

SECOND REGULAR SESSION

HOUSE BILL NO. 1809

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WYATT.

5935L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 64.170 and 67.280, RSMo, and to enact in lieu thereof two new sections relating to incorporation of building codes.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 64.170 and 67.280, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 64.170 and 67.280, to read as follows:

64.170. 1. For the purpose of promoting the public safety, health and general welfare, to protect life and property [and] , to prevent the construction of fire hazardous buildings, **and to promote energy efficiency**, the county commission in all counties [of the first and second classification], as provided by law, is for this purpose empowered, subject to the provisions of subsections 2 and 3 of this section, to adopt by order or ordinance regulations to control the construction, reconstruction, alteration or repair of any building or structure and any electrical wiring or electrical installation, plumbing or drain laying therein, and provide for the issuance of building permits and adopt regulations licensing persons, firms or corporations other than federal, state or local governments, public utilities and their contractors engaged in the business of electrical wiring or installations and provide for the inspection thereof and establish a schedule of permit, license and inspection fees and appoint a building commission to prepare the regulations, as herein provided.

2. Any county which has not adopted a building code prior to August 28, 2001, pursuant to sections 64.170 to 64.200, shall not have the authority to adopt a building code pursuant to such sections unless the authority is approved by voters, subject to the provisions of subsection 3 of this section.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 The ballot of submission for authority pursuant to this subsection shall be in substantially the
18 following form:

19 Shall (insert name of county) have authority to create, adopt
20 and impose a county building code?

21 YES NO

22 3. The proposal of the authority to adopt a building code shall be voted on only by voters
23 in the area affected by the proposed code, such that a code affecting a county shall not be voted
24 upon by citizens of any incorporated territory.

67.280. 1. As used in this section, the following terms mean:

2 (1) "Code", any [published compilation of rules prepared by various technical trade
3 associations, federal agencies, this state or any agency thereof, but shall be limited to:
4 regulations concerning the construction of buildings and continued occupancy thereof;
5 mechanical, plumbing, and electrical construction; and fire prevention] **of the following codes**
6 **as published by the International Code Council that may include but not be limited to the**
7 **latest version:**

- 8 (a) **The International Building Code;**
- 9 (b) **The International Residential Code;**
- 10 (c) **The International Fire Code;**
- 11 (d) **The International Plumbing Code;**
- 12 (e) **The International Mechanical Code;**
- 13 (f) **The International Fuel Gas Code;**
- 14 (g) **The International Energy Conservation Code; and**
- 15 (h) **The International Property Maintenance Code;**

16 (2) "Community", any county, fire protection district or municipality;

17 (3) "County", any county in the state;

18 (4) "Fire protection district", any fire protection district in the state;

19 (5) "Municipality", any incorporated city, town or village.

20 2. Any community, if the community otherwise has the power under the law to adopt
21 such an ordinance, may adopt or repeal an ordinance which incorporates by reference the
22 provisions of any code or portions of any code, or any amendment thereof, properly identified
23 as to date and source, without setting forth the provisions of such code in full. At least one copy
24 of such code, portion or amendment which is incorporated or adopted by reference, shall be filed
25 in the office of the clerk of the community and there kept available for public use, inspection,
26 and examination. The filing requirements herein prescribed shall not be deemed to be complied
27 with unless the required copies of such codes, portion, or amendment or public record are filed

28 with the clerk of such community for a period of ninety days prior to the adoption of the
29 ordinance which incorporates such code, portion, or amendment by reference.

30 3. Any ordinance adopting a code, portion, or amendment by reference shall state the
31 penalty for violating such code, portion, or amendment, or any provisions thereof separately, and
32 no part of any such penalty shall be incorporated by reference.

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