SAC COUNTY, IOWA
SUMMARY OF PROPOSED AMENDMENTS TO CHAPTER 8
CODE OF ORDINANCES — TAX SALE CERTIFICATE

Chapter 8 of the Sac County Code of Ordinances authorizes the County, and the cities within the County, to bid on and purchase delinquent taxes at the annual tax sale and to obtain and assign tax sale certificates for certain properties, under the authority of Iowa Code § 446.19A. The proposed amendments update Chapter 8 to conform to the current version of § 446.19A. The substance of the amendments is summarized below. Two enclosures accompany this summary: Enclosure 1 is a redline showing every proposed insertion (underlined) and deletion (struck through) to Chapter 8, and Enclosure 2 is the proposed amending ordinance setting forth the final text of Chapter 8 as amended.

1. Addition of vacant-lot authority. Iowa Code § 446.19A applies to both abandoned residential property and vacant lots zoned for residential use. The existing chapter reaches only abandoned property. The amendments carry the vacant-lot authority through the chapter (Sections 8.01, 8.03, 8.04, 8.05, 8.06, and 8.08), so that the County and its cities may also bid on, purchase, and assign tax sale certificates for vacant lots, with the purchaser expected to build a residential structure on the lot if the property is not redeemed. See Enclosure 1 (redline); Enclosure 2, Section 1.

2. Corrected verified-statement standard (Section 8.05). Before purchasing, the County or city must file a verified statement with the County Treasurer. The existing chapter uses a "public nuisance" standard that belongs to a different statute (Iowa Code § 446.19B). As amended, the verified statement will declare, as § 446.19A(2) actually requires, that the parcel is abandoned property suitable for use as housing following rehabilitation, or that the parcel is a vacant lot. Stray public-nuisance references in Sections 8.04 and 8.06 are removed for the same reason; public nuisance tax sales are addressed separately in proposed Chapter 52. See Enclosure 1, Sections 8.04, 8.05, and 8.06.

3. Removal of repealed statutory cross-references (Section 8.06). The existing chapter refers to Iowa Code §§ 446.38 and 446.39, which were repealed in 2007. The amendments replace those references with the current statutory framework, keying the County's and cities' assignment rights to parcels sold under § 446.18 or § 446.19A. See Enclosure 1, Section 8.06.

4. Addition of the duplicate-certificate remedy (Section 8.06). Under current § 446.19A(3), if a tax sale certificate holder fails to assign a certificate to the County or a city upon payment of the amount due, the County Treasurer may issue a duplicate certificate, which takes the place of the original, and assign the duplicate to the County or city. The existing chapter omits this remedy; the amendments add it. See Enclosure 1, Section 8.06.

5. Corrected disposal citations (Section 8.08). When title to a property vests in the County or a city, the property may be disposed of under Iowa Code § 331.361 (counties) or § 364.7 (cities). The existing chapter cites §§ 331.811 and 814.7, which are incorrect references; the amendments substitute the correct citations. See Enclosure 1, Section 8.08.

6. Conforming and technical edits. The amendments also make minor technical corrections to track the statutory language, including using the statutory terms "assign" and "assignment" (Sections 8.06 and 8.07), inserting the word "means" in the definition of "public nuisance" (Section 8.02), removing an outdated reference to the 78th General Assembly (Section 8.03), and conforming the phrase "having any interest" to the statute (Section 8.04). See Enclosure 1.

The amendments do not change the definitions of "abandoned property" or "vacant lot," which already track Iowa Code § 446.19A(5).

ENCLOSURES:

Enclosure 1 — Proposed Amendment to Chapter 8, Tax Sale Certificate (Redline)

Enclosure 2 — Proposed Ordinance Amending Chapter 8, Tax Sale Certificate (Final Text)

ENCLOSURE 1

PROPOSED AMENDMENT — REDLINE

CODE OF ORDINANCES, SAC COUNTY, IOWA

CHAPTER 8 — TAX SALE CERTIFICATE

This redline shows the proposed amendments to Chapter 8 of the Code of Ordinances of Sac County, Iowa, conforming the chapter to Iowa Code § 446.19A and adding vacant-lot authority. Proposed insertions are shown underlined; proposed deletions are shown struck through. The proposed amendments will be enacted, if adopted, by the ordinance set forth in Enclosure 2, which specifically repeals and re-enacts the amended sections as required by Iowa Code § 331.302(4).

CHAPTER 8

TAX SALE CERTIFICATE

8.01 PURPOSE. The purpose of this chapter is to allow the County and cities within the County the opportunity to utilize Section 446.19A of the Code of Iowa, 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 abandoned property <u>or vacant lots</u>.

8.02 DEFINITIONS. For purposes of this chapter, the following terms are defined:

1. "Abandoned" or "abandonment" means that a building is vacant, or is occupied only by trespassers, and in violation of the housing code or building code of the city in which the property is located or the housing code or building code applicable in the County in which the property is located if outside the limits of a city.

   (Code of Iowa, Sec. 657A.1(1))

2. "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.

   (Code of Iowa, Sec. 446.19A(5)(a))

3. "Public nuisance" <u>means</u> 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.

   (Code of Iowa, Sec. 657A.1(7))

4. "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.

   (Code of Iowa, Sec. 446.19A(5)(b))

8.03 PURCHASING DELINQUENT TAXES. Pursuant to Section 446.19A of the Code of Iowa~~, 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 abandoned property or vacant lots acquired under Section 446.19A of the Code of Iowa.

8.04 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 abandoned property ~~or public nuisance property~~ assessed as residential property or as commercial multifamily housing property, or for a vacant lot, 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 ~~an~~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.

8.05 VERIFIED STATEMENT. Prior to the purchase, the County or city shall file with the County Treasurer a verified statement that ~~a parcel to be purchased is abandoned and deteriorating in condition, or is likely to become, a public nuisance~~a parcel to be purchased is abandoned property and that the parcel is suitable for use as housing following rehabilitation, or that a parcel to be purchased is a vacant lot.

8.06 ASSIGNMENT OF TAX SALE CERTIFICATES. After the date that a parcel is sold pursuant to Sections 446.18~~, 446.38, or 446.39~~ or 446.19A of the Code of Iowa, if the parcel assessed as residential property or as commercial multifamily housing property is identified as abandoned ~~or a public nuisance~~or as a vacant lot pursuant to a verified statement filed pursuant to Section 8.05, 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 a certificate holder fails to assign the certificate of purchase to the City or County, the County Treasurer is authorized to issue a duplicate certificate of purchase, which shall take the place of the original certificate, and assign the duplicate certificate to the City or County. If the certificate is not ~~reassigned~~assigned by the County or city pursuant to Section 8.07, 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 of the Code of Iowa, as of the date of ~~reassignment~~assignment.

8.07 PURCHASE OF TAX SALE CERTIFICATES. The city or County may assign ~~or reassign~~ the Tax Sale Certificate obtained pursuant to this chapter. Persons who purchase certificates from the city or County pursuant to this chapter are liable for the total amount due the certificate holder pursuant to Section 447.1 of the Code of Iowa.

8.08 INTENT TO REHABILITATE THE PROPERTY. All persons who purchase certificates from the city or County under this chapter shall demonstrate the intent to rehabilitate the abandoned property for habitation or build a residential structure on the vacant lot 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 of the Code of Iowa, dispose of the property in accordance with Section ~~331.811~~331.361 or Section ~~814.7~~364.7 of the Code of Iowa, as applicable.

ENCLOSURE 2

ORDINANCE NO. 2026-0804-1

AN ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES OF SAC COUNTY, IOWA, TAX SALE CERTIFICATE, TO CONFORM THE CHAPTER TO IOWA CODE SECTION 446.19A AND TO ADD VACANT-LOT AUTHORITY

BE IT ENACTED by the Board of Supervisors of Sac County, Iowa:

SECTION 1. AMENDMENT. Sections 8.01, 8.02, 8.03, 8.04, 8.05, 8.06, 8.07, and 8.08 of Chapter 8 of the Code of Ordinances of Sac County, Iowa, are hereby specifically repealed, and Chapter 8 is amended by adopting in their place the following sections, which are set forth as amended:

CHAPTER 8

TAX SALE CERTIFICATE

8.01 PURPOSE. The purpose of this chapter is to allow the County and cities within the County the opportunity to utilize Section 446.19A of the Code of Iowa, 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 abandoned property or vacant lots.

8.02 DEFINITIONS. For purposes of this chapter, the following terms are defined:

1. "Abandoned" or "abandonment" means that a building is vacant, or is occupied only by trespassers, and in violation of the housing code or building code of the city in which the property is located or the housing code or building code applicable in the County in which the property is located if outside the limits of a city.

   (Code of Iowa, Sec. 657A.1(1))

2. "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.

   (Code of Iowa, Sec. 446.19A(5)(a))

3. "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.

   (Code of Iowa, Sec. 657A.1(7))

4. "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.

(Code of Iowa, Sec. 446.19A(5)(b))

8.03 PURCHASING DELINQUENT TAXES. Pursuant to Section 446.19A of the Code of Iowa, 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 abandoned property or vacant lots acquired under Section 446.19A of the Code of Iowa.

8.04 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 abandoned property assessed as residential property or as commercial multifamily housing property, or for a vacant lot, 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 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.

8.05 VERIFIED STATEMENT. Prior to the purchase, the County or city shall file with the County Treasurer a verified statement that a parcel to be purchased is abandoned property and that the parcel is suitable for use as housing following rehabilitation, or that a parcel to be purchased is a vacant lot.

8.06 ASSIGNMENT OF TAX SALE CERTIFICATES. After the date that a parcel is sold pursuant to Sections 446.18 or 446.19A of the Code of Iowa, if the parcel assessed as residential property or as commercial multifamily housing property is identified as abandoned or as a vacant lot pursuant to a verified statement filed pursuant to Section 8.05, 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 a certificate holder fails to assign the certificate of purchase to the City or County, the County Treasurer is authorized to issue a duplicate certificate of purchase, which shall take the place of the original certificate, and assign the duplicate certificate to the City or County. If the certificate is not assigned by the County or city pursuant to Section 8.07, 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 of the Code of Iowa, as of the date of assignment.

8.07 PURCHASE OF TAX SALE CERTIFICATES. The city or County may assign the Tax Sale Certificate obtained pursuant to this chapter. Persons who purchase certificates from the city or County pursuant to this chapter are liable for the total amount due the certificate holder pursuant to Section 447.1 of the Code of Iowa.

8.08 INTENT TO REHABILITATE THE PROPERTY. All persons who purchase certificates from the city or County under this chapter shall demonstrate the intent to rehabilitate the abandoned property for habitation or build a residential structure on the vacant lot 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 of the Code of Iowa, dispose of the property in accordance with Section 331.361 or Section 364.7 of the Code of Iowa, as applicable.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 3. SEVERABILITY. If any section, provision, or part of this ordinance is adjudged invalid or unconstitutional, such adjudication does not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect after its final passage, approval, and publication as provided by law.

Passed and approved by the Board of Supervisors of Sac County, Iowa.

First Consideration: 8/4/26

Second Consideration: Waived

Third Consideration and Adoption: Waived - adopted 8/4/26

Published: 8/11/26

[signature]

Chairperson, Sac County Board of Supervisors

ATTEST:

Renee Roland

Renee Roland, Sac County Auditor