



BENTON CO IA- LEXA S SPEIDEL, RECORDER
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ETC MISCELLANEOUS
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ORDINANCE #68 PUBLIC NUISANCE TAX SALES

Be it enacted by the Board of Supervisors of Benton County, Iowa:

PART 1 INTRODUCTION

1.1 PURPOSE.

The purpose of this ordinance is to authorize the County Treasurer to separately offer and sell at the annual tax sale delinquent taxes on parcels that are abandoned property and are assessed as residential property or as commercial multifamily housing property and that are, or are likely to become a public nuisance.

PART 2 DEFINITIONS

2.1 Abandoned property per Iowa Code 446.19A, 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. Any amendments to the definition contained in Iowa Code 446.19A, amends the definition contained herein.

2.2 Public nuisance per Iowa Code 657A.1(7), 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. Any amendments to the definition contained in Iowa Code 657A.1(7), amends the definition contained herein.

PART 3 GENERAL PROVISIONS

3.1 AUTHORITY.

Iowa Code § 446.19B, provides that the board of supervisors of a county may adopt an ordinance authorizing the county treasurer to separately offer and sell at the annual tax sale delinquent taxes on parcels that are abandoned property and are assessed as residential property or as commercial multifamily housing property and that are, or are likely to become, a public nuisance.

3.2 STATEMENT FILED.

On or before May 15, the county or city may file with the county treasurer a verified statement, via resolution, containing a listing of parcels and a declaration that each parcel is abandoned property, each parcel is assessed as residential property or as commercial multifamily housing property, each parcel is, or is likely to become, a public nuisance, and that each parcel is suitable for use as housing following rehabilitation.

3.3 PUBLICATION OF NOTICE.

The verified statement shall be published at the same time and in the same manner as the notice of the annual tax sale and the requirements in Iowa Code § 446:9(2) for publication of notice of the annual tax sale also apply to publication of the verified statement.

3.4 PUBLIC NUISANCE TAX SALE.

On the day of the regular tax sale, or any continuance or adjournment of the tax sale, the treasurer shall separately offer and sell those parcels listed in a verified statement timely received and properly published and which remain liable to sale for delinquent taxes. This sale shall be known as the "public nuisance tax sale". Notwithstanding any provision to the contrary, the percentage interest that may be purchased in a parcel offered for sale under this ordinance shall not be less than one hundred percent.

3.5 ELIGIBILITY.

To be eligible to bid on parcels under this ordinance, a prospective bidder shall enter into a rehabilitation agreement with the county, or with the city if the property is located within a city, to demonstrate the intent to rehabilitate the property for use as housing if the property is not redeemed. The county or city shall provide the county treasurer the identities of all eligible

bidders who have a valid rehabilitation agreement no less than 48 hours prior to the day of the regular tax sale.

3.6 REMOVAL OF STRUCTURE.

If after issuance of a tax sale deed to the holder of a certificate of purchase at the public nuisance tax sale, the tax sale deed holder determines that a building, structure, or other improvement located on the parcel cannot be rehabilitated for habitation, the tax sale deed holder may request approval from the board of supervisors, or the city council if the property is located within a city, to remove, dismantle, or demolish the building, structure, or other improvement.

3.7 WHEN NO BID IS RECEIVED.

When a parcel is offered at public nuisance tax sale and no bid is received, or if the bid received is less than the total amount due, the county treasurer shall bid for the parcel a sum equal to the total amount due. Money shall not be paid by the county or city for the purchase; but each of the tax-levying and tax-certifying bodies having any 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.

3.8 ASSIGNMENT OF TAX SALE CERTIFICATE.

The tax sale certificate holder may assign the tax sale certificate obtained pursuant to this ordinance.

PART 4 REPEALER AND SEVERABILITY

4.1 Repealer.

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

4.2 Severability.

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**PART 5
ENACTMENT**

5.1 EFFECTIVE DATE.

This ordinance shall be in effect after its final passage, approval and publication as provided by law.



BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders

Jason Sanders, Chairman

Donald H. Frese

Donald H. Frese

Terry L. Hertle

Terry L. Hertle

ATTEST:

Hayley Rippel Deputy

Jill Marlow

Benton County Auditor

April 23, 2013 – Approved 1st Consideration of Ordinance #68

April 26, 2013 – Approved 2nd Consideration of Ordinance #68

April 30, 2013 - Approved 3rd Consideration of Ordinance #68

April 30, 2013 - Adopted Ordinance #68

May 7, 2013 (The Vinton Eagle), May 8, 2013 (The Star Press Union), and May 10, 2013 (Cedar Valley Times) –
Published Ordinance #68

I, Hayley Rippel, do hereby certify the above to be a true and correct copy of Ordinance #68 and the dates of consideration and publication are correct.

Hayley Rippel

Hayley Rippel, Deputy Benton County Auditor