

ORDINANCE NO. 19-04

AN ORDINANCE AMENDING CHAPTER 36 TAX SALE CERTIFICATE OF THE SCOTT COUNTY IOWA CODE, BY AMENDING NUMEROUS SECTIONS THERETO

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY IOWA:

Section 1. That Chapter 36 of the Scott County Iowa Code, be and the same is hereby amended to read as follows:

CHAPTER 36 TAX SALE CERTIFICATE

SECTIONS:

- 36-1. PURPOSE
- 36-2. DEFINITIONS
- 36-3. PURCHASING DELINQUENT TAXES
- 36-4. PROCEDURE
- 36-5. VERIFIED STATEMENT
- 36-6. ASSIGNMENT OF TAX SALE CERTIFICATES
- 36-7. PURCHASE OF TAX SALE CERTIFICATES
- 36-8. INTENT TO REHABILITATE THE PROPERTY

SEC. 36-1. PURPOSE

The purpose of this ordinance is to allow the county and cities within the county the opportunity to utilize Iowa Code 446.19A, which states that the board of supervisors of a county may adopt an ordinance authorizing the county and each city in the county to bid on and purchase delinquent taxes and to assign tax sale certificates of an Abandoned Property or Vacant Lot.

SEC. 36-2. DEFINITIONS

For the purpose of this ordinance, the following terms shall be defined as follows:

- A. "Abandoned Property," as in Iowa Code 446.19A which states "Abandoned property" means a lot or parcel containing a building which is used or intended to be used for residential purposes and which has remained vacant and has been in violation of the housing code of the city in which the property is located or of the housing code applicable in the county in which the property is located if outside the limits of a city, for a period of six consecutive months.
- B. "Vacant Lot" means a lot or parcel located in a city or outside the limits of a city in a county that contains no buildings or structures and that is zoned to allow for residential structures.

C. "Public Nuisance" as in Iowa Code 657A.1(7) which states "Public nuisance" means a building that is a menace to the public health, welfare, or safety, or that is structurally unsafe, unsanitary, or not provided with adequate safe egress, or that constitutes a fire hazard, or is otherwise dangerous to human life, or that in relation to the existing use constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

SEC. 36-3. PURCHASING DELINQUENT TAXES

Pursuant to Iowa Code 446.19A, as amended by the 78th General Assembly, the county and each city in the county are hereby authorized to bid on and purchase delinquent taxes and to assign tax sale certificates of an Abandoned Property or Vacant Lot acquired under Iowa Code 446.19A.

SEC. 36-4. PROCEDURE

On the day of the regular tax sale or any continuance or adjournment of the tax sale, the county treasurer on behalf of the county or a city may bid for and purchase an Abandoned property, Vacant Lot or Public Nuisance property assessed as residential property or as commercial multifamily housing property a sum equal to the total amount due. The county or city shall not pay money for the purchase, but each of the tax levying and tax certifying bodies having interest in the taxes shall be charged with the total amount due the tax levying or tax certifying body as its just share of the purchase price.

SEC. 36-5. VERIFIED STATEMENT

Prior to the purchase, the county or city shall file with the county treasurer a verified statement that the parcel to be purchased is An Abandoned Property, Vacant Lot, or is likely to become, a Public Nuisance.

SEC. 36-6. ASSIGNMENT OF TAX SALE CERTIFICATES

After the date that a parcel is sold pursuant to Iowa Code section 446.18, 446.19A, 446.38 or 446.39, if the parcel assessed as residential property or as commercial multifamily housing property is identified as an Abandoned Property, Vacant Lot, or a Public Nuisance pursuant to a verified statement filed pursuant to section 5, a city or county may require the assignment of the tax sale certificate that had been issued for such parcel by paying the holder of such certificate the total amount due on the date the assignment of the certificate is made to the county or city and recorded with the county treasurer. If the certificate is not reassigned by the county or city, the county or city, whichever is applicable, is liable for the tax sale interest that was due the certificate holder pursuant to section 447.1, as of the date of reassignment.

SEC. 36-7. PURCHASE OF TAX SALE CERTIFICATES

The city or county may assign or reassign the tax sale certificate obtained pursuant to this ordinance. Persons who purchase certificates from the city or

county pursuant to this ordinance are liable for the total amount due the certificate holder pursuant to section 447.1.

SEC. 36.8 INTENT TO REHABILITATE THE PROPERTY

All persons who purchase certificates from the city or county under this ordinance shall demonstrate the intent to rehabilitate the property for habitation if the property is not redeemed. In the alternative, the county or city may, if the title to the property has vested in the county or city under section 448.1, dispose of the property in accordance with section 331.361 or 364.7, as applicable.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

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

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

First Consideration April 18, 2019,
Second Consideration May 2, 2019,
Third Consideration May 16, 2019,

Tony Knobbe
Chairman, Board of Supervisors

Attest: _____
Roxanna Moritz
County Auditor

Published on _____.