

Code Connection

The customer newsletter for the construction and development community.

CITY OF FOUNTAINS
HEART OF THE NATION



KANSAS CITY
MISSOURI

MAY 2002

Holiday Schedule :

The Department of Codes Administration (DCA) offices will be closed on the following dates:

Monday, May 27, 2002

Memorial Day

Thursday, July 4, 2002

Independence Day

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ARTERIAL STREET IMPACT FEES

Beginning May 1, 2002, arterial street impact fees will be assessed on issuance of building permits for new construction as required by Chapter 39, Code of Ordinances (available on-line at www.kcmo.org/clerk). New residential building permits will be charged an impact fee based on the number of dwelling units proposed for a new building or added to an existing building. Nonresidential building permits will be charged an impact fee based on the proposed use and square footage of the building. Nonresidential building permits issued for work in existing buildings will be charged an impact fee based on the use when there is an increase in the floor area of the building, as defined by Chapter 39.

Impact fee will not be assessed for any project submitted for building permit plans review that was accepted for review as a complete application by Quality Control Review prior to May 1, 2002. One and two family building permits submitted with a site plan and approved master plan or required building plans prior to May 1, 2002 will not be assessed an impact fee.

The City is divided into eight benefit districts and three exempt areas for purposes of assessing arterial street impact fees. For more information on these fees, see the impact fee information on-line at www.kcmo.org/pubworks. For a map of Impact Fee Zones go to KivaNet at www.kcmo.org/codes. □

NEW FEES FOR NEW SERVICES

Beginning July 1, 2002, DCA fees will increase approximately one percent to support Benchmark Service Initiatives recommended by the Mayor's Development Process Task Force. These Initiatives include:

- 1) Single point of application drop-off for development permit applications. The Department of Codes Administration, Permits Division, Plans Management Branch will become a Single Point of Application Drop-Off for development permit applications.
- 2) Single point of contact for status of development permit applications. Plans examiners in each City department processing development permits will be the single point of contact for the status of the specific development permit in question.

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Administration

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***DCA ATTENDS/PARTICIPATES IN
ICC CODE DEVELOPMENT HEARINGS***

The code development hearings for the following ICC Codes: *International Fire Code, ICC Performance Code, International Building Code, International Energy Conservation Code, International Residential Code, International Plumbing Code, International Private Sewage Disposal Code, International Mechanical Code and International Fuel Gas Code* were held in Pittsburgh, PA from April 8 - 19, 2002. This is the last cycle before the publication of the 2003 International Codes. Several members of DCA were able to attend these hearings and to hear firsthand testimony on many of the proposed code changes, with two of our associates actually serving on ICC committees as well. **Barry Archer**, **Mary Miller** and **Jomy John** attended several days of the code hearings. **David Panek** attended the hearings and was an active participant on the ICC Performance Code Committee. **Bill Watson** also attended the hearings and was an active participant on the International Building Code - Means of Egress Committee. "These hearings provide a great educational opportunity for code officials, industry representatives and consumer representatives. Each proposed code change is thoroughly debated in a public forum with final voting being done by the committee. Challenges may be made from the floor and, if successful, can actually overturn committee action. I believe the participants from DCA got a great deal out of their participation in this process," said DCA Director **Barry Archer**, "And I was proud to see two of our associates actually serving on these International Code Change committees." □

***DCA PLANS REVIEW
AVERAGE TURNAROUND TIMES***

Four-Week Averages as of April 28, 2002

New Commercial Bldgs. & Additions 3.7 weeks
One- and Two-Family Dwellings 1 day/plan
All Other Projects 0.8 weeks/plan



CODE CHAT

by Gary Marker, R.A.
Division Manager of Plans Review



THE NEW SHERIFF

Have you heard the news? There is a new sheriff in town called the Kansas City Building and Rehabilitation Code. This one's more of a Jimmy Stewart than a Clint Eastwood, though, particularly concerning the renovation of existing buildings. Adopted within the pages of this document (available on the web at www.kcmo.org) are the provisions of the *2000 International Building Code (IBC)* and the *1997 Uniform Code for Building Conservation (UCBC)*. These documents represent a giant leap forward for the development community for building rehabilitation and change of occupancy.

So, how can the new codes help? First, the IBC generally takes a different approach to life safety than the previous code, recognizing the benefits of automatic sprinklers and new performance standards, and provides options and trade-offs when these elements are present, far in excess of those previously permitted. In many cases, existing structures, which may have been nonconforming under the previous code, may be shown to actually comply with the current code. Second, Chapter 34 of the IBC now recognizes the unique problems associated with existing structures and provides for the addition, alteration, repair, moving and change of occupancy for existing and historic buildings. This chapter contains specific provisions and allowances for elements of existing buildings such as fire escapes, stairways, glazing and accessibility. Section 3406.1 now specifies that the provisions of the IBC are not mandatory for historic buildings where such buildings are judged by the building official to not constitute a distinct life safety hazard. It is important to note that the definition of a historic building (both for the IBC and UCBC) is one that is listed on the federal, state or local register of historic places. It should further be noted that the final decision as to the degree of threat to life safety is made by the building official. Finally, Section 3409 provides "compliance alternatives" for buildings undergoing additions, alterations or changes of occupancy through a score card system. This method consists of an evaluation provided by the building owner that compares the existing building (along with any proposed life safety improvements) to established mandatory levels of life safety in three categories, fire safety, means of egress and general safety. Where the building can be shown to meet the mandatory scores in each of these areas, it will be considered to be in compliance with the code.

The *1997 Uniform Code for Building Conservation* can be considered to be an expanded version of IBC Chapter 34. This document contains separate chapters concerning standards, alternatives and allowances for existing buildings, buildings undergoing changes of occupancy and historic structures. This code further contains appendix chapters from which *may* be obtained recommendations for seismic strengthening, accessibility upgrades, energy conservation and evaluation of existing building systems and materials. Of particular use may be UCBC - 2, which is a guideline listing the expected fire-resistive capacities of archaic building materials and methods for calculating fire-resistance of various assemblies.

This new sheriff has definitely brought with him some bold new concepts in code enforcement, but I don't believe he'll be ridden out of town anytime soon. For questions regarding this subject or any other code requirements, feel free to call the DCA Plans Review office at (816) 513-1500 and select option number 5, where helpful associates stand ready to provide assistance in applying code interpretations to individual situations. Or you may obtain e-mail answers to code questions from gary_marker@kcmo.org.

DCA INTERPRETATIONS

#/CODE

QUESTION

CI2002-028

2000 IBC
Sec. 1621

Is seismic protection, including bracing, clearances, etc., required for electrical and mechanical components, such as sprinkler piping?

ANSWER

It depends on the type of building and the type of component. Section 1621.1.1, exception 3, reads that all mechanical and electrical components are exempt from protection requirements if the building is a Seismic Design Category B. Exception 4 reads that components with a component importance factor $I_p = 1.0$ are exempt from seismic protection requirements if the building is a Seismic Design Category C. Life-safety related components such as sprinkler systems, components supporting hazardous materials, and components necessary for continued operation of an essential facility are assigned an $I_p = 1.5$ (See section 1621.1.6) and would require seismic protection in a Seismic Design Category C building.

The Seismic Design Category is determined for the project by the structural engineer-of-record. In the absence of such a determination, Seismic Design Category B may be assigned to buildings of Occupancy Category I, II or IV in Table 1604.5. Seismic Design Category C may be assigned to buildings of Occupancy Category III (e.g. hospitals, fire stations, etc.). [These assumed categories are derived based on the most restrictive soil types commonly found in the City.]

In summary, seismic protection is required for safety-related components in essential buildings.

#/CODE

QUESTION

CI2202-029

2000 IBC,
Secs. 310.1, 903.2.10

For the purposes of sections 310.0 and 903.2.10, are the total number of occupants to be counted, or only the number of occupants receiving care?

ANSWER

Only the number of occupants receiving care are counted. Section 310.1 specifically reads “..excluding staff.” Section 310.2 defines a Residential Care/Assisted Living Facilities as “housing a maximum of 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment...” This is clear that it is the number of persons *receiving* care that are counted.

Section 903.2.9 requires sprinklers “throughout all buildings with a Group R-4 fire area with more than eight occupants.” Normally this language would require that all occupants be counted, not just those receiving care. However, as the occupancy classification is based on the number receiving care, only those persons will be counted for the purposes of this section as well. The number of persons *providing* care should not drive the requirement for a sprinkler system.

DCA INTERPRETATIONS

#/CODE

CI2-002-030

2000 IBC
Secs. 302, 303, and 304

QUESTION

What occupancy group would a training room or dining room within an office space be classified?

ANSWER

Provided that it is accessory to an office space, if the occupant load of either a training or dining room is less than 50, it is classified as part of the major use (in this example, Group B for an office) [IBC 303.1].

A training room with an occupant load of 50 or more would be considered an "educational occupancy above the 12th grade" which is also defined as a Group B occupancy [IBC 304.1]. If constructed as a lecture hall or auditorium (typically characterized by sloped or stepped seating, high-density fixed seating, etc.), then it would be classified as Group A-3 [IBC 303.1].

A dining room with an occupant load of 50 or more would be considered an "assembly use intended for food and/or drink consumption" and would be classified as Group A-3 [IBC 303.1].

Note that even if classified as a Group A-3, a fire barrier separation is not required for an accessory use that is less than 10% of the area of the floor in which it is located [IBC 302.2].

#/CODE

CI2002-031

2000 IBC
Sec. 310.1

QUESTION

IBC 301.1 under R-4 occupancies reads "Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 except for the height and area limitations provided in Section 503."

1. Can all exceptions that apply to R-3 occupancies be used for an R-4 occupancy?

2. If so, does a conversion of a dwelling from R-3 to R-4 constitute a change of use?

ANSWER

1. Yes. All Group R-3 exceptions and construction provisions may be utilized for a Group R-4 occupancy, however all provisions specific to an R-4 shall be met (e.g. allowable height and area per IBC 503, sprinkler provisions per IBC 903.2.9, etc.).

2. Yes. Because the R-4 use is defined as separate use group, and cannot be justified as less hazardous under the provisions of IBC 3405.1, this change is considered a change of occupancy. Note that the *Uniform Code for Building Conservation* (UCBC), Chapter 5, will provide additional relief for some existing conditions. (For use of the UCBC, a congregate residence with an occupant load of 10 or less is an R3 occupancy; if more than 10, an R1 occupancy)

[See IBC 308 for further definition of uses providing care services that may be classified as Group R-3 or R-4 occupancies.]

FEDERAL ACCESSIBILITY REQUIREMENTS: WHAT YOU DON'T KNOW CAN HURT YOU

By
Gregg Lombardi and Michael Duffy
Legal Aid of Western Missouri

You're building your first or second apartment complex in Kansas City. You've filed all of the appropriate paperwork with the City. After months of hard work, the City approves your plans. You're ready to build, right?

Wrong. In addition to the City's code requirements, the federal government has separate and additional requirements for accessibility for persons with a disability. In addition to the local jurisdiction's building code requirements, a developer must comply with the two and sometimes three sets of federal accessibility regulations: the Fair Housing Act; Section 504 of the Rehabilitation Act; and, if federal funding or CDBG funding is used for the project, the Uniform Federal Access Standards.

Thus, for example, a complex that is in full compliance with City ordinances may well be in violation of the Fair Housing Act, which is federal law. The law is particularly confusing, because the Fair Housing Act requirements are in addition to the commonly known, federal five-percent set-aside requirements under Section 504.

Learning that lesson can be costly. Consider the situation of an actual developer of an apartment complex built in the metro-area recently, we'll refer to it as the Flat Hills Apartments, although that's not its real name. After the Flat Hills Apartments were completed, their developer was sued by the U.S. Justice Department, which alleged their complex did not comply with the Fair Housing Act. The local jurisdiction's accessibility requirements are less stringent than the federal requirements.

Compliance with the federal regulations is relatively simple and inexpensive, if you build the complex right the first time. A few of the basic requirements of the Fair Housing Act include:

- At least one building entrance must be on an accessible route. This means no steps, high thresholds or very steep ramps. It also means curb cuts and accessible parking spaces;
- Public and common areas must be accessible to persons with disabilities. This means walks, parking, corridors, lobbies, drinking fountains, swimming pools, playgrounds, rental offices, mailboxes, trash facilities, lounges, clubhouses, fitness rooms, game rooms, laundry rooms, tenant storage areas and community rooms.
- All doorways must be at least 32 inches wide, to allow passage of a wheelchair.
- There must be an accessible route at least 36 inches wide through the apartment unit. This means all parts of the apartment—except garages and basements—must be accessible.
- Light switches and thermostats can't be higher than 48 inches and electrical outlets can't be lower than 15 inches from the floor.
- Grab bars around the toilet, tub and shower are not required, but the walls must be reinforced so that these items can be easily installed when needed.
- At least one bathroom must be accessible. This means enough space in the bathroom for a wheelchair to enter and close the door, and enough space near the toilet, sink and tub or shower for wheelchair access. The rules are complex, but "enough space" generally means a clear floor space at least 30 by 48 inches.
- The kitchen must be accessible. This again means a 30 by 48 inch clear space in front of the stove, refrigerator, sink and other kitchen appliances; and opposing counters at least 40 inches apart, or at least 60 inches apart in the case of a U-shaped kitchen.

Continued on page 7

ACCESSIBILITY REQUIREMENTS (Continued from page 6)

There are many apartment complexes and types of units that the Fair Housing Act does not cover, including: buildings with three or less units; buildings built before 1991; and, certain buildings built on especially hilly terrain. Also, if a building has more than one floor, and no elevator, units above the first floor are not covered. Similarly, individual units with more than one floor are not covered. Building owners and developers are responsible for determining the specific requirements that apply to their buildings.

If you don't comply with the federal requirements to start with, bringing the complex into compliance is far from inexpensive. In the real case of the Flat Hills Apartments described above, the developer may have to spend tens of thousands of dollars renovating its complex to bring it into compliance with the federal requirements. The developer also, of course, will have to pay its hired counsel to defend the lawsuit.

Furthermore, the Department of Housing and Urban Development has awarded a grant to Legal Aid of Western Missouri to conduct inspections of new apartment complexes to determine whether they are in compliance with the accessibility requirements of the Fair Housing Act. So, chances are if you build a complex that doesn't comply with the Act, you are going to get caught and you will have to pay to bring the complex into compliance.

Sadly, the City cannot require compliance with the Fair Housing Act, because it is outside of the City's jurisdiction. In Kansas City, Missouri, the only thing the Department of Codes Administration can do is monitor compliance with the Kansas City Building and Rehabilitation Code (KCBRC) and the adopted provisions of the International Building Code, 2000 edition. Legal Aid is now trying to monitor building permit applications to catch violations before complexes are built. The ultimate responsibility, however, falls on the architects, developers and owners to comply with the Fair Housing Act, Section 504 and the Uniform Federal Accessibility Standards, in addition to the requirements of the local jurisdiction's building codes.

You can obtain a copy of the Department of Housing and Urban Development's Manual for Fair Housing Act Compliance by contacting HUD's office in Kansas City, Kansas at (913)551-6886.

So, before you build, make sure that you know the accessibility requirements with which you must comply. Building apartment complexes in compliance with the rules is not only the law, it's the right thing to do. It can also help your business. There is a substantial unmet market demand in the Kansas City area for accessible apartments. The developers who can meet that need can and will profit from doing so.

NEW FEES (Continued from page 1)

- 3) Certified Checklists describing application procedures and submittal requirements for all development permit applications. Each department processing development permit applications will establish certified Checklists describing the application submittal procedures, plans review turnaround times, ordinance and technical requirements, required plans and related documents necessary to file a complete application.
- 4) Quality Control Review (QCR) of development permit applications within two (2) working days of submittal to ensure the completeness of the application based on the Checklists certified by the owner's design professional.
- 5) Guaranteed development permit plans review turnaround times of four (4) weeks for first reviews and two (2) weeks for resubmittal reviews.
- 6) Review Comment Resolution (RCR) to ensure that City plans review staff contacts the owner's design professional to resolve plans review comments that cannot be approved with the first resubmittal.
- 7) KIVA Permitting and Inspections System data entry within one (1) working day of any activity affecting development permit applications. This will ensure the applicant that KivaNet (on-line access to the KIVA System) is timely and accurate.

Continued on page 8

NEW FEES (Continued from page 7)

- 8) KivaNet provides online access to the data in the KIVA System and allows customers to conveniently monitor the status of their development permit applications.
- 9) Telephone calls returned within one (1) working day by all City staff
- 10) Business Assistance Center , 816-513-2880. The Business Assistance Center staff will be increased to provide assistance to those applicants who are experiencing difficulties with the development process. This assistance will include scheduling meetings between departments and the applicant's design team to resolve issues and clarify requirements applicable to the full scope of approvals required for their project.

These initiatives will be evaluated for effectiveness six months after implementation and further enhancements will be made based on the results of this review. City departments participating in these initiatives include: Codes Administration, Public Works, Parks And Recreation, Water Services, City Planning and Development and Fire. The City has recognized its role as a member of the development community and is seeking to streamline the development process in Kansas City, Missouri by this effort. □

DISHWASHER INSTALLATION REQUIREMENTS

The connection of a dishwasher waste line is regulated by the *2000 International Residential Code (IRC)* for one- and two-family dwelling installations and the *2002 Uniform Plumbing Code (UPC)*, as amended by the *Kansas City Building and Rehabilitation Code (KCBC)*, for other installations.

For domestic (noncommercial) installations, the dishwasher drain may connect to the sink tailpiece via a wye fitting or directly to the dishwasher connection of a garbage disposal. The dishwasher waste line shall rise and be securely fastened to the underside of the counter before connecting to the kitchen sink tailpiece or food grinder. A listed air gap fitting is not required.

For commercial installations, the dishwasher waste line shall be installed in accordance with the manufacturer's instructions. A listed air gap fitting shall be provided if required by the manufacturer. The code does not prohibit connection to the tailpiece of a sink, but it does not permit the connection directly to a garbage disposal.

Securing the dishwasher drain to the underside of the counter, or the installation of a listed air gap fitting, is intended to reduce or eliminate the possibility of waste water backing up from the sink or drainage system into the dishwasher where it would contaminate the clean dishes.

For complete details, please consult the referenced codes. Health Department regulations should also be consulted for any installations in a commercial food establishment. □

DCA STAFF CHANGES

John Bremser, Fred Tafaghodi, Jeremie Teeple and John Vines left DCA to pursue other opportunities

Vernon Livergood was promoted from a Construction Code Inspector I to a Construction Code Inspector II in the Investigations Division

Sarah Simmons was promoted from an Information Processor to a Customer Service Representative

FROM THE FILES...
REAL CODE MODIFICATION REQUEST CASE HISTORIES
EXTERIOR DRAINS CONNECTED TO SANITARY SYSTEM

By Gary Marker, R.A.,
Division Manager of Plans Review

The KCMO Code of Ordinances, Section 18-6, states that “The details and actions of granting modifications (to code requirements) shall be recorded and entered in the files of the Department of Codes Administration.” Doing so permits one to rationalize any apparent code discrepancies by investigating the files for the building in question. In order to facilitate this, DCA employs the Code Modification Request (CMR) process wherein the applicant submits a form stating the location of the property, the applicant name and the proposed code alternate. Once this form is submitted along with the required application fee, the request is reviewed and either approved, conditionally approved or denied. The Code Modification Request process is outlined in DCA Information Bulletin Number 101 (available on the web at www.kmo.org). However, I am frequently asked, “What makes a “good” Code Modification Request?” This is another installment in a series of articles to attempt to answer that question by presenting actual case histories of CMR’s which have been APPROVED by DCA.

The request currently under consideration regards an existing dairy company manufacturing and distribution facility. Their common practice has been to wash out company trucks at the exterior loading dock, thereby allowing the waste water to flow into the parking lot drains and into the storm sewer. However, the KCMO Water Department, Industrial Waste Division, cited the company for the introduction of contaminants (washed out of the trucks) into the storm sewer. This practice is also prohibited by 1997 UPC Section 307.2. In order to solve the problem, the applicant proposes to create a curbed area surrounding the exterior trench drains that are located immediately adjacent to the loading dock. The trench drains in this area will be connected to the sanitary sewer and will catch the waste from the trucks while they are being washed out. Another set of trench drains will be installed outside the perimeter of the curbed area to catch storm water from the parking lot and will be connected to the storm sewer. The applicant notes that, while only a minor amount of storm water would be channeled to the sanitary sewer, all of the water used for washing out the trucks would be channeled to the sanitary sewer. The concept of this request was determined to meet the intent of the code and was approved as submitted.

While the placement of drains connected to the sanitary sewer in an exterior location did allow them to capture a minor amount of rainwater, this condition was deemed to be acceptable, considering the benefit provided by capturing the sewage from the truck washing operation. Be sure to watch future editions of the Code Connection for more informative and interesting tales from the CMR files. □

INTERNATIONAL RECOGNITION

Tom Briggs, Division Manager of Business Services, Department of Codes Administration, City of Kansas City, Missouri, recently fulfilled the criteria to receive the International Personnel Management Association Certified Professional (IPMA-CP) designation from the International Personnel Management Association (IPMA).

Individuals who receive the IPMA-CP designation have met the professional standards set by the Public Human Resource Certification Council (PHRCC) and have demonstrated their commitment to the human resource profession to a panel of senior-level professionals.

Congratulations, Tom, for joining the prestigious ranks of IPMA-Certified Professionals. □

Code Connection

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ADDRESS CORRECTION REQUESTED

Visit DCA on the Internet at www.kcmo.org/codes/

DCA Telephone Numbers: Area Code 816

Director's Office 513-1472
Deputy Director's Office 513-1500 (option 4)
City Hall Permit Center 513-1500 (option 3)
Plans Review Permit Center 513-1500 (option 5)
Commercial Plans Review 513-1500 (option 5)
One- & Two-Family Plans Review 513-1500 (option 5)
Inspections Division 513-1500 (option 2)
Special Inspections 513-1500 (option 2)
Investigations Division 513-1500 (option 2)
Business Services Division 513-1500 (option 3)
Contractor Licensing & Registration . 513-1500 (option 6)

FAX Services/Numbers:

FAX Permit Process 513-1456
FAX Inspection Requests 513-1536
FAX Publication Purchases 513-1456
FAX One- and Two-Family Plans Branch 513-1505
FAX Plans Review Comments
Call to request your comments 513-1500 (option 4)

Code Information:

Zoning, Floodplain, Airport Height Zone,
Permit Application Information 513-1500 (option 3)
Code Questions, Plans submittal Information,
Plans Review Status 513-1500 (option 5)

Publication Ordering Information:

The following publications are available at either DCA office.

You may also call 513-1500 (option 3) and request a credit card authorization form and then place your order via Fax.

1. **Chapter 18, Kansas City Building and Rehabilitation Code** and related ordinances. (Chapter 18 adopts the model codes by reference and identifies local amendments to the model codes.) Price: \$6.00
2. **Special Inspections Program Manual.** Price: \$5.00
3. **Fee Schedule.** Price: \$2.50

The following publications are available from the City Planning and Development Department (513-2846).

1. **Chapter 80, Kansas City Zoning Ordinance** Price: \$25.00
2. **Chapter 66, Subdivision Regulations** Price: \$6.00

The following publications are available from the International Conference of Building Officials Regional Office (455-3330).

1. **2000 International Building Code**
2. **2000 Uniform Plumbing Code**
3. **2000 International Mechanical Code**
4. **1999 National Electrical Code**
5. **2000 International Residential Code**