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The Architect's View of the Responsibilities of the Appraiser

By ANGUS McCALLUM, Kansas City, Missouri

Mr. McCallum, a partner in Kivett and Myers McCallum, architects-engineers, of Kansas City, presented these views at a meeting of the Kansas City chapter of the Society. He is president of the Kansas City chapter of the American Institute of Architects, president of the M.I.T. club of Kansas City, a director of the Midwest Concrete Industries Board, and a member of many committees and organizations. Mr. McCallum was educated at Rockhurst College in Kansas City and Massachusetts Institute of Technology.

RESIDENTIAL construction in America, popularly accepted as our largest single industry, continues to accomplish an end far below an optimum standard. Moreover, various professional groups and business enterprises involved in home building each recognize myriad deficiencies their own part and on the part of their associates as well. The inadequacies and errors common to home building have been pointed out by experts who disclaim for any of the parties involved capability to effect substantial improvement, and then lay the blame on the laps of the residential appraisers the length to correct the whole sorry situa-

APPRAISERS CHARGED

The author will review briefly a recent criticism of appraisers by the Editor of *Success* and *Home Magazine*, Mr. Perry Rice. ("Home of Tomorrow" from the 1960 issue of *THE RESIDENTIAL APPRAISER*.) He asked appraisers five questions: What are you doing, he began, to encourage better design and better planning in today's residential construction? Do you point out a certain reluctance by appraisers to accept that which is new, and do you have an almost sentimental attachment on our part to the inept adaptations of old and early regional styles, which typify much of what we see about us today. Prentice was severely critical of that attitude of discrimination which accepts the

standard of what people have proven they will buy in the past, as a criterion for intelligent planning and design for today and tomorrow.

PENALIZE LOW QUALITY

He moved on to propound the question as to whether or not your appraisal methods tended to encourage the builder in the use of quality materials and appliances. Do you, he asked, fail to reflect adequate premium value for sound construction, quality materials and adequacy of mechanical and electrical equipment, and do you fail to penalize in the same degree, the cheap, the shoddy, the inadequate? His next words challenged you to, in his language "debunk" what he termed the gross inflation in land values current in today's market, and the facts which he explored in defense of this bold statement certainly substantiated his claim that this one factor is perhaps our most immediate problem.

He moved on to recognize that the mortgage lender, too, may require of you a certain standard of performance broader than is generally rendered, and while this brief treatment certainly tended toward over-simplification, there is a certain justification in his question as to whether you are appraising for today's market, for yesterday's market of which you are more certain, or more realistically and more properly for the market of tomorrow in which the property will have its useful life? Are you, he asked, establishing your valuation on residential properties solely on the basis of the immediate present market, colored perhaps by some attitudes developed out of recent experience; or are you more objectively basing your appraisals on your judgment of the effect which the plan and design, construction and equipment of the property will have upon the desirability of

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at property in a market in the future toward the end of the loan term?

Mr. Prentice's final question and challenge inferred a responsibility on your part to encourage the whole housing industry to make more progress in the development of new materials and to the broader employment of today's technology in other fields of manufacture, to the end of producing more efficient and economic methods of residential construction.

Now most certainly, no thoughtful person can quarrel with the outline Mr. Prentice has given of the weaknesses, the faults, even the dangers which are inherent in our current housing industry. In pure theory it is true that a concerted effort on the part of residential appraisers could, in time, effect a correction of all these evils. But as a perfectly practical matter, in today's economy, appraisers as one small professional group, could not undertake this tremendous task with any assurance of accomplishing much beyond alienating their clients and perhaps further confusing the whole picture.

FAULTS OF OTHERS

In effect Mr. Prentice has pointed out glaring examples of disinterest and occasional inadequate service on the part of the architectural profession; a certain self-serving attitude, bordering on the dishonest, on the part of many home builders; unbridled greed and fundamental bad judgment in the development of much of our new land; a somewhat plaintive demand on the part of the mortgage banker that somehow the appraiser contrive for him an even more substantial guarantee against hazard of loss in the future; and has finally described an attitude on the part of the building material manufacturer which would seem to demand that the appraiser constitute himself a sort of good will ambassador and high level salesman for our great industrial complex.

This rebuttal is not meant to infer that our profession is innocent of any responsibility, but, in candor, we must examine

the situation as we see it today, and admit, in a certain spirit of pragmatism, if you will, that although your profession in theory could shape a whole new philosophy for residential development, you should not, in justice, be charged with a single-handed responsibility of saving the home building industry from itself, overnight.

HELP BY EDUCATION

Your relation to the home building team, to architect, builder, land developer, mortgage banker and material manufacturer, it seems to me, can best be discharged by an undertaking on your part of a long-range campaign of education. You cannot be asked to reflect in your next appraisal an appreciation of a fee which some house builder may conceivably have paid to an architect; nor would it be realistic to expect that you would return to your office and chop an arbitrary 10% from the valuation you had assigned to a house with a second grade hot water heater, a 30 ampere electric service and an oversized picture window staring due west into the setting sun. But it could be hoped that you might undertake a campaign aimed at a dialogue between our respective professional societies in which you would assume the responsibility of pointing out to us architects that in our timidity and selfishness we have neglected badly our responsibilities in the whole field of residential design. You could be asked to encourage the home builder, in turn, to recognize that there is a potential for improvement in his product. What you can do in the field of land speculation, other than to develop a more inquisitive attitude as to the literal validity of the prices which are developing, one cannot even begin to suggest. And that you can encourage the mortgage investor to a dream of a really better America as of equal importance to his net return is not too probable.

Now, in this same vein, there can be visualized, somewhat idealistically admittedly, a totally different approach to the projected development of a new residential area. Imagine, if you will, the value of your services if you were called in when the

thinking first began, to study, with the builder, the site under consideration, to encourage him in the proper land use planning and subdivision of his tract, to counsel the architect as to the extent to which he can practically hope to lead a buying public in the direction of better house design. This is not too fanciful. You, and quite honestly, you alone in the whole complex operation, can, out of your background of experience bring to the early stages of a project, calm, unbiased, completely objective and economically sound analysis, rather than, as so often today, be invited to render, in effect, a post-mortem report on definite commitments firmly established and irrevocable. Here, it seems, lies an opportunity for a tremendous service on your part, and quite practically, a profitable expansion of your normal sphere of activity. Who better than the qualified appraiser can serve as a consultant to the home building team in the very early stage of the project development? You do have an unique potential. Your profession can prove to be the catalyst to set in motion a whole series of improvements.

There is one question which Mr. Prentice did not ask of your group, and this was a question so broad and so complex that he may have felt it to be properly a subject for another address.

ASSIST URBAN GROWTH

The question: What thought are you giving to the pattern of your urban development in America today? What efforts have you made to analyze your responsibilities and your potential for guidance in the development of such relatively feeble controls as we have presently managed for the growth of our cities? We are, all of us, well aware of the general facts of post-war urban growth. Certainly we are shocked by the disclosure that while our country grows, our cities generally are losing population to suburban areas.

Daily we have brought home to us the fact that our central business districts are less and less able to justify their values on the basis of their geographic location, cen-

tral to the metropolitan areas which they were historically responsible for creating. Are you, perhaps, by your valuation of older properties, inclined to reflect only the fashionable trend to move to the suburbs rather than to weigh your appraisal with recognition of the sound established value inherent in more mature neighborhoods?

PREMIUM ON NEWNESS

For every older home which you may undervalue, because of a quick contract with a recently-inspected suburban dream home, a neighborhood is damaged. Do your appraisals occasionally reflect the fact that in the remote possibility of another depression, the home with a one-car garage, located convenient to what is left of our local public transportation, may be of much greater useful value than the sprawling ranch house with a space for two cars, one of which may very conceivably prove to be the impossible load on the homeowner's budget? Is there, in short, some method of stabilizing value in our older residential areas? This is no plea for the obviously blighted area nor a failure to recognize the problems inherent in the reluctant acceptance of integration. Nevertheless, many good, substantial, well-planned houses are susceptible to updating, with modern gadgets for the kitchen, minor planning changes, and contemporary color schemes. They can be rejuvenated, maintained and even appreciated if, somehow, your appraisals encourage their retention as single family homes, and conceivably discourage financing aimed toward conversion to rooming and boarding house use.

Often a disproportionate value is placed on fundamentally desirable homes in respected residential neighborhoods within our city limits, in contrast to the sales price of the shiny and the new in increasingly remote areas.

The fact that this situation has developed, that we as a people have migrated out of our cities into the suburbs, that we have accepted the huge scars ripped through central cities by trafficways and highway relocations as a necessary by-

mark of progress, the fact that with the help of redevelopment legislation we have obliterated whole slum areas without any really thoughtful planning for the accommodation of the people displaced, that we have in effect abandoned our inner cities, turned our backs on the ugliness that we have wrought and moved far enough away to dim our vision of what actually still exists, these facts in themselves indicate a literal contempt of intelligent study, or planning, or direction, or concern on the part of any of us — appraiser, architect, city planner, municipal official or mortgage banker. It is simply an abandonment of the future form or value of our cities to whatever laws of chance may govern.

SEEK TO REVITALIZE

Now one day, certainly, there must come an end to the depreciation of our established residential districts. Slums must go, of course, and badly built and poorly planned and negligently maintained older homes must go. But is not inevitable, if we are to hold our cities into some sort of practical, useful, forceful shape, rather than, in indifference and sheer stupidity, allow them to degenerate into amorphous blobs on the landscape, that we somehow find a way to revitalize the basic concept of the city?

The author's thinking in these areas, just as yours, resolves itself into a pattern of uncomfortable, nagging doubts, an uneasy conscience if you will, in this matter of our profession and of mine, of the city in which we live, and of our responsibilities for its present condition and our hopes for its future form and substance.

In essence, the problems of our city, of our citizens, our home owners, of your profession, and of mine arise primarily out of a lack of moral commitment on the part of all of us to the necessity of honestly and selfishly cooperative action, each in our own sphere responsible in greater or less measure to the other. It has been said that America today is developing into a nation of specialists. We are inclined on occasion to boast of this fact. We must admit that

the term specialist has, in the minds of most of us, a very pleasant, a very desirable, connotation.

Is the term really exact? Are we not obliged to admit in the light of sober self-examination, it actually explains that America today has become increasingly, almost impossibly, self-interested? The architect specializes in planning building types which come most readily to him. If the house builder chooses not to avail himself of the miracles which the architect is secretly convinced he could perform for him, the more unfortunate he. You specialists in the valuation of properties, go on your way reciting to yourselves that the market makes the price and that your only challenge is to recognize it. If the result of your efforts fails to improve the whole situation in which you are in actuality involved, certainly your group is not to blame.

Is it possible that each of us in our own particular field of professional endeavor or business enterprise can begin to assume a little more responsibility? Now certainly there is no intention of implying any sort of Utopia where the profit motive is ignored and the fundamental purposes of human existence are distorted into the shape of a vast society of do-gooders. But even in a completely objective, and even materialistic spirit, we can each of us improve the potential of our professional service.

GIVE CIVIC SERVICE

Now finally, having posed a number of questions which have not been answered and having glibly pointed out your road to salvation, the author will conclude with a challenge to you. Do you not have a responsibility to offer your professional aptitudes and abilities to your community in some measure of completely unremunerative civic service. Is your profession represented by a member on the City Plan Commission? Is there a residential appraiser on the Board of Zoning Adjustment? Has one of you ever served as a member of our School Board? You who more specifically perhaps than any other professional group have your fingers on the pulse of the economic life of your city, whose responsibility

it is to set the monetary values and to influence the tax structure of our whole real estate complex, are better equipped than any other group, are morally obliged by the very fact of your professional competence, to lend some of this competence freely and willingly in areas such as these, where there is such an obvious need for objective service.

Very few of us in the world of today can hope by our own efforts, in our own

professions, to amass a great deal in the way of an estate of hard dollars, or even of very sound property, for our posterity. It does seem possible however, that some of us may perhaps, by devoting a little of our time, as best we are able, to conscientious and selfless civic service, at least to attempt to leave for our children some hope for improvements of the form and shape and future strength of the city which we are obliged to leave them.

Reprinted from the RESIDENTIAL APPRAISER, February, 1961 with permission of the Society of Residential Appraisers, 7 South Dearborn Street, Chicago, Illinois.

SURVEY OF THE LAW OF BUILDING CODES

The Chapter Affairs Department of the A.I.A. recently sent the Chapter office a copy of a new booklet, "Survey of the Law of Building Codes." Author of the material is Charles S. Rhyne, a past President of the American Bar Association. The Octagon points out that Mr. Rhyne is eminently qualified in the field about which he writes by virtue of a long-standing practice in municipal law. He also teaches the subject at George Washington University Law School in Washington, D. C.

The book was commissioned and jointly financed by the A.I.A. and the NAHB. Since the Kansas City Chapter, along with many other local groups, has been active in getting a new Kansas City Code written, approved and printed, we thought the booklet would contain information of interest to members. Therefore, by special permission of the A.I.A. and the NAHB, SKYLINES will, beginning with this issue, reprint sections of the copyrighted Survey. Complete copies are available from the Octagon at \$2.00 per copy, or less in bulk quantities.

1. Introduction

As more and more communities across the nation are enacting laws which demand that new buildings meet minimum standards of health and safety, it is becoming increasingly important to the many people whose interests are affected by such laws¹ to know how they operate and what the courts have said when called upon to enforce them or to prevent their enforcement. The name commonly given to these laws is "building codes." The purpose of this study is to provide a general guide to the law of building codes in the most common problem areas. No attempt has been made to compile all court decisions involving building codes, or to deal with every one of the myriad of legal questions which may arise. For ease of reading, case citations and other supporting authorities are kept out of the text, but are provided in footnotes as a key to more detailed research where desired.

a. What is a Building Code?

Since the form and content of building codes vary, only a broad definition can safely be attempted. Generally speaking, building codes are sets of legal requirements having to do with the physical structure of buildings. Usually, but not always, they are applicable only to new buildings. That is, they set up requirements as to materials or methods of construction, but are not concerned if these requirements are not met in buildings which are already standing. Frequently, however, they are also applicable to repairs or alterations of existing buildings, prescribing the materials or methods which must be used in making the repairs or alterations if made, but not requiring that the repairs or alterations be made. Sometimes, they even make requirements of existing buildings which necessitate the making of repairs or alterations.

Illustrative of the types of subject matter which may be regulated by building codes are: building heights; distances from streets; other buildings or property lines; projection of towers, poles, signs and other structures; exit facilities; provision for light and ventilation; landings, railings and maximum slope of ramps and stairways; structural and foundation loads and stresses; wall thicknesses; construction materials; fireproofing; sprinkler systems and other fire extinguishing equipment; chimney, flue and vent pipe construction; heating system construction and equipment; plumbing installation; electrical installation; and elevator and escalator construction and safety devices. Not only do the coverage and substantive requirements of the codes vary, but so also do the procedures for inspection, enforcement, and review of determinations of building officials by boards or by the courts.

There are a number of "model codes," which have been drafted by national organizations and have been widely adopted by local governmental

¹These include landowners and prospective landowners, building material men, manufacturers, architects, engineers, construction contractors, artisans, fire underwriters, city and state building officials, and the general public.

units. All are kept up-to-date by the sponsoring organization through frequent revision and republication.

The pioneer code was the "National Building Code" of the National Board of Fire Underwriters,² which was first published in 1905. In 1927 the Pacific Coast Building Officials Conference published its "Uniform Building Code," which has become the most widely adopted of the model codes. In 1956 the Conference changed its name to the International Conference of Building Officials,³ indicative of the fact that its code had been adopted throughout the nation and also in Canada. The center of strength of the Conference, however, still lies in the far western United States.

More recent codes, all of which have been widely adopted, are the "Southern Standard Building Code" of the Southern Building Code Congress,⁴ the "Basic and Abridged Building Codes" of the Building Officials Conference of America,⁵ and the "Midwest Building Code" of the Midwest Conference of Building Officials.⁶ Except for the National Board of Fire Underwriters, composed of insurance men, all of the code-sponsoring organizations are made up primarily of administering officials from local-governmental building departments. The work of these organizations interested in building codes is now coordinated by the Joint Committee on Building Codes, which meets several times each year to discuss and compare the codes in an effort to improve them and to eliminate unnecessary differences.⁷

In 1956 the New York State Legislature sponsored the drafting of a "New York State Building Construction Code," which was rapidly adopted by a number of communities in that state.⁸

Not only do the model codes differ among themselves, but they are frequently modified by the communities adopting them. Moreover, the communities vary in the promptness with which they adopt the periodic revisions of the model codes, which makes for further differences. Some communities have written their own codes or have adopted the codes of other communities with possible modification.

² Copies of the current Code and information about the work of the Board can be obtained by writing to the home office, located at 85 John Street, New York 38, New York.

³ Copies of the current Code and information about the work of the Conference can be obtained by writing to the home office, located at 610 South Broadway, Los Angeles 14, California.

⁴ Copies of the current Code and information about the work of the Congress can be obtained by writing to the home office, located in the Brown-Marx Building, Birmingham 3, Alabama.

⁵ Copies of the current Codes and information about the work of the Conference can be obtained by writing to the home office, located at 1525 East 53rd Street, Chicago 15, Illinois.

⁶ Copies of the current Code and information about the work of the Conference can be obtained by writing to the home office, located in the Engineering Building, 205 West Wacker Drive, Chicago 6, Illinois.

⁷ The Southern Building Code Congress and the Midwest Conference of Building Officials are not members of the Joint Committee on Building Codes. Members of the Joint Committee, in addition to the other three code sponsoring organizations, are the American Standards Association, National Bureau of Standards, National Fire Protection Association, and Underwriters' Laboratories, Inc. The U.S. Housing and Home Finance Agency and the Building Code Committee of the National Research Council of Canada attend meetings as observers.

⁸ Copies of the current Code and information about it can be obtained by writing to the New York State Division of Housing, 270 Broadway, New York 7, New York.

b. Related Laws

There are many other types of laws which are closely related to building codes in one way or another. For instance, many municipalities have adopted "boiler codes," "electrical codes" or "elevator codes." The names of these codes are self-explanatory as to the subject matter which they regulate. Obviously, where a municipality has adopted such a code and also has a building code, the subject matter of the boiler, electrical or elevator code is not regulated in the building code. Likewise, some municipalities which do not have a building code or which have a building code which is concerned only with structural safety have a "fire prevention code."

Other laws which are related to building codes, with a general description of their coverage, are:

Fire Limit Ordinances: One of the oldest types of regulation of building construction is the municipal ordinance which prohibits the erection of wooden buildings within certain districts, or "fire limits."

Set-Back Ordinances: Another one of the forerunners of modern comprehensive regulation of building construction is the "set-back ordinance," providing minimum distances between buildings and property lines. This type of ordinance has been upheld in the United States Supreme Court.⁹

Housing Codes: Such codes generally establish minimum standards relating to the facilities and equipment required in each habitation, the permissible level of maintenance for both dwelling and the facilities and equipment therein, and the number of persons who may occupy a given living area. They are applicable to existing buildings as well as to new ones. Their primary use is in slum clearance and prevention.

Multiple Dwelling Laws: These are similar in nature to housing codes, except that they apply only to apartment houses, boarding houses, and other buildings used as dwellings by more than one family. More stringent requirements are enforced than for single-family dwellings because of the greater demands and higher risk resulting from more occupants.

Zoning Ordinances: Zoning laws regulate the use of land and buildings by dividing the community into zones or districts and prescribing the types of land uses that are permitted in each zone. Some of the restrictions are as to the types of activities which may be carried on in the buildings, *e.g.*, an area may be zoned "residential" so as to exclude commercial activities. But the physical structures of buildings are frequently regulated also, *e.g.*, their size, height, and surrounding lot, and such regulation may overlap the generally applicable restrictions in the community's building code. Frequently, the municipal building department is charged with enforcement of both the building code and the zoning ordinance. It may issue separate permits evidencing compliance with each law,¹⁰ or one permit evidencing compliance with both laws.¹¹ The same or different procedures

⁹ *Goreib v. Fox*, 274 U.S. 603 (1927).

¹⁰ *Turner v. Board of Appeals*, 305 Mass. 189, 25 N.E.2d 203 (1940).

¹¹ *Saddle River C. D. School v. Borough of Saddle River*, 51 N.J. Super. 589, 144 A.2d 425, 433-34 (1958).

for appeal may be provided under the building and zoning laws.¹²

Planning Ordinances: Whereas zoning is concerned chiefly with the regional regulation of the use of land and buildings, planning ordinances are concerned with the wholesome and orderly development of the whole community, including such matters as traffic, parking, streets, parks, and civic beauty.¹³ This is usually accomplished by the creation of a planning commission and the enactment, on its recommendation, of a master plan for municipal development.

Health Codes: Municipalities frequently have "health codes," which include among their regulatory measures directed at preserving the health and sanitation of the community requirements as to the plumbing, sewage, drainage, light and ventilation of building.

House Trailer Codes: Some communities have special laws governing house trailers. Trailer manufacturers are seeking the drafting by the American Standards Association of a uniform code for mobile houses and trailers.¹⁴ Whether or not a house trailer is subject to a general building code would depend on the wording of the code, especially on the definition of the word "building." Sometimes building codes are specifically made applicable to house trailers, usually after occupancy as a dwelling for a certain number of weeks or months.¹⁵

Business and Profession Codes: Most states by statute require the licensing of architects, construction contractors, electricians, engineers, plumbers, and other persons who do work in building construction. Sometimes these state codes provide for revocation of the licenses for willful violation of a municipal building code.¹⁶ Municipal building codes frequently require that work in connection with construction be done only by persons licensed to do such work under state law. The validity of such requirements has been upheld by the courts, even where the work done by the unlicensed person was well done.¹⁷

2. Police Power of State and Delegation Thereof

The law of building codes is grounded upon what is called the "police power" of the state. The police power is the source of all authority to enact building codes. It has never been very exactly defined, and indeed the United States Supreme Court has said that it is "incapable of any very exact definition."¹⁸ Broadly speaking, it is the power of the state to legislate for the general welfare of its citizens.

¹² *Turner v. Board of Appeals*, *supra* note 10; *Jones v. Barrett*, 83 Utah 476, 30 P.2d 273 (1934).

¹³ The relationship between planning and zoning was described in *Seligman v. Belknap*, 288 Ky. 133, 155 S.W.2d 735 (1941).

¹⁴ See *Midwest Insp. J.*, October 1959, p. 15.

¹⁵ The validity of applying a building code to house trailers was upheld in *Lower Merion Tp. v. Gallup*, 158 Pa. Super. 35, 46 A.2d 35 (1946), *appeal dismissed*, 329 U.S. 669.

¹⁶ See *Barry v. Contractors State License Board*, 85 Cal. App.2d 600, 19 P.2d 979 (1948), where such a revocation was upheld.

¹⁷ *Heron v. City of Denver*, 131 Colo. 501, 283 P.2d 647 (1955) (drawing architectural plans); *State v. Clarke P. & H. Inc.*, 238 Minn. 192, 56 N.W.2d 667 (1952) (drawing plans and installing hearing equipment).

¹⁸ *Slaughter House Cases*, 83 U.S. (16 Wall.) 36, 62 (1872).

This power resides in the legislatures of the states and enables the legislature to pass laws such as building codes. Some states have done so.¹⁹ But most states have chosen to delegate a portion of their police power to local governmental units such as cities,²⁰ which are formed by the state legislature and can exercise such powers as are conferred upon them by the state legislature. It is under the police power delegated by the state legislature that local governmental units are able to enact building codes.

Since the power is delegated by the state, however, the municipality can exercise only such power as is actually delegated. If the legislature, in the statute (called the "enabling act") which delegated the power to the municipality has limited it in any way, the municipality may not exceed those limitations.

The enabling act may be extremely broad, possibly giving the municipality blanket authority to promote by ordinance, the public health, safety and general welfare. Or it may be more specific, perhaps granting power to regulate the construction and maintenance of buildings.²¹ Or it may impose very specific conditions, perhaps prohibiting compelling the property owner to lay a connection to the city sewer system over a distance of more than so many feet.²² In any case, no matter what conditions or restrictions the state enabling statute imposes, they are controlling and an attempted regulation in a municipal building code which does not conform will be held invalid.²³ Often the state enabling statute will empower the municipality to write its own charter and exercise the police power thereunder (so called "home rule statutes"). Where this is the case, the building code must conform to any limitation on the police power in the charter.²⁴

Where there is both a state building code and a municipal building code, the state code takes precedence in the event of conflict. However, additional and more stringent regulations do not necessarily conflict.²⁵ The state codes sometimes expressly provide that municipalities may adopt additional or more stringent regulations under their delegated police power.²⁶

The municipality may not further delegate its police power, as by allowing the neighboring landowners to decide whether construction of a building shall be allowed. But it may turn over the administration of the building code to a municipal official such as a building inspector, if sufficient standards are provided in the code to form a guide for him in making decisions as to whether or not a proposed building conforms to the code.

¹⁹ *E.g.*, *Gen. Stats. N.C.* vol. 3C, art. 11, §160-115 *et seq.* (1952); 37 *Ohio Rev. Code* ch. 3781-91 (1954).

²⁰ *E.g.*, *N.J. Stat. Ann.* vol. 40, §48-1 (13) (1940); *Utah Code* vol. 2, tit. 10, §8-52 (1953).

²¹ See statute in *City of Chicago v. Franks*, 15 Ill. App.2d 189, 145 N.E.2d 806 (1957).

²² See statute in *Bennett v. City of Hope*, 204 Ark. 147, 161 S.W.2d 186 (1942).

²³ *Commerce O. R. Corp. v. Miner*, 170 F. Supp. 396 (D.R.I. 1959); *Bennett v. City of Hope*, 204 Ark. 147, 161 S.W.2d 186 (1942).

²⁴ See *City of Olympia v. Mann*, 1 Wash. 389, 25 Pac. 337 (1890).

²⁵ See *Taggart v. Latah County*, 79 Idaho 99, 298 P.2d 979 (1956); *King v. Arlington County*, 195 Va. 1084, 81 S.E.2d 587 (1954).

²⁶ *Ohio Rev. Code* vol. 37, § 3781.01 (1954).

A state building code, of course, is not subject to challenge as exceeding the delegation of police power, since the police power resides in the state legislature. However, both a state building code and a municipal building code are subject to challenge as violating a provision of the state or federal constitutions. Usually, the provisions which are claimed to be violated are the broad provisions prohibiting the deprivation of property without "due process of law," or the denial of the "equal protection of the laws."²⁷

Essentially, the first provision prevents regulation which is arbitrary and unreasonable, and the second provision prevents arbitrary or unreasonable discrimination between one person and another. The determination of whether a particular building code provision violates the constitution is up to the courts, but generally they will allow the state or municipal law-making body a good deal of leeway in determining whether a particular regulation is necessary and reasonably designed to accomplish the object sought when the object is the promotion of the public health, safety or general welfare.

3. Incorporation by Reference

Because they lack the resources for the technical research, testing and evaluation of nationwide-experience which is a prerequisite to the drafting of a sound building code, most municipalities prefer to adopt, with possible modification, one of the model codes already prepared by the various organizations which are active in the field.²⁸ Since the model codes are bulky documents, running into several hundred pages in length, they are frequently incorporated by reference in the adopting ordinance rather than reprinted at length. Copies of the model codes are supplied by the sponsoring organizations free, or at a minimal cost. But incorporation by reference raises certain legal problems.

The most serious of these legal problems is that arising in the large number of states which have statutes requiring ordinances to be published in a newspaper in order to be valid. Such statutes are designed to insure that every citizen have ample opportunity to apprise himself of the law. But as applied to ordinances adopting lengthy building codes, the expense of having such codes published at length as part of the ordinance is so great as to prohibit adoption in many communities. The publication statutes are at once the reason for adoption by reference and the possible source of invalidating building codes adopted by reference without publication in their entirety.

Of course, where there is no state statute requiring publication of ordinances, an ordinance adopted without publication is valid²⁹ and a model building code adopted by reference could not successfully be challenged on this ground. Even where there is a publication statute a few courts have held them to be directory only and not to invalidate an ordinance which

²⁷ Found in the fourteenth amendment to the United States Constitution.

²⁸ See text accompanying notes 2-7 *supra*.

²⁹ *Hollander v. Denton*, 69 Cal. App.2d 348, 159 P.2d 86 (1945); *Paducah v. Ragsdale*, 122 Ky. 425. 92 S.W. 13 (1906).

is not published.³⁰ But most courts which have considered model codes adopted by reference and not published when there was a publication statute have declared them invalid.³¹

This problem is another phase of the delegation of power, discussed in a previous section³² of this Survey. Since the municipality's power to enact ordinances is derived by delegation from the state legislature, it must be exercised within the limits prescribed by the state legislature. If the legislature has said in a statute that an ordinance may only be enacted if published, that limitation on the power of municipalities is controlling and cannot be evaded by adoption by reference.

Since the limitation is created by statute, however, it can be removed by statute. This has frequently been done either in the acts requiring publication or in the enabling acts which empower municipalities to enact building codes.³³ These acts usually allow the municipalities to adopt model building codes by reference, and remove the publication requirement for the codes so adopted providing the adopting ordinance is published and the code is made available in the municipal clerk's office or some other public place.

There is a second problem, however, which is involved in incorporating building codes by reference. Even assuming that the code is adopted within the statutory delegation of power, there is a settled principle of law that the law-making body of a municipality must exercise the delegated power itself and may not delegate it to some other person or group. This principle has not given much trouble in the building code field where a specific model code is adopted by title, sponsoring organization and year of adoption. It has been held that even though the code was written by someone other than the municipal law-making body, that body may consider and pass on it.³⁴

The problem is important, however, where the adopting ordinance is not specific in designating a particular code edition, or where it purports to adopt the code as it shall be changed or amended by the sponsoring organization from time to time. While such an ordinance is commendable for attempting to keep the code always current, it is most likely invalid as an attempt to delegate the law-making power to the code-sponsoring organization. The difference between such an ordinance and one adopting a particular edition of the code is that it purports to allow future amendments to become the law without having been considered and passed on by the law-making body.

Where the adopting ordinance is not clear as to whether it incorporates only the present edition of the building code or the code as amended at later dates, the law as to validity of the code is also not clear. One court

³⁰ *In re New Rochelle*, 46 N.Y.S.2d 645 (1943); *People v. Thompson*, 377 Ill. 104, 35 N.E.2d 355 (1941).

³¹ *City of Hazard v. Collins*, 304 Ky. 379, 200 S.W.2d 933 (1947).

³² See text accompanying notes 18-27 *supra*.

³³ *E.g.*, *Code of Ala.* vol. 37, § 462 (Supp. 1955); *Ark. Stats. Ann.* vol. 28, § 19-2404 (1956).

³⁴ *L. A. Thompson Scenic Ry. Co. v. McCabe*, 211 Mich. 133, 178 N.W. 662 (1920); *City of Hazard v. Collins*, *supra* note 31; *Dudding v. Automatic Gas Co.*, 145 Tex. 1, 193 S.W.2d 517 (1946); *People v. Sell*, 310 Mich. 305, 17 N.W.2d 193 (1945); *Natural Milk Prod. Assoc. of Calif. v. City and County of San Francisco*, 20 Cal.2d. 101, 112 P.2d 930 (1941).

has held such an ordinance void as anticipating the later amendments;³⁵ another has held the ordinance valid by construing it to refer only to the edition of the code effective at the time the ordinance was adopted.³⁶

The enabling acts of a few states expressly permit adoption by reference by municipalities of model codes plus such amendments as may subsequently be made.³⁷ Adoption by reference of model codes and future amendments in these states has not yet been challenged in the courts. There are cases, however, holding that state legislatures cannot adopt future amendments by reference,³⁸ and in the light of these cases it is unlikely that they have the power to delegate to municipalities the power to do so.

Because of the general law that municipalities may not incorporate in the model building code which they adopt future changes to that code by the sponsoring organization, there is a grave danger of municipal building codes becoming outdated. The model codes are constantly being changed as nation-wide experience in their administration and the development and testing of new construction methods and materials demand such changes. At best the enactment of these changes by the municipal law-making body will lag their adoption by the sponsoring organization by a matter of months or years, and at worst the changes may never be enacted. Many municipal building codes have become entirely static because of either legislative lethargy or the press of other important matters, and the result has been an unnecessary increase in building costs and possible decrease in health and safety.

Some municipalities have circumvented the legal objection to attempted enactment of future changes by stating general standards of health and safety in building construction in the ordinance and providing that the requirement of a particular model code as current at the time of an alleged violation shall be prima facie evidence of compliance or non-compliance with those standards. This means that in a prosecution for violation of the code, the fact that its requirements had not been complied with would be of great weight, and it would be up to the accused to show that what he did was reasonable nonetheless. Some writers believe this sort of an ordinance is valid, although at least one court decision casts doubt on its validity.³⁹ Aside from possible invalidity, it has the additional disadvantage of inviting litigation over whether or not a particular practice was reasonable, whereas if the model code itself is enacted the law as to what is permissible and what is not is more definite.

Another method of circumventing the legal objection to attempted enactment of future changes is to state general standards of health and safety in building construction in the ordinance and give to an administrative official such as the building inspector the right to promulgate

³⁵ *State v. Crawford*, 104 Kan. 141, 177 Pac. 360 (1919).

³⁶ *Blitch v. City of Ocala*, 142 Fla. 612, 195 So. 406 (1940).

³⁷ *Comp. Stats. Nebr.* vol. 18, § 1501 (Supp. 1937); *N.D. Rev. Code* vol. 45, § 0501 (1943); *Wash. Code* § 1149-39 (1) (1943).

³⁸ *City of Cleveland v. Piskura*, 145 Ohio 144, 60 N.E.2d 919 (1945); *Blitch v. City of Ocala*, *supra* note 36; *City of Tucson v. Stewart*, 25 Ariz. 36, 40 P.2d 72 (1935); *State v. Cozzens*, 8 So. 268 (La., 1890).

³⁹ *City of Tucson v. Stewart*, *supra* note 38.

regulations consistent with those standards. He is then free to adopt as regulations the current edition of a model building code, and the process of administrative amendment of regulations to conform with changes in the code can be made much more easily and cheaply than passing an amending ordinance.⁴⁰ A good safeguard is to provide that amendments to the regulations shall be laid before the municipal legislative body for a stated number of days, subject to veto, before they become effective.

A third legal problem in connection with adoption of building codes by reference, not as serious as the statutory publication requirements or the principle of non-delegability of law-making power to private persons, is the prohibition in many state constitutions on revival or amendment of a law by reference to its title only. The purpose of such prohibition is to prevent state legislators from voting without being sure of that upon which they are voting. Re-enactment of the entire statute or of the entire statute as amended is required. Some legal writers have found in these state constitutional provisions a bar to incorporation of model building codes in municipal ordinances by reference. But such provisions are by their terms applicable to statutes and not to ordinances, and it is questionable if they would be applied to ordinances. One state court has refused to do so.⁴¹ Moreover, the prohibition is enacting "acts" or "laws" by reference, and model codes and standards, having no effect as law until enacted, would not seem to come within the constitutional language. However, in the event that courts would interpret these constitutional provisions as applicable to municipal ordinances, they would pose a financial obstacle to amendment of building codes in states requiring publication.

Subjects of the next Survey installment will include procedure for code enforcement and the limitation on discretion of administering officials.



At the left is a rendering of a Chapter member residing in Johnson County, Kansas. Kansas, as you must know by now, is celebrating its Centennial this year. Beards or the ownership of a shaving permit will keep the owner out of jail. While some might think our bushy friend has overdone it, we would rather think it's only another demonstration of K.C. Chapter members' full and unqualified participation in civic affairs.

K.U. STUDENT A.I.A. CHAPTER

In the March SKYLINES we carried a list of the officers and members of the Kansas State University Student A.I.A. Chapter, promising to follow up with a list of the K.U. group.

The 26 members of the Lawrence Chapter appear below. Besides Kansas, four other states are represented. On the basis of pretty limited research, we believe K.U. can boast of having the only woman Student A.I.A. Chapter president; Miss Suzy Howell of Clinton, Missouri. When she's not busy with studies and Chapter affairs, she fills in as editor of the student architectural Newsletter. More on the Newsletter a little later.

| Name | Year | Hometown |
|--------------------------|--------|---------------------|
| Suzy Howell, President | Third | Clinton, Mo. |
| Harry Rowe, Vice-Pres. | Third | Willow Springs, Mo. |
| Truman Howell, Secretary | Third | Raytown, Mo. |
| Stan Ries, Treasurer | Second | Florissant, Mo. |
| Donald Bachali | Fifth | St. Joseph, Mo. |
| Brooke Curran | First | Kansas City, Kans. |
| Phillip Clark | Fourth | Independence, Mo. |
| Charles Dillon | Second | Kansas City, Kans. |
| Judith Duncan | Fifth | Overland Park |
| Ronald Giebel | Second | Rochester, N. Y. |
| Barry Greenholz | Fifth | Brooklyn, N. Y. |
| Ray Henry | Third | Kansas City, Mo. |
| Kenneth Hoy | First | Kansas City, Mo. |
| Phillip Jacka | Second | Lawrence, Kans. |
| Kenneth Kahmann | Third | Springfield, Mo. |
| Steven Leach, Jr. | First | Andrews, Texas |
| Jack Markham | First | Columbus, Nebraska |
| John Mischlich | Fourth | Kansas City, Mo. |
| Francis M. Neill | First | Springfield, Mo. |
| Donald Niemackl | Fourth | Topeka, Kans. |
| James C. Oliver | Fourth | Leavenworth, Kans. |
| Wm. Perry | Third | Webb City, Mo. |
| Robt. Pomeroy, Jr. | Fourth | Lawrence, Kans. |
| Frank Restituto | Second | East Meadow, N. Y. |
| Joseph Schling | First | Flushing, N. Y. |
| Wm. Wright, Jr. | Fourth | St. Joseph, Mo. |

As was the case with the K.S.U. list in the March SKYLINES, we commend all of these young men and women to your attention, particularly the fifth year students who may soon be talking to Kansas City firms about openings.

Speaking of the K.U. Student A.I.A. Chapter Newsletter, as we were above, most of the K.C. Chapter members have been away from university halls long enough to appreciate the following item from the January, 1961, K.U. architectural publication:

LETTERING DESIGN AND DRAFTSMANSHIP

(Problem as written on board for

Design IV - Three Hours)

1. 69 hatchings in pencil
2' squares, selected patterns (paisley print designs).
2. 5,623 hatchings in pen
2' squares, selected patterns (paisley print designs).
3. 69 straight line variations of an abstract nude.
4. 69 straight line variations, pen yellow and green.
5. 15'-0" alpha-bit cereal, pencil, choose own language.
6. 3/19" alphabet, vertical, pencil, hieroglyphics.
7. 1/4" alphabet, vertical, shaving lotion (spray type).
8. 1/332" alphabet, sloped, in blood.
9. Jokes, in pencil, 40 words, 1/8" horizontal.
10. Text, in Zen, 999 words, 1/8" sloped (backwards).
11. 1,630,982 mechanically drawn decorative capitals, any size, any medium, any order.

Chapter member John See was also featured in the January Newsletter, as "Our Artist Architect". Part of the article follows:

Have you ever heard that architects aren't artists? Mr. John See, design instructor at K.U., is proof positive that the combination exists. A one-man show of his paintings will open at the Rockhill Country Club in K.C. in February. He is a principal in the firm of Roark, Daw & See of K.C.

Mr. See spends 21 hours in class at K.U. and 21 hours plus in his office over the Ward Parkway Bank on the Plaza. This would seemingly leave little time for painting, but he manages to squeeze it in. Being a true architect, he increases his output just before deadlines; in this instance, just before art shows (many of which he has participated in). Most of his paintings are portraits—often of imaginary people. Women he has painted are never satisfied that they are as pretty as he paints them - or as ugly. This suggests he might be employing his imagination here, also.

P. A. H. O. OPENS

NATIONAL ARCHITECTURAL COMPETITION

The Pan American Health Organization announced the opening on February 15 of an international architectural competition to select a design for a new PAHO headquarters building in Washington, D. C. The competition will be limited to architects of the Western Hemisphere.

The architect whose design wins the international competition will be awarded the building contract. Second prize will be \$2,500 and third prize \$1,000.

The new headquarters is expected to cost approximately \$4.5 million. It will be built on land to be donated by the U.S. Government at 23rd Street and Virginia Avenue N.W., Washington D.C., one block north of the new State Department Building.

The winning design will be picked by a jury of four internationally known architects and the Director of the Pan American Sanitary Bureau, PAHO's operating arm and general secretariat. The architects are: Hector Mardones-Restat of Chile, President of the International Union of Architects; Luis Gonzalez Aparicio of Mexico, Past President of the Society of Mexican Architects; Augusto Guzman Robles, one of Peru's leading architects; Samuel Inman Cooper of Atlanta, Georgia, President of the Pan American Congress of Architects and a Fellow of the American Institute of Architects; and Dr. Abraham Horwitz of Chile, Director of the Pan American Sanitary Bureau.

Architects interested in obtaining more information about the international competition should write the PAHO's professional advisor, Leon Chatelain, Jr., Fellow and Past President of the American Institute of Architects, 1632 K Street N.W., Washington 6, D.C.

Registration for the competition closes May 8. The conditions of competition have already been approved by the International Union of Architects and the American Institute of Architects.

SOILS AND FOUNDATIONS GLOSSARY

We are indebted to Nicholas Chryssaopoulos, resident manager for the soils and foundation consulting firm of Woodward-Clyde-Sherard & Associates, for this glossary of frequently used soil and foundation terms. Dr. Chryssaopoulos spoke at a recent Chapter meeting on "The Use and Abuse of Foundation Engineering," and some of the following was covered in that presentation.

SOIL CLASSIFICATION

Soils are generally classified on the basis of constituent soil particles. Although many systems are used, the most important is used by both the Corps of Engineers and the Bureau of Reclamation and is known as the Unified Soil Classification System (USC).

Major soil constituents and their definitions are as follows:

Gravel (G) and Sand (S) – Particles varying in size from a maximum of 3 to a minimum of 0.03 inches (retained on #200 screen) and grading from coarse to medium and fine.

Silt (M) and Clay (C) – Particles possessing varying degrees of plasticity, as measured by Atterberg limits, and having a maximum grain size of 0.03 inch. These soils are described as having low (L) or high (H) compressibility.

Soils are classified according to type by combining grain-size distribution with plasticity characteristics; soils are represented by two-letter symbols which are combinations of the following:

- G – Gravel
- S – Sand
- M – Silt or non-plastic fines
- C – Clay or plastic fines
- Pt – Peat or swamp soils
- O – Organic
- W – Well-graded
- P – Poorly-graded
- L – Low compressibility
- H – High compressibility

Thus, GW is a well-graded gravel, SC is a sand with clay binder, CH is a highly plastic clay, or OL is an organic soil of low to medium compressibility.

PLASTICITY RELATIONSHIPS AND TERMS

Atterberg Limits = Liquid, Plastic, Shrinkage Limits.

Liquid limit is the moisture content at which the soil passes from the plastic to the liquid state.

Plastic limit is the moisture content at which the soil passes from the semisolid to the plastic state.

Shrinkage limit is the moisture content above which there is a change in volume of the soil mass with a change in moisture content and below which there is no volume change with a change in moisture content.

Plasticity index is the numerical difference between liquid and plastic limits. It is, in general, an index to the "activity" of a clayey soil - i.e., its tendency to swell and shrink, or to soften and harden with wetting and drying. In general, the lower the plasticity index (PI), the more stable the soil. For example, good base materials for road construction are expected to have a PI not over 6 or 7; a typical swelling clay might have a PI of 50 or more.

SOIL STRENGTH

Cohesive soil is a soil which has considerable strength when unconfined and in an air-dried state and which tends to hold its shape when submerged in water. The more cohesive a soil the stickier it is.

Cohesionless soil is a soil which has little or no strength when unconfined and in an air-dry state and which tends to collapse when submerged. Granular soils such as gravel and sand, and some silts are considered to be cohesionless.

STRESS STRAIN RELATIONSHIPS AND TERMS

When soils are subjected to loads their volume decreases and a settlement is produced.

ERRATA - There are two errors in the Soils and Foundations Glossary, by Nicholas Chryssafopoulos, pages 21-24. On page 23, the second paragraph should read, "Settlements in cohesionless (granular) soils can be produced by the densification of the soil as a result of vibrations such as those produced by compressors, pile drivers, etc., or by static loads, in which case movements usually occur simultaneously with load applications."

Under Foundation Terms, on the same page, the last sentence in the first paragraph should read, "Strip or continuous footing is the continuous foundation under a load-bearing wall."

In the case of cohesive soils, this settlement is due to the squeezing out of the water from the soil voids, if soil is saturated, and the subsequent decrease in void space. This process is termed consolidation and can continue long after load application.

Settlements in cohesionless (granular) soils can be produced by the desiccation of the soil as a result of vibrations such as those produced by compressors, pile drivers, etc., or by static loads, in which case, movements usually occur simultaneously with load application.

A normally consolidated soil deposit is one that has never been subjected to an "effective pressure" greater than the existing overburden pressure and one that is also completely consolidated by the existing overburden.

Overconsolidated or Preconsolidated or Preloaded soil deposit is one that at some previous time had been subjected to an "effective pressure" greater than that induced by the weight of the present overburden. Such deposits will not compress greatly unless subjected to pressures greater than the maximum past pressure.

FOUNDATION TERMS

Design or Maximum Allowable Soil Pressure is the upper limit of a combination of dead and live loads that should be transmitted through the foundation to the soil, if either bearing or settlement failure is to be avoided.

Strip or continuous foundation built under a load-bearing wall.

Spread footings are the individual footings carrying column loads.

Pier is a deep footing in which the ratio of base width to depth of foundation is usually less than $1/4$ as opposed to shallow footings where this ratio commonly exceeds unity.

Raft or mat foundation is a combined footing covering the entire area beneath a structure and supporting all the walls and columns.

Pile foundation is one utilizing piles, made of various materials, to support column, floor, or wall loads.

The ability of the pile to carry load is achieved by bearing of the pile point on firm soil or rock, or through friction acting on the surface of the pile, i.e., along the pile perimeter and length.

DESIGN CRITERIA

The following factors influence the design of structures: Tolerable total settlement, is the maximum settlement that can be tolerated in a structure; in many cases, such as in warehouse or silo construction, a considerable amount of total settlement can be tolerated.

Tolerable differential settlement, is the varying amount of settlement between adjacent columns, or between two widely spread points of the structure, that can be tolerated without excessive distress. This amount varies with the type of construction.

Bearing capacity, is the measure of soil strength against direct shear failure of the foundation. It is usually expressed in terms of pounds, kips, or tons per square foot.

The above paragraphs cover only a few of the soil technology terms. For a more complete list of definitions refer to:

Journal of the Soil Mechanics & Foundation Division
American Society of Civil Engineers
Volume 84 No. SM4, October, 1958, Part 1.

DATES TO REMEMBER

- Missouri Association of Registered Architects
Kansas City April 28-29
- Central States Regional Conference
St. Louis September 28-30
- Next K.C. Chapter Meeting
Embassy Room - Plaza May 16

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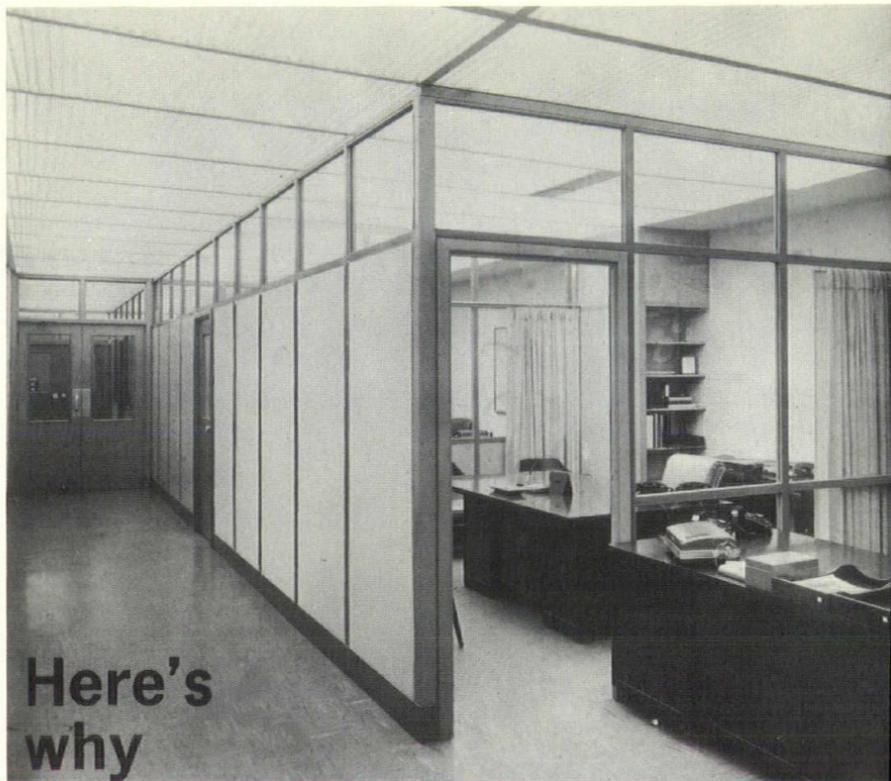
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addenda

- The letter reproduced below is yet another endorsement of the Chapter's registration review courses, offered each Fall under the direction of the Education Committee.

7917 Lamar
Prairie Village, Kansas
February 15, 1961

Dan R. Sandford & Sons
800 Westport Road
Kansas City, Mo.

Attention: Max Sandford

Gentlemen:

I want to express my gratitude for the A.I.A.'s registration review presented last September.

I was given the privilege of taking the Kansas Examination in January and although I have not as yet heard the results, I do feel that your review was most helpful.

Incidentally, there were two books suggested as study material and I highly recommend them both. They are:

"Space, Time & Architecture" by S. Giedion
"An Outline of European Architecture" by Peusner

Most gratefully yours,
/s/G. Robert Keeling

- By action of the Executive Committee, the Chapter has taken sustaining membership in the National Council of Architectural Registration Boards, Oklahoma City.

A growing number of K.C. Chapter members have obtained N.C.A.R.B. certification. For those who might be interested, application forms may be obtained by writing James Sadler, Executive Director, N.C.A.R.B., 418 Commerce Exchange Building, Oklahoma City.

(Continued on next page)

- We welcome back a former SKYLINES advertiser in this issue, Pratt & Lambert, Inc., represented by John L. Dyche, Jr. and Harvey Kallberg.
- The firm of Curtis & Cowling has added Leslie D. Roenigk as a partner, according to a recent announcement from Conrad Curtis. Les has recently rejoined the Chapter as an Associate member and formal announcement of this is carried in the NEW MEMBERS section on page 32.
- Recent correspondence from Regional Director Oswald Thorson reminds us that the Sixth Congress of the International Union of Architects will be held in London, July 3-7, 1961. D. C. Taylor, Congress Secretary, says that 2000 persons from 50 different countries are expected for the session.

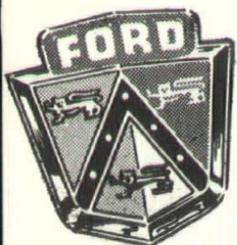
A copy of the Provisional Program for the Congress was enclosed, and the subjects and exhibitions now scheduled would seem to be very interesting. The last Congress was held two years ago in Moscow, attracting over 1000 architects from 40 countries. Incidentally, since the application forms are printed in four languages, English, French, Spanish and Russian, we are able to show you what "architect" looks like in the classified pages of the Moscow telephone book:

Архитекторов

By transliteration, the Cyrillic characters come out "arkhytektorov" – and we wonder what their Mandatory Standards of Practice look like.

- Ted Seligson, Associate member from Kivett & Myers & McCallum, was a panel member last month in a discussion of "Kansas City and the Living Artist." The meeting was sponsored by and held at the Kansas City Art Institute and School of Design.
- Burns & McDonnell Engineering Company announce five new partners in the firm; Leo L. Cunningham, Jasper W. Meals and Edwin J. Runyan, all civil engineers, and Alwin H. Rector and William W. Rumans, electrical engineers.
- The K.C. Chapter made national AIA news twice this month. Upon request from the Chapter and Student Affairs department at the Octagon, we furnished 250 copies of the Medal Awards publicity as carried in the K. C. STAR last Fall. This material

OR EQUAL



It is your decision,
Mr. Architect.....
will it reflect your
client's best interest?



was used in the "Document of the Month" mailing to all Chapter presidents, secretaries and executive secretaries.

The covering letter for the Document of the Month selections states, "Each month, or as often as outstanding material becomes available, the Chapter Affairs Committee proposes to send to every AIA Chapter and State Organization a publication generally originating in one of our local groups, which seems to have particular merit."

George F. Pierce, Jr., FAIA, Chairman of the Chapter Affairs Committee, was one of the three 1960 Medal Award judges.

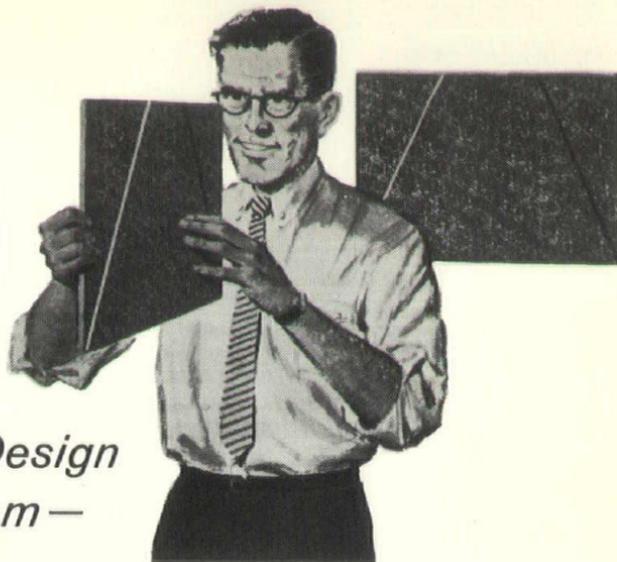
In the past, the Kansas City Chapter has been honored several times by having material circulated in this manner. The most recent instance was the booklet on KC/80, which appeared first in SKYLINES form.

Some recent DOM selections from the Chapter Affairs Committee include "Buildings of Architectural Significance in Tucson" (Southern Arizona Chapter); "How Much Does an Architect Do... Does an Architect Cost?" (Iowa Chapter); "Reference Manual for School Construction Inspectors" (California Council, AIA) and "Louisiana Architecture to 1959" (Baton Rouge Chapter).

The second April AIA-wide publicity for the K.C. Chapter was in the form of a booklet, "John Daw, AIA, Goes to Washington." The magazine-type publication was a joint project of the Chapter and the Octagon, and was designed to explain just what AIA membership means to the practicing architect and how his dues money is spent in the national service program.

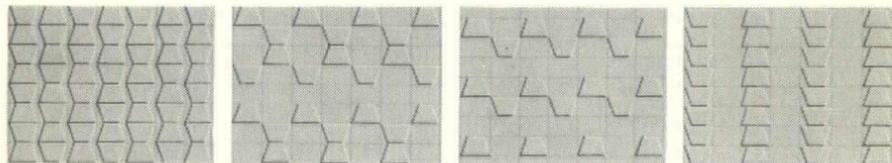
John Daw and the K.C. Chapter were selected by the Octagon to represent more than 14,000 Corporate AIA members and some 130 Chapters across the country. Many photographs were taken of John and the Chapter in Kansas City and other pictures were made in Washington, D.C. to illustrate the booklet. While it was primarily designed to present the need for additional revenue at the national level, there is a good possibility that a few copy changes will be made, adapting the publication for a continuing P.R. tool of the AIA.

- The 1961 national convention in Philadelphia will be covered in the June SKYLINES. To put you in the mood for that report we plan to carry a recently-discovered account of the 1923 AIA convention next month.



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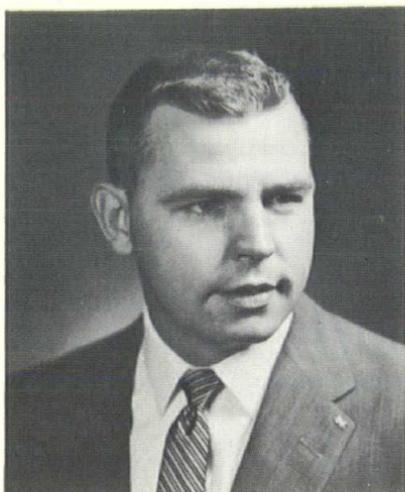
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NEW MEMBERS



William E. Block, left, new ASSOCIATE member, practices under his own name in Atchison, Kansas. Born in Seneca, Kansas, Bill earned his degree at K.S.U. in Manhattan and is registered in Kansas.

Leslie D. Roenigk, right, is another new ASSOCIATE member, who rejoins the Chapter after two years absence. Les was a Junior Associate for four years before his resignation in 1959. Holder of a B.S. in Arch. from K.U., he is now a partner in the firm of Curtis & Cowling. Les is registered in Missouri and Kansas.



William R. Bovard, who has been a Corporate member of the K.C. Chapter some 31 years, moves up to MEMBER EMERITUS status. Bill, who celebrates his personal diamond jubilee this year, has served as Chapter Treasurer, Vice-president and as the chairman or a member of many committees over the years of his service to the Chapter. Bill, who is "not about to retire," joins six other distinguished Chapter Emeritus members.

MEMO
D. SMITH
1234567890 AIA

Jim -
Looks good!
Let's call Ronai
tomorrow on this.
Bill

SERVICE AGREEMENT

FOLLOWING AGREEMENT, RONAI PERFORMANCE MATERIALS, INC.
A THREE YEAR, COST-FREE MAINTENANCE SERVICE TO

NAME OF BUILDING _____

ADDRESS OF BUILDING _____

supplier of Zolstone Process Materials, guarantees all Zolstone surfaces applied in strict compliance and agrees to provide a free three-year material and labor maintenance program from the date of Zolstone surfaces to restore the surface to its original specified condition, without cost to the owners of Ronai does not cover normal washing and housekeeping of surfaces or repairs due to structural defects or damage to the building after completion of the base contract, or acts of God, war, fire, water damage or other causes beyond the control of the supplier.

Owner agrees that inspection of the premises and work will take place at times specified by the undersigned but not less than once each year.

111. The undersigned does not authorize any person or representative to assume any other or greater liability in connection with this warranty or use of our products, either inferred or implied.



ARCHITECT FOR CLIENT _____
DATED _____

Proof of Performance BEFORE Acceptance !



Performance Materials, Inc.

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