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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

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When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO. 1864

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2009 BY AMENDING TITLE 8, "BUILDING REGULATIONS" AND ADDING CHAPTER 7, "CONVERSION TO MEET BUILDING CODES" PERTAINING TO THE CONVERSION OF EXISTING STRUCTURES TO A HORIZONTAL PROPERTY REGIME OR MULTIPLE HOUSING COOPERATIVE

LEGISLATIVE FINDINGS

In June, 2003, the City Council of the City of West Des Moines made the following findings, determinations and declarations in its adoption of Ordinance 1597:

WHEREAS, the City of West Des Moines has adopted building codes and other standards for the protection of the health, safety and welfare of its citizens; and

WHEREAS, the City Council of the City of West Des Moines finds that the protections afforded by such ordinances should be expanded and vigorously enforced for the protection and benefit of as many people as possible; and

WHEREAS, a change in the form of ownership of existing property to horizontal property regimes under Iowa Code chapter 499B presents an opportunity to require buildings converted to such form of ownership to meet current standards in regard to health, safety and welfare, which is in the interest of all citizens of West Des Moines.

Now, as provided by this Ordinance, the City Council of the City of West Des Moines hereby reiterates the findings, determinations and declarations made in June, 2003 regarding the standards necessary to protect the health, safety and welfare of the citizens of West Des Moines regarding the conversion of existing property to a horizontal property regime as established in Iowa Code chapter 499B, and further finds that such requirements are also necessary to protect the health, safety and welfare of the citizens of West Des Moines regarding the conversion of existing property to a multiple housing cooperative as established in Iowa Code chapter 499A.

CITY OF WEST DES MOINES, IOWA
CERTIFIED COPY
April 27, 2010
Paul C. Stewart
Dennis
CITY CLERK

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1. It is the intent of the City Council of the City of West Des Moines, by this Ordinance, to provide for the health, safety and welfare of its citizens and to provide for the orderly development of the City by establishing standards for property which is to be subjected to residential horizontal property regimes (condominiums) and multiple housing cooperatives. It is the intent of the City Council to assure that all property to be used for residential purposes must at the time a horizontal property regime or multiple housing cooperative is established meet current building code standards and requirements. It is the intent of the City Council in regard to the conversion of structures to horizontal property regimes (condominiums) or the conversion of structures to multiple housing cooperatives that such change should provide the residents living in such structures adequate protection by meeting the current health, safety and welfare standards of the City. This Ordinance is in part enacted to assure residents that such standards herein provided will be maintained. This Ordinance is to be liberally construed to meet the purposes and intent of the City Council as herein stated.

SECTION 2.

- 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 April 19, 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 articles of incorporation for a multiple housing cooperative as provided in Iowa Code chapter 499A which converts an existing structure within the City of West 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 City of West Des Moines Chief Building Official to enable the City to establish that the converted structure meets appropriate building code requirements.

SECTION 3. Any person or entity seeking to establish a horizontal property regime (condominiums) or multiple housing cooperative for residential purposes, including a person or entity seeking to convert an existing structure to condominiums or a multiple housing cooperative by establishing a horizontal property regime pursuant to Iowa Code chapter 499B or by establishing a multiple housing cooperative pursuant to Iowa Code chapter 499A shall establish and document compliance with all building code requirements of the City applicable upon the date the City receives the declaration of the horizontal property regime or articles of incorporation of the multiple housing cooperative. Such compliance shall include documentation of the following:

- A. That all materials, manner and means of construction in the building proposed meet current building codes for new residential construction including current fire, building, plumbing, electrical and mechanical codes.
- B. That all plumbing in the building proposed meets current standards for water conservation including low flow toilets and similar devices.
- C. That the building proposed have fire sprinklers and all other life safety systems required for new construction.
- D. That the building proposed meet all state and federal requirements for handicapped accessibility that would be required of new construction.
- E. That the building proposed meet all state energy efficiency standards that would be required for new construction.
- F. That the building proposed meet any and all other requirements of the City of West Des Moines building code and subdivision code.

SECTION 4. Any person or entity seeking to convert an existing structure to condominiums by establishing a horizontal property regime pursuant to Iowa Code chapter 499B or seeking to convert an existing structure to a multiple housing cooperative pursuant to Iowa Code chapter 499A shall comply with all current provisions for on-site parking and storm water management that would be required for new construction.

SECTION 5. Any person or entity seeking to convert an existing structure to condominiums by establishing a horizontal property regime pursuant to Iowa Code chapter 499B or seeking to convert an existing structure to a multiple housing cooperative pursuant to Iowa Code chapter 499A shall comply with all requirements of the West Des Moines Water Works concerning such structures.

SECTION 6. Any person or entity seeking to convert an existing structure to condominiums by establishing a horizontal property regime pursuant to Iowa Code chapter section 499B.3 or seeking to convert an existing structure to a multiple housing cooperative pursuant to Iowa Code chapter 499A shall at least 60 days before filing any declaration or article of incorporation submit to the City Clerk, the Development Services Director and the Public Works Director a written analysis by a licensed professional engineer(s) or other appropriate licensed professional, based upon personal inspection of the building sought to be converted. The written analysis shall certify that the building meets all current city building codes that would be required for new construction. The certification shall separately itemize and describe in a manner sufficient to show the factual basis of any certification that the fire, life-safety, structural, plumbing, electrical and mechanical systems meet current city standards. The certification shall further certify compliance with current on-site parking and storm water management requirements and separately certify the building meets current standards for materials and that acceptable means and methods of construction were used that would be required for new construction. Appropriate

city staff will review the certification and report to the Chief Building Official whether said certification is sufficient to meet the requirements of this Ordinance.

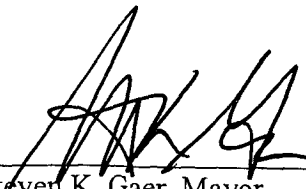
SECTION 7. Any person or entity seeking to convert an existing structure to condominiums by establishing a horizontal property regime pursuant to Iowa Code chapter 499B or seeking to convert an existing structure to a multiple housing cooperative pursuant to Iowa Code chapter 499A shall comply with all requirements of Title Nine of the West Des Moines City Code prior to conversion in the same manner as an applicant for new construction including, but not limited to, filing a site plan for review which shall show compliance with all set back, parking, open space and all other requirements that would be required for new construction.

SECTION 8. No conversion of property to a horizontal property regime under Iowa Code chapter 499B and no conversion of property to a multiple housing cooperative under Iowa Code chapter 499A shall be complete nor shall a declaration or articles of incorporation be filed until there has been full compliance with this Ordinance. Upon showing of full compliance with this Ordinance, the Chief Building Official shall by written notice so inform the county recorder of the county in which any property subject to this Ordinance is located and state in said written notice that the property meets the requirements of the Iowa Code.

SECTION 9. If any section, provision, sentence, clause, phrase 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 provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.


SECTION 10. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED this 19th day of April, 2010.



Steven K. Gaer, Mayor

ATTEST:



Jody E. Smith, CMFA, MMC
City Clerk

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