

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 185

AN ACT

To repeal sections 64.170, 64.180, 64.190 and 64.205, RSMo 2000, relating to building regulations in certain counties, and to enact in lieu thereof five new sections relating to the same subject.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 64.170, 64.180, 64.190 and 64.205 , RSMo 2000, are repealed and five new sections enacted in lieu thereof, to be known as sections 64.170, 64.180, 64.190, 64.196 and 64.205, to read as follows: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, the county commission in all counties of the first ~~[and]~~, second and third classification, as provided by law, is for this purpose empowered 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].

2. The county commission in any county of the first, second or third classification may provide for the issuance of building permits and may 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].

3. The county commission in any county of the first, second or third classification may provide for the inspection [thereof] of electrical wiring and installation and establish a schedule of permit, license and inspection fees and appoint a building commission to prepare the regulations, [as herein provided] pursuant to sections 64.170 to 64.200.

[2.] 4. For the purpose of promoting the public safety, health and general welfare, to protect life and property, the county commission in a county of the first classification having a population of more than one hundred sixty thousand but less than two hundred thousand, as provided by law, is for this purpose empowered to adopt by order or ordinance regulations to control the construction, reconstruction, alteration or repair of any building or structure, and provide for the issuance of building permits and adopt regulations licensing contractors, firms or corporations other than federal, state or local governments, public utilities and their contractors engaged in the business of plumbing or drain laying and provide for the inspection thereof and establish a schedule of permit, license and inspection fee and appoint a building commission to prepare the regulations, [as herein provided] pursuant to sections 64.170 to 64.200.

64.180. 1. The county commission of any county [which shall exercise] exercising the authority granted [under the provisions of] pursuant to sections 64.170 to 64.200 shall appoint a building commission consisting of five members,

residents and taxpayers of the county, one of whom shall be a member of the county commission, to be selected by the county commission. The members of the commission shall serve without compensation for a term of two years. The term of the county commission member shall not extend beyond the tenure of his or her office. The county commission of any county of the first, second or third classification may authorize the appointment of such a building commission by its own ordinance or order; except that, the county commission of any county of the third classification shall be mandated to appoint a building commission pursuant to this subsection if a petition is submitted which:

(1) Is signed by at least ten percent of the registered voters in any defined affected area in such county who voted in the last gubernatorial election;

(2) Is verified by the election authority to the county commission as having been signed by at least ten percent of the registered voters in any defined affected area in such county who voted in the last gubernatorial election; provided that, if such petition is found to have not been signed by the requisite number of voters, such petition may be returned to the submitting party without prejudice to any subsequent submission of such petition to the election authority;

(3) Legally defines the affected area to which such building code is to apply, which may include part or all of the unincorporated area of such county;

(4) Instructs the commission to appoint a building commission pursuant to this subsection; and

(5) Includes a nonbinding recommendation that the

commission adopt the building code proposed by such commission.

2. [Said] When so instructed by the county commission, or when petitioned by the requisite number of petitioners in a county of the third classification or any defined affected area in such county pursuant to subsection 1 of this section, the building commission shall prepare a building and electrical code of regulations [under the powers granted herein] pursuant to sections 64.170 to 64.200, which shall be submitted to the county commission for adoption. Such code of regulations shall be in accord with standards prescribed by recognized [inspection and testing laboratories and] model code agencies consistent with section 64.196. Before the adoption of such code of regulations, the commission shall hold at least three public hearings thereon, fifteen days' notice of the time and place of which shall be published in at least two newspapers having general circulation within the county and notice of such hearings shall also be posted at least fifteen days in advance thereof in four conspicuous places in the county. The regulations adopted shall be applicable to the unincorporated territory of the county, except as otherwise provided [herein] in sections 64.170 to 64.200, and may from time to time be amended by the county commission after hearings are held and notice given, as prescribed [herein.] in sections 64.170 to 64.200. In any county of the third classification, the regulations adopted may, if the commission so chooses or if the commission is petitioned to do so by the requisite number of petitioners pursuant to subsection 1 of this section, be made applicable to a defined affected area within the unincorporated territory of the county, or to the

unincorporated territory of the county as a whole. The county commission of any county adopting such a code is authorized to employ and pay the personnel necessary to enforce the regulations adopted.

3. In addition to adoption by the county commission pursuant to subsection 2 of this section, any building code adopted in any county of the third classification shall be subject to the approval of the voters in the defined affected area of such county. The proposal to adopt the code as approved by the commission shall be placed on the ballot of the next county-wide primary or general election, and shall be submitted in substantially the following forms, as applicable:

(1) In the case of a proposal to enforce such code on the entire unincorporated area of such county, the ballot shall be submitted in substantially the following form:

"Shall the building and electrical code proposed by the (insert county name) commission be adopted and enforced throughout the unincorporated portion of (insert county name)?"

☐ YES

☐ NO;

(2) In the case of a proposal to enforce such code on a defined affected area of the unincorporated portion of such county, the ballot shall be submitted in substantially the following form:

"Shall the building and electrical code proposed by the (insert county name) commission be adopted and

enforced in (insert description of defined affected area) of (insert county name)?"

☐ YES

☐ NO.

If a majority of the qualified voters voting in the affected area are in favor of the question presented pursuant to this subsection, then the code shall be adopted and enforced in the areas to which it was submitted for a vote. If a majority of the qualified voters voting in the affected area are not in favor of the question presented pursuant to this subsection, then the code shall not be adopted and enforced in such area unless the question is again presented and approved by a majority of the qualified voters voting in the affected area.

4. Any ordinance enacted pursuant to sections 64.170 to 64.200 shall apply to the erection, remodeling or addition of building structures.

5. No ordinance or order adopted pursuant to subsection 3 of this section shall apply to any farm structures unless the structures are used for residential occupancy.

6. No ordinance or order adopted pursuant to subsection 3 of this section shall apply to land use.

64.190. [Said] The building commission or such members thereof as are designated [under] pursuant to the regulations adopted by the county commission shall be authorized to examine all applicants for a license to engage in electrical wiring or installation work and [shall have authority under said] may, pursuant to such regulations [to], revoke or suspend any license issued for refusal or failure to comply with [the] such

regulations [adopted, and any person, firm or corporation licensed under the provisions of sections 64.170 to 64.200 shall be authorized to make electrical installations in any municipality in the county and be subject to the inspection requirements contained in the regulations adopted hereunder and shall not be licensed by any city, town or village in said county; provided, that the provisions of sections 64.170 to 64.200 shall not apply to any city having or that may hereafter have a population of more than one hundred and twenty thousand inhabitants].

64.196. After August 28, 2001, any county seeking to adopt a building code in a manner set forth in section 64.180 shall, in creating or amending such code, adopt a current, calendar year 1999 or later edition, nationally recognized building code, as amended.

64.205. Sections 64.170 to 64.200 shall apply to all counties of the [first and second class] first, second and third classification.