components or telephone systems, including equipment that is used to provide telecommunications services, as defined in [s. 76.80 \(3\)](#) - [“Telecommunications services” means the transmission of voice, video, facsimile or data messages, including telegraph messages, except that “telecommunications services” does not include a video service, as defined in [s. 66.0420 \(2\) \(y\)](#) - {“Video service” means any video programming service, cable service, or service provided via an open video system that complies with 47 USC 573, that is provided through facilities located at least in part in public rights-of-way, without regard to delivery technology, including Internet protocol technology or any other technology. “Video service” does not include any of the following: 1.) Video programming provided by a commercial mobile radio service provider, as defined in [s. 196.01 \(2g\)](#) - (“Commercial mobile radio service provider” means a telecommunications provider that is authorized by the federal communications commission to provide commercial mobile service) 2.) Video programming provided solely as part of and via a service that enables users to access content, information, electronic mail, or any other service offered over the public Internet. (z) “Video service franchise” means a franchise issued under [sub. \(3\) \(f\) 2](#) - (After the filing of an application that the department has determined is complete, the department shall determine whether an applicant is legally, financially, and technically qualified to provide video service. If the department determines that an applicant is legally, financially, and technically qualified to provide video service, the department shall issue a video service franchise to the applicant. If the department determines that an applicant is not legally, financially, and technically qualified to provide video service, the department shall reject the application and shall state the reasons for the determination). (zb) “Video service network” means wireline facilities, or any component thereof, located at least in part in the public right-of-way that deliver video service, without regard to delivery technology, including Internet protocol technology or any other technology. “Video service network” includes a cable system. (zg) “Video service provider” means a person, including an incumbent cable operator, who is issued a video service franchise or a successor or assign of such a person. (zm) “Video service provider fee” means the fee paid by a video service provider under [sub. \(7\)](#).), radio, one-way radio paging or transmitting messages incidental to transient occupancy in hotels, as defined in [s. 254.61 \(3\)](#)]. For the purposes of [s. 79.095](#) - [State aid; computers], the exemption under this subsection does not apply to property that is otherwise exempt under this chapter.

Court Cases:

- *Xerox Corp. v. Wisconsin Department of Revenue, Nos. 02-M-66, 02-M-67, WIS. TAX REP. (CCH) 400-814 (Wis. Tax App. Comm’n Feb. 17, 2005)(emphasis in original), reversed and remanded on other grounds, No. 05-CV-3250, Wis. TAX REP. (CCH) 400-919 (Wis. Cir. Ct. Dane County July 18, 2006), original decision confirmed, Wis. TAX REP. (CCH) 400-999 (Wis. Tax App. Comm’n Mar. 23, 2007), appeal pending, No. 07-CV-1767 (Wis. Cir. Ct. Dane County). The tax commission reasonably relied on nontechnical dictionary definitions of the computer-related terms in sub. (39). The commission aptly noted that the terms at issue “are within the common lexicon, familiar to most people” and that the statute had a “more colloquial than technical tone.” Based on these observations, the commission reasonably concluded that the computer terms at issue are not technical, and reasonably applied the general rule of construing the language in accord with its common and approved usage. *Xerox Corporation v. DOR, 2009 WI App 113, 321 Wis. 2d 181, 772 N.W.2d 677, 772 N.W.2d 677, 07-2884.* The tax commission’s conclusion that, to be exempt under sub. (39), a device must be an exempt item under sub. (39) and not merely contain an exempt item was reasonable. *Xerox Corporation v. DOR, 2009 WI App 113, 321 Wis. 2d 181, 772 N.W.2d 677, 07-2884.**

DOR Guidelines:

WPAM: See 21.7-28 for LEGAL REFERENCE
22-23 for COMPUTER EXEMPTIONS
22-31 for COMPUTER EQUIPMENT & SOFTWARE.

Notes:

(39m)

70.11(39m) If the owner of the property fulfills the requirements under [s. 70.35](#) – [*Taxpayer examined under oath or to submit return*], cash registers and fax machines, excluding fax machines that are also copiers.

Court Cases:

DOR Guidelines:

WPAM:

Notes:

(40) LOCAL CULTURAL ARTS DISTRICT.

70.11(40) Property of a local cultural arts district under [subch. V](#) – [*Local Cultural Arts Districts*] of ch. 229, except any of the following:

(a) Property that is not a part of the physical structure of a cultural arts facility, as defined under [s. 229.841 \(5\)](#) – [*"Cultural arts facilities" means district property, tangible or intangible, owned in whole or in part, operated or leased by a district that is principally for a cultural arts activity including auditoriums, music halls, exhibit halls, theaters, practice facilities, dressing rooms, parking lots, garages, restaurants, concession facilities, entertainment facilities, transportation facilities and other functionally related or auxiliary facilities or structures*], if that property is used for a retail business or a restaurant, unless the retail business or restaurant is operated by the local cultural arts district or by a corporation, organization or association described in section 501 (c) 3 of the Internal Revenue Code that is exempt from taxation under section 501 (a) of the Internal Revenue Code.

(b) A parking lot or parking structure that is not used to support the operation of a cultural arts facility, as defined under [s. 229.841 \(5\)](#) – [*"Cultural arts facilities" means district property, tangible or intangible, owned in whole or in part, operated or leased by a district that is principally for a cultural arts activity including auditoriums, music halls, exhibit halls, theaters, practice facilities, dressing rooms, parking lots, garages, restaurants, concession facilities, entertainment facilities, transportation facilities and other functionally related or auxiliary facilities or structures*].

Court Cases:

DOR Guidelines:

WPAM:

Notes:

(41) FOX RIVER NAVIGATIONAL SYSTEM AUTHORITY.

70.11(41) All property owned by the Fox River Navigational System Authority, provided that use of the property is primarily related to the purposes of the authority.

Court Cases:

DOR Guidelines:

WPAM: See page 22-35.

Notes:

(41m) HEALTH INSURANCE RISK-SHARING PLAN AUTHORITY.

70.11(41m) All property owned by the Health Insurance Risk-Sharing Plan Authority, provided that use of the property is primarily related to the purposes of the authority.

Court Cases:

DOR Guidelines:

WPAM:

Notes:

(42) HUB FACILITY.

70.11(42)

(a) In this subsection:

1. "Air carrier company" means any person engaged in the business of transportation in aircraft of persons or property for hire on regularly scheduled flights. In this subdivision, "aircraft" has the meaning given in [s. 76.02 \(1\)](#) – [*"Air carrier company" means any person engaged in the business of transportation in aircraft of persons or property for hire on regularly scheduled flights, except an air carrier company whose property is exempt from taxation under [s. 70.11 \(42\) \(b\)](#). In this subsection, "aircraft" means a completely equipped operating unit, including spare flight equipment, used as a means of conveyance in air commerce*].

2. "Hub facility" means any of the following: a) A facility at an airport from which an air carrier company operated at least 45 common carrier departing flights each weekday in the prior year and from which it transported passengers to at least 15 nonstop destinations, as defined by rule by the department of revenue, or transported cargo to nonstop destinations, as defined by rule by the department of revenue. b) An airport or any combination of airports in this state from which an air carrier company cumulatively operated at least 20 common carrier departing flights each weekday in the prior year, if the air carrier company's headquarters, as defined by rule by the department of revenue, is in this state.

(b) Property owned by an air carrier company that operates a hub facility in this state, if the property is used in the operation of the air carrier company.

Court Cases:

DOR Guidelines:

WPAM: See pages 22-39.

Notes/Cross Reference: Sub. (42) is constitutional. *Northwest Airlines, Inc. v. Department of Revenue*, 2006 WI 88, 293 Wis. 2d 202, 717 N.W.2d 280, [04-0319](#).

(43) ART AND ARTS EDUCATION CENTERS.

70.11(43) All of the property owned or leased by a corporation, organization, or association that is exempt from taxation under section 501 (c) (3) of the Internal Revenue Code, if the property satisfies the following conditions:

- (a) It is used for the purposes for which the exemption under section 501 (c) (3) of the Internal Revenue Code is granted to the corporation, organization, or association that owns or leases the property.
- (b) It includes one or more buildings that are owned or leased by the corporation, organization, or association and that are located within, or are surrounded by, a municipal park.
- (c) It includes one or more theaters for the performing arts that are operated by the corporation, organization, or association and the seating capacity of the theater or theaters is not less than 600 persons.
- (d) It includes facilities that are used for arts education.

Court Cases:

DOR Guidelines:

WPAM: See page 22-26.

Notes:

(44) OLYMPIC ICE TRAINING CENTER.

70.11(44) Beginning with the first assessment year in which the property would not otherwise be exempt from taxation under [sub. \(1\)](#), property owned by a nonprofit corporation that operates an Olympic Ice Training Center on land purchased from the state, if the property is located or primarily used at the center. Property that is exempt under this subsection includes property leased to a nonprofit entity, regardless of the use of the leasehold income, and up to 6,000 square feet of property leased to a for-profit entity, regardless of the use of the leasehold income.

Court Cases:

DOR Guidelines:

WPAM: See page 22-43.

Notes: Up to 6,000 sf can be leased to a for-profit.

(45) NONPROFIT COMMUNITY THEATER.

70.11(45)

All property owned or leased by a corporation, organization, or association that is exempt from taxation under section 501 (c) (3) of the Internal Revenue Code, if the property satisfies the following conditions:

- (a) It is used for the purposes for which the exemption under section 501 (c) (3) of the Internal Revenue Code is granted to the corporation, organization, or association that owns or leases the property.
- (b) It is located on land that the property owner owned prior to March 25, 2010, or on land donated by a local business owner or by a municipality.
- (c) It is located on land that is within 20 miles of the Mississippi River.
- (d) It is located on a parcel of land that is at least one-fourth of an acre, but no larger than 2 acres.
- (e) It includes one or more theaters for the performing arts that are operated by the corporation, organization, or association and the seating capacity of the theater or theaters is not less than 450 persons.
- (f) It includes facilities that are used for arts education.

Court Cases:

DOR Guidelines:

WPAM: See page 22-48.

Notes:

(45m) SNOWMOBILE AND ALL-TERRAIN VEHICLE CLUBS.

70.11(45m) Trail groomers owned by a snowmobile club or an all-terrain vehicle club that is exempt from taxation under section 501 (c) (3), (4), or (7) of the Internal Revenue Code.

Court Cases:

DOR Guidelines:

WPAM: See page 22-49 for *TRAIL GROOMERS, ALL-TERRAIN VEHICLES and SNOWMOBILE CLUB.*

Notes:

70.11 History: 1971 c. [152](#), [154](#), [312](#); 1973 c. [90](#); 1973 c. [333](#) s. 201m; 1973 c. [335](#) s. 13; 1975 c. [39](#); 1975 c. [94](#) s. 91 (10); 1975 c. [199](#); 1977 c. [29](#) ss. 745m, 1646 (3), 1647 (5), (7); 1977 c. [83](#) s. 26; 1977 c. [273](#), [282](#), [391](#), [418](#), [447](#); 1979 c. [34](#) s. 2102 (39) (g); 1979 c. [221](#), [225](#); 1979 c. [310](#) s. 12; 1981 c. [20](#); 1983 a. [27](#) ss. 1177, 1178, 1179f; 1983 a. [189](#) s. 329 (16); 1983 a. [201](#), [327](#); 1985 a. [26](#), [29](#), [316](#), [332](#); 1987 a. [10](#), [27](#), [395](#), [399](#); 1987 a. [403](#) s. 256; 1989 a. [25](#), [31](#), [307](#); 1991 a. [37](#), [39](#), [269](#); 1993 a. [263](#), [307](#), [399](#), [490](#); 1995 a. [27](#) ss. [3344](#) to [3348m](#), [9126](#) (19); 1995 a. [201](#), [227](#), [247](#), [366](#); 1997 a. [27](#), [35](#), [134](#), [147](#), [164](#), [184](#), [237](#); 1999 a. [9](#), [32](#), [63](#), [65](#); 1999 a. [150](#) ss. [624](#), [672](#); 1999 a. [167](#), [185](#); 2001 a. [16](#), [38](#), [59](#), [103](#); 2003 a. [195](#), [291](#); 2005 a. [4](#), [22](#), [70](#), [74](#), [335](#); 2007 a. [19](#); 2007 a. [20](#) ss. [1932](#) to [1934f](#), [9121](#) (6) (a); 2009 a. [28](#), [152](#), [155](#); s. 13.92 (1) (bm) 2.

Cross Reference: For other exemptions from property taxation, see s. [1.04](#), U.S. sites; s. [70.112](#), specially taxed property; s. [70.41](#), stored grain; s. [70.42](#), coal docks; s. [70.421](#), petroleum; s. [76.23](#), utilities.

Voting machines leased by a city with an option to purchase are city property and exempt. Milwaukee v. Shoup Voting Machine Corp. 54 Wis. 2d 549, 196 N.W.2d 694 (1972).

An organization that practices racial discrimination may not be granted preferential tax treatment. State ex rel. Palleon v. Musolf, 117 Wis. 2d 469, 345 N.W.2d 73 (Ct. App. 1984); affirmed 120 Wis. 2d 545, 356 N.W.2d 487 (1984).

The burden of proving exempt status is on the taxpayer. Waushara County v. Graf, 166 Wis. 2d 442, 480 N.W.2d 16 (1992).

A lease provision between a county-lessor and a lessee that the lessee was responsible for taxes was not determinative of the taxability of buildings constructed on the leased premises. The county, as beneficial owner of the property, was exempt from taxation. City of Franklin v. Crystal Ridge, 180 Wis. 2d 561, 509 N.W.2d 730 (1994).

The legislature may not delegate the power to grant tax exemptions to a county board. UW-LaCrosse Foundation v. Town of Washington, 182 Wis. 2d 490, 513 N.W.2d 417 (Ct. App. 1994).

A youth soccer association failed to establish that it was substantially and primarily devoted to educational purposes. Although its program had educational elements, it was not entitled to tax exempt status as an educational association. Kickers of Wisconsin, Inc. v. Milwaukee, 197 Wis. 2d 675, 541 N.W.2d 193 (Ct. App. 1995).

Section 70.11 (intro.), and not s. 70.1105, applies if an exempt organization leases part of its property to a for-profit entity. Section 70.1105 applies when the exempt organization engages in for-profit activities. However the methodology for determining exemptions under each is the same. Deutsches Land, Inc. v. City of Glendale, 225 Wis. 2d 70, 591 N.W.2d 583 (1999), [96-2489](#).

In applying the exempt lessee condition in the section introduction, a housing authority that subsidized low-income tenant's rent payments to a benevolent organization property owner cannot be found to be the tenant, which as a governmental entity would be entitled to property tax exemption. Under the established legal definition of lessee, the lessees are the low-income individuals to whom the benevolent organization rents. Columbus Park Housing Corp. v. City of Kenosha, 2003 WI 143, 267 Wis. 2d 59, 671 N.W.2d 633, [02-0699](#).

Preferential tax treatment may not be given to any organization that discriminates on the basis of race. Pitts v. Dept. of Revenue, 333 F. Supp. 662.

Tax exemption and religious freedom. 54 MLR 385.

What is Benevolence? Clarifying Wisconsin's Real Property Tax Exemption for Benevolent Organizations and the Argument for the "Retirement" of the Exemption for High-End Senior-Housing Complexes. Jaynes. 2006 WLR 1434.

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70.1105 TAXED IN PART

70.1105(1) Property that is exempt under [s. 70.11](#) and that is used in part in a trade or business for which the owner of the property is subject to taxation under sections 511 to 515 of the internal revenue code, as defined in [s. 71.22 \(4m\)](#) (*Taxation of Corporations*), shall be assessed for taxation at that portion of the fair market value of the property that is attributable to the part of the property that is used in the unrelated trade or business. This section does not apply to property that is leased by an exempt organization to another person or to property that is exempt under [s. 70.11 \(34\)](#) (*Historic Properties*).

70.1105(2) Property, excluding land, that is owned or leased by a corporation that provides services pursuant to 15 USC 79 to a light, heat, and power company, as defined under [s. 76.28 \(1\) \(e\)](#), that is subject to taxation under [s. 76.28](#) (*License fee for light, heat and power companies*) and that is affiliated with the corporation shall be assessed for taxation at the portion of the fair market value of the property that is not used to provide such services.

Court Cases:

- *Deutsches Land, Inc. v. City of Glendale*, 225 Wis. 2d 70, 591 N.W.2d 583 (1999), [96-2489](#).

DOR Guidelines:

WPAM: See pages 21.7-17, 22-8 & 22-9

Notes:

History: 1997 a. [35](#) s. [243](#); 2001 a. [16](#).

70.1105 - ANNOT.

Section 70.11 (intro.), and not s. 70.1105, applies if an exempt organization leases part of its property to a for-profit entity. Section 70.1105 applies if the exempt organization engages in for-profit activities. However the methodology for determining exemptions under each is the same. Deutsches Land, Inc. v. City of Glendale, 225 Wis. 2d 70, 591 N.W.2d 583 (1999), [96-2489](#).

ASSESSMENT OF UNITED STATES GOVERNMENT OWNED PROPERTY

Court Cases:

DOR Guidelines:

WPAM: See pages 21.7-17 and 22-21.

Notes:

NATIVE AMERICAN PROPERTY

Court Cases:

DOR Guidelines:

WPAM: See pages 21.7-27 and 21.7-28 for LEGAL REFERENCE and 22-22 and 22-23.

Notes:

70.111 PERSONAL PROPERTY

The property described in this section is exempted from general property taxes:

70.111(1) Jewelry, household furnishings and apparel. Personal ornaments and jewelry, family portraits, private libraries, musical instruments other than pianos, radio equipment, household furniture, equipment and furnishings, apparel, motor bicycles, bicycles, and firearms if such items are kept for personal use by the owner and pianos if they are located in a residence.

WPAM: See page 21.7-20

70.111(2) Animals. Farm poultry, farm animals, bees and bee equipment and fur-bearing animals under 4 months of age and the hides and pelts of all farm and fur-bearing animals in the hands of the grower.

WPAM: See page 21.7-22 through 21.7-23

70.111(3) Boats. Watercraft employed regularly in interstate traffic, watercraft laid up for repairs, all pleasure watercraft used for recreational purposes, commercial fishing boats and equipment that is used by commercial fishing boats, charter sailboats and charter boats, other than sailboats, that are used for tours.

WPAM: See page 21.7-20

Notes/Cross Reference: "Interstate traffic" in sub. (3) means interstate commerce; what constitutes a boat in interstate commerce is discussed. *Town of LaPointe v. Madeline Island Ferry*, 179 Wis. 2d 726, 508 N.W.2d 440 (Ct. App. 1993).

70.111(3m) Charter sport fishing boats. Motorboats, and the equipment used on them, which are regularly employed in carrying persons for hire for sport fishing in and upon the outlying waters, as defined in [s. 29.001 \(63\)](#), and the rivers and tributaries specified in [s. 29.2285 \(2\) \(a\) 1.](#) and [2.](#) if the owner and all operators are licensed under [s. 29.512](#) or under [s. 29.514](#) or both and by the U.S. coast guard to operate the boat for that purpose.

70.111(4) Crops. Growing and harvested crops, and the seed, fertilizer and supplies used in their production or handling, in the hands of the grower, including nursery stock and trees growing for sale as such, medicinal plants, perennial plants that produce an annual crop and plants growing in greenhouses or under hotbeds, sash or lath. This exemption also applies to trees growing for sale as Christmas trees.

WPAM: See page 21.7-20

70.111(5) Family supplies. Provisions and fuel to sustain the owner's family; but no person paying board shall be deemed a member of a family.

70.111(6) Feed. Feed and feed supplements owned by the operator or owner of a farm and used in feeding on the farm and not for sale.

70.111(7) Horses, etc. All horses, mules, wagons, carriages, sleighs, harnesses.

70.111(9) Tools and garden machines. The tools of a mechanic if those tools are kept and used in the mechanic's trade; and garden machines and implements and farm, orchard and garden tools if those machines, implements and tools are owned and used by any person in the business of farming or in the operation of any orchard or garden. In this subsection, "machine" has the meaning given in [sub. \(10\) \(a\) 2.](#)

WPAM: See page 21.7-21 through 21.7-22

Notes/Cross Reference: Farm machinery, which is also a fixture, is not personal property eligible for exemption under sub. (9). *Pulsfus v. Town of Leeds*, 149 Wis. 2d 797, 440 N.W.2d 329 (1989).

70.111(10) Farm machinery and equipment.

70.111(10)(a) In this subsection:

70.111(10)(a)1. "Building" means any structure that is intended to be a permanent accession to real property; that is designed or used for sheltering people, animals or plants, for storing property or for working, office, parking, sales or display space, regardless of any contribution that the structure makes to the production process in it; that in physical appearance is annexed to that real property; that is covered by a roof or encloses space; that is not readily moved or disassembled; and that is commonly known to be a building because of its appearance and because of the materials of which it is constructed.

70.111(10)(a)2. "Machine" means an assemblage of parts that transmits force, motion and energy from one part to another in a predetermined manner.

70.111(10)(b) Tractors and machines; including accessories, attachments, fuel and repair parts for them; whether owned or leased, that are used exclusively and directly in farming; including dairy farming, agriculture, horticulture, floriculture and custom farming services; but not including personal property that is attached to, fastened to, connected to or built into real property or that becomes an addition to, component of or capital improvement to real property and not including buildings or improvements to real property, regardless of any contribution that that personal property makes to the production process in them and regardless of the extent to which that personal property functions as a machine.

70.111(10)(c) For purposes of this subsection, the following items retain their character as tangible personal property, regardless of the extent to which they are fastened to, connected to or built into real property:

70.111(10)(c)1. Auxiliary power generators.

70.111(10)(c)2. Bale loaders.

70.111(10)(c)3. Barn elevators.

70.111(10)(c)4. Conveyors.

70.111(10)(c)5. Feed elevators and augers.

70.111(10)(c)6. Grain dryers and grinders.

70.111(10)(c)7. Milk coolers.

70.111(10)(c)8. Milking machines; including piping, pipeline washers and compressors.

70.111(10)(c)9. Silo unloaders.

70.111(10)(c)10. Powered feeders, but not including platforms or troughs constructed from ordinary building materials.

70.111(11) Cheese. Natural cheese owned by the Wisconsin primary manufacturer or by any other person while in storage for the purpose of further aging in preparation for cutting, packaging or other processing.

70.111(14) Milkhouse equipment. Milkhouse equipment used by a farmer, including mechanical can coolers, bulk tanks and hot water heaters. This exemption shall apply whether such equipment is deemed personal property or is so affixed to the realty as to be classified in the category of real estate.

WPAM: See page 21.7-22

70.111(17) Merchants' stock-in-trade; manufacturers' materials and finished products; livestock. As of January 1, 1981, merchants' stock-in-trade, manufacturers' materials and finished products and livestock.

WPAM: See page 21.7-22

Notes/Cross Reference: *Personal property held out for rental is not "stock-in-trade" under sub. (17). Menomonee Falls v. Falls Rental World, 135 Wis. 2d 393, 400 N.W.2d 478 (Ct. App. 1986).*

70.111(18) Solar and wind energy systems. Solar energy systems and wind energy systems. In this subsection, "solar energy system" means equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy, but does not include equipment or components that would be present as part of a conventional energy system or a system that operates without mechanical means. In this subsection, "wind energy system" means equipment which converts and then transfers or stores energy from the wind into usable forms of energy, but does not include equipment or components that would be present as part of a conventional energy system.

70.111 - ANNOT. Cross Reference: See also s. [Tax 12.50](#), Wis. adm. code.

70.111(19) Camping trailers, recreational mobile homes, and recreational vehicles.

70.111(19)(a) Camping trailers as defined in [s. 340.01 \(6m\)](#).

70.111(19)(b) Recreational mobile homes, as defined in [s. 66.0435 \(1\) \(hm\)](#), and recreational vehicles, as defined in [s. 340.01 \(48r\)](#). The exemption under this paragraph also applies to steps and a platform, not exceeding 50 square feet, that lead to a doorway of a recreational mobile home or a recreational vehicle, but does not apply to any other addition, attachment, deck, or patio.

Notes/Cross Reference: *A mobile home is an improvement to real property under s. 70.043 (1) when the home is resting for more than a temporary time, in whole or in part, on some other means of support than its wheels, but a mobile homes may be personal property and exempt under s. (19) (b) although it may have some weight off its wheels. Ahrens v. Town of Fulton, 2002 WI 29, 251 Wis. 2d 135, 641 N.W.2d 423, [99-2466](#).*

70.111(20) Logging equipment. All equipment used to cut trees, to transport trees in logging areas or to clear land of trees for the commercial use of forest products.

WPAM: See page 21.7-22 through 21.7-24

Notes/Cross Reference: *In applying sub. (20), the use of the equipment rather than the primary purpose of the underlying business is the determining factor in deciding whether equipment is exempt from taxation. De minimis uses of the property are not sufficient to invoke this exemption. Village of Lannon v. Wood-Land Contractors, Inc. 2003 WI 150, 267 Wis. 2d 158, 672 N.W.2d 275, [02-0236](#).*

70.111(21) Structures for ginseng. Any temporary structure in the hands of a grower of ginseng used or designed to be used to provide shade for ginseng plants.

70.111(22) Rented personal property. Personal property held for rental for periods of one month or less to multiple users for their temporary use, if the property is not rented with an operator, if the owner is not a subsidiary or affiliate of any other enterprise which is engaged in any business other than personal property rental, if the owner is classified in group number 735, industry number 7359 of the 1987 standard industrial classification manual published by the U.S. office of management and budget and if the property is

equipment, including construction equipment but not including automotive and computer-related equipment, television sets, video recorders and players, cameras, photographic equipment, audiovisual equipment, photocopying equipment, sound equipment, public address systems and video tapes; party supplies; appliances; tools; dishes; silverware; tables; or banquet accessories.

WPAM: See page 21.7-30

Notes/Cross Reference: Sub. (22) unambiguously expresses the legislature's clear intent to exempt rental property from taxation that is held for rental for one month or less and for property available for rental for more than one month to be taxed. There is no ambiguity in the statutory language such that it might possibly apply to property that is held for rental for one month or less and that is also available for rental for more than one month. *United Rentals, Inc. v. City of Madison*, 2007 WI App 131, 305 Wis. 2d 120, 741 N.W.2d 471, [05-1440](#).

70.111(23) Vending machines. All machines that automatically dispense soda water beverages, as defined in [s. 97.29 \(1\) \(i\)](#), and items included as a food or beverage under [s. 77.54 \(20\) \(a\)](#) and [\(b\)](#) upon the deposit in the machines of specified coins or currency, or insertion of a credit card, in payment for the soda water beverages, food or beverages.

70.111(24) Motion picture theater equipment. Projection equipment, sound systems and projection screens that are owned and used by a motion picture theater.

70.111(25) Digital broadcasting equipment. Digital broadcasting equipment owned and used by a radio station, television station, or video service network, as defined in [s. 66.0420 \(2\) \(zb\)](#).

70.111(26) High density sequencing systems.

70.111(26)(a) In this subsection, "production process" has the meaning given in [s. 70.11 \(27\) \(a\) 5.](#), except that storage is not excluded.

70.111(26)(b) A high density sequencing system that by mechanical or electronic operation moves printed materials from one place to another within the production process, organizes the materials for optimal staging, or stores and retrieves the materials to facilitate the production or assembly of such materials.

Court Cases:

DOR Guidelines:

WPAM: See page 21.7-30 for LEGAL REFERENCE

See Chapter 15 and pages 22-13 through 22-39.

Notes:

70.111 History: 1971 c. [315](#); 1973 c. [90](#); 1973 c. [336](#) s. 36; 1975 c. [39](#), [224](#); 1977 c. [29](#) ss. 746, 1646 (2), (3), (4); 1977 c. [142](#), [273](#); 1979 c. [3](#), [199](#), [349](#); 1981 c. [20](#), [221](#); 1983 a. [27](#) ss. 1179 to 1179m; 1983 a. [88](#), [201](#), [243](#), [276](#); 1985 a. [29](#); 1987 a. [387](#), [399](#); 1989 a. [31](#); 1991 a. [269](#); 1993 a. [85](#); 1995 a. [27](#); 1997 a. [248](#); 1999 a. [9](#); 1999 a. [150](#) s. [672](#); 2001 a. [16](#), [30](#), [105](#); 2005 a. [298](#); 2007 a. [11](#), [20](#), [42](#), [97](#); 2009 a. [2](#).

70.112 SPECIAL TAX

The property described in this section is exempted from general property taxes:

70.112(1) Money and intangible personalty. Money and all intangible personal property, such as credit, checks, share drafts, other drafts, notes, bonds, stocks and other written instruments.

70.112(4) Special property and gross receipts taxes or license fees.

WPAM: See page 21.7-24

Notes/Cross Reference: Under ss. 70.112 (4) and 76.38 (8), leased property "used and useful" in a telephone utility's business is exempt from ad valorem tax. *Wisconsin Telephone Co. v. City of Milwaukee*, 85 Wis. 2d 447, 271 N.W.2d 362 (1978).

70.112(4)(a) All special property assessed under [ss. 76.01](#) to [76.26](#) and property of any light, heat, and power company taxed under [s. 76.28](#), car line company, and electric cooperative association that is used and useful in the operation of the business of such company or association. If a general structure for which an exemption is sought under this section is used and useful in part in the operation of any public utility assessed under [ss. 76.01](#) to [76.26](#) or of the business of any light, heat, and power company taxed under [s. 76.28](#), car line company, or electric cooperative association and in part for nonoperating purposes of the public utility or company or association, that general structure shall be assessed for taxation under this chapter at the percentage of its full market value that fairly measures and represents the extent of its use for nonoperating purposes. Nothing provided in this paragraph shall exclude any real estate or any property which is separately accounted for under [s. 196.59](#) from special assessments for local improvements under [s. 66.0705](#).

70.112(4)(b) If real or tangible personal property is used more than 50%, as determined by the department of revenue, in the operation of a telephone company that is subject to the tax imposed under [s. 76.81](#), the department of revenue shall assess the property and that property shall be exempt from the general property taxes imposed under this chapter. If real or tangible personal property is used less than 50%, as determined by the department of revenue, in the operation of a telephone company that is subject to the tax imposed under [s. 76.81](#), the taxation district in which the property is located shall assess the property and that property shall be subject to the general property taxes imposed under this chapter.

70.112(5) Motor vehicles, bicycles, snowmobiles. Every automobile, motor bicycle, motor bus, motorcycle, motor truck, moped, road tractor, school bus, snowmobile, truck tractor, or other similar motor vehicle, or trailer or semitrailer used in connection therewith.

WPAM: See page 21.7-25

70.112(6) Aircraft. Every aircraft.

70.112(7) Mobile homes and manufactured homes. Every unit, as defined in [s. 66.0435 \(1\) \(j\)](#), that is subject to a monthly municipal permit fee under [s. 66.0435 \(3\)](#).

WPAM: See page 21.7-25 through 21.7-27.

Court Cases:

DOR Guidelines:

WPAM:

Notes:

70.112 History: 1971 c. [221](#), [289](#); 1981 c. [20](#); 1983 a. [27](#), [243](#), [342](#), [368](#); 1999 a. [80](#); 1999 a. [150](#) s. [672](#); 2001 a. [16](#); 2007 a. [11](#).
