

RE: Question on storage sheds

Romportl, Albert J - DOR [Albert.Romportl@revenue.wi.gov]

Sent: Wednesday, August 06, 2008 7:27 AM

To: Clarence Becker [cjbeck@beckerassessing.com]

Dept of Revenue-Wausau Office -Phone 715-842-5885

Starting with the statutory presumption that all property is taxable (70.01), exemptions are granted only by legislative action (numerous court cases will tell us that.)

So then we look for a statutory exemption for portable buildings. Exemptions are listed in 70.11 and 70.111 and 70.112.

We also know based on court cases, that exemptions are to be "narrowly construed". That means that for something to be exempt, it must be exactly like, or almost exactly like, the allowed statutory exemption.

So then one goes thru each of the exemptions looking for a specific exemption for a type of property, either owned by a non-profit or for-profit entity. **One will not find an exemption for garden sheds, or portable storage sheds.**

To be sure it is not exempt, one will further look to exemption for non-profits - For example - If the storage shed is owned by a church to store lawn mowers, it would be exempt. But I don't think that is the case here.

So the conclusion has to be taxability.

I assume the legislature never went down the path of offering exemption to "portable" buildings, because every building is portable. Houses have been moved; barns have been moved; silos have been dismantled and moved; mobile homes have been moved. All are taxable. The courts have actually moved in the opposite direction. The law of fixtures says the personal property attached to the real estate so as to be difficult to move, is taxable as real estate.

The burden of proof falls on the person/organization claiming exemption to prove the exemption; the only reason taxing jurisdictions would have to prove taxability is if it went to court. So the first step in the discussion is for the owner of the storage shed to bring in all the laws and court cases proving exemption before the assessor has to do anything.

And we remind the village that claims for exemption are filed under Sec. 74.35 of the statutes; they are not discussed at the Board of Review or at a council meeting.

Responding to issues of taxability and exemption lie with the municipal attorney. If he or she has a different opinion, we would have to defer to him or her. But this is a frequently asked question, and the answer has not varied anywhere in the state.

Hope this helps.

From: Clarence Becker [mailto:cjbeck@beckerassessing.com]

Sent: Tuesday, August 05, 2008 8:12 PM

To: Romportl, Albert J - DOR

Subject: Question on storage sheds

The Village of Dorchester wants to know if PORTABLE 8x10 STORAGE SHEDS are taxable???

I told them yes they were, but they still have a question as to why they should be taxable because

they're portable.

I told them I would email and ask you if there taxable. I will forward you're response to Village.

Thanks

CJ Becker - Assessor
