

Date April 26, 2010


An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by repealing Section 26-219 thereof, and enacting a new Section 26-219 regarding the building code requirements applicable to the conversion of existing buildings to a horizontal property regime or multiple housing cooperative",

( Council Communication No. 10- 209 )

presented.

MOVED by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

  
 Roger K. Brown  
 Assistant City Attorney

(First of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_ City Clerk

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by repealing Section 26-219 thereof, and enacting a new Section 26-219 regarding the building code requirements applicable to the conversion of existing buildings to a horizontal property regime or multiple housing cooperative.

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Sec 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as amended by Ordinance No. 14,924 passed March 22, 2010, be and is hereby amended by repealing Section 26-219 thereof, and enacting a new Section 26-219 regarding the building code requirements applicable to the conversion of existing buildings to a horizontal property regime or multiple housing cooperative, as follows:

**~~Sec. 26-219 CONVERSIONS TO MEET BUILDING CODES.~~**

~~A. After April 25, 2000, an existing structure shall not be converted to a horizontal property regime unless the converted structure meets building code requirements in effect on the date of conversion. After March 23, 2010, an existing structure shall not be converted to a multiple housing cooperative unless the converted structure meets building code requirements in effect on the date of conversion.~~

~~B. At least 60 days prior to filing a declaration of horizontal property regime as provided in Iowa Code Chapter 499B or a declaration of a multiple housing cooperative as provided in Iowa code Chapter 499A, which converts an existing structure within the City of Des Moines, the owner shall file a copy of the declaration of the horizontal property regime or the articles of incorporation of the multiple housing cooperative with the permit and development center administrator to enable the city to establish that the converted structure meets appropriate building code requirements.~~

**Sec. 26-219. Conversion to Condominium or Multiple Housing Cooperative.**

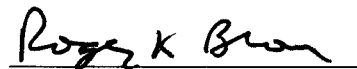
(a) The conversion of any residential building or portion thereof to a horizontal property regime or to a multiple housing cooperative shall be treated as a change of occupancy classification for the building, notwithstanding anything in the building codes to the contrary, and shall conform to the International Building Code.

(b) No person shall file or record a declaration in the office of the county recorder to convert an existing structure located within the city to a horizontal property regime unless a certificate of occupancy for compliance with the current building codes has been issued by the building official

- (c) No person shall file or record an instrument in the office of the county recorder conveying an interest in real estate located in the city to a multiple housing cooperative unless a certificate of occupancy for compliance with the current building codes has been issued by the building official.
- (d) At least sixty (60) days before being filed or recorded in the office of the county recorder, the applicant shall file a copy of such declaration or such instrument, together with the following documents with the permit and development administrator, and shall also pay a conversion fee in the amount set in the schedule of fees adopted by the city council by resolution:
- (1) Two copies of an as-built plan for the entire structure.
  - (2) A building code analysis prepared by a licensed architect or professional engineer demonstrating that the structure conforms with the current building codes, or can be brought into conformance with the current building codes by planned improvements to be made to the structure.
  - (3) Two copies of construction plans for planned improvements to be made to the structure to bring the structure into conformance with the current building codes.
- (e) Upon receipt of the documents and the conversion fee as provided above, the permit and development administrator or the administrator's designee shall review the building code analysis and conduct such inspections of the structure as may be deemed appropriate by the administrator to determine whether or not the structure conforms with the requirements of paragraph (a) above. If the permit and development center administrator or the administrator's designee determines that the structure has been shown to be in substantial compliance with the requirements of paragraph (a) above, the administrator shall cause a certificate of occupancy to be issued for the use of the structure as a horizontal property regime or a multiple housing cooperative. If the structure has not been shown to be in substantial compliance with the requirements of paragraph (a) above, the administrator shall give written notice to the applicant of any violations of the applicable code requirements discovered to exist in the building.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:



Roger K. Brown  
Assistant City Attorney