

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 185

91ST GENERAL ASSEMBLY

0664S.06T

2001

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## AN ACT

To repeal sections 64.170, 64.180 and 64.342, RSMo 2000, relating to building codes in certain counties, and to enact in lieu thereof six new sections relating to the same subject.

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

Section A. Sections 64.170, 64.180 and 64.342, RSMo 2000, are repealed and six new  
2 sections enacted in lieu thereof, to be known as sections 64.170, 64.180, 64.196, 64.342, 1 and  
3 2, to read as follows:

64.170. 1. For the purpose of promoting the public safety, health and general welfare,  
2 to protect life and property and to prevent the construction of fire hazardous buildings, the county  
3 commission in all counties of the first and second classification, as provided by law, is for this  
4 purpose empowered, **subject to the provisions of subsections 3 and 4 of this section**, to adopt  
5 by order or ordinance regulations to control the construction, reconstruction, alteration or repair  
6 of any building or structure and any electrical wiring or electrical installation, **plumbing or**  
7 **drain laying** therein, and provide for the issuance of building permits and adopt regulations  
8 licensing persons, firms or corporations other than federal, state or local governments, public  
9 utilities and their contractors engaged in the business of electrical wiring or installations and  
10 provide for the inspection thereof and establish a schedule of permit, license and inspection fees  
11 and appoint a building commission to prepare the regulations, as herein provided.

12 2. For the purpose of promoting the public safety, health and general welfare, to protect  
13 life and property, the county commission in a county of the first classification having a  
14 population of more than one hundred sixty thousand but less than two hundred thousand, as  
15 provided by law, is for this purpose empowered to adopt by order or ordinance regulations to  
16 control the construction, reconstruction, alteration or repair of any building or structure, and  
17 provide for the issuance of building permits and adopt regulations licensing contractors, firms

18 or corporations other than federal, state or local governments, public utilities and their  
19 contractors engaged in the business of plumbing or drain laying and provide for the inspection  
20 thereof and establish a schedule of permit, license and inspection fee and appoint a building  
21 commission to prepare the regulations, as herein provided.

22 **3. Any county which has not adopted a building code prior to August 28, 2001,**  
23 **pursuant to sections 64.170 to 64.200, shall not have the authority to adopt a building code**  
24 **pursuant to such sections unless the authority is approved by voters, subject to the**  
25 **provisions of subsection 4 of this section. The ballot of submission for authority pursuant**  
26 **to this subsection shall be in substantially the following form:**

27 "Shall ..... (insert name of county) have authority to create, adopt and  
28 impose a county building code?

29 G Yes

G No".

30 **4. The proposal of the authority to adopt a building code shall be voted on only by**  
31 **voters in the area affected by the proposed code, such that a code affecting a county shall**  
32 **not be voted upon by citizens of any incorporated territory.**

64.180. 1. The county commission of any county which shall exercise the authority  
2 granted under the provisions of sections 64.170 to 64.200 shall appoint a building commission  
3 consisting of five members, residents and taxpayers of the county, one of whom shall be a  
4 member of the county commission, to be selected by the county commission. The members of  
5 the commission shall serve without compensation for a term of two years. The term of the  
6 county commission member shall not extend beyond the tenure of his office.

7 2. Said commission shall prepare a building and electrical code of regulations under the  
8 powers granted herein, which shall be submitted to the county commission for adoption. Such  
9 code of regulations shall be in accord with standards prescribed by recognized inspection and  
10 testing laboratories and agencies **consistent with section 64.196.**

11 **3.** Before the adoption of such code of regulations, the **county** commission shall hold  
12 at least three public hearings thereon, fifteen days' notice of the time and place of which shall be  
13 published in at least two newspapers having general circulation within the county and notice of  
14 such hearings shall also be posted at least fifteen days in advance thereof in four conspicuous  
15 places in the county. The regulations adopted shall be applicable to the unincorporated territory  
16 of the county, except as otherwise provided herein, and may from time to time be amended by  
17 the county commission after hearings are held and notice given, as prescribed herein. The county  
18 commission is authorized to employ and pay the personnel necessary to enforce the regulations  
19 adopted.

**64.196. After August 28, 2001, any county seeking to adopt a building code in a**  
2 **manner set forth in section 64.180 shall, in creating or amending such code, adopt a**

3 **current, calendar year 1999 or later edition, nationally recognized building code, as**  
4 **amended.**

64.342. 1. Section 64.341 to the contrary notwithstanding, the county commission of  
2 any county of the first classification without a charter form of government with a population of  
3 at least one hundred fifty thousand containing part of a city with a population over three hundred  
4 fifty thousand is hereby authorized to acquire, by purchase or gift, establish, construct, own,  
5 control, lease, equip, improve, maintain, operate and regulate, in whole or in part, concession  
6 stands or marinas within any area contiguous to the lake which is used as a public park,  
7 playground, camping site or recreation area. **No such lease or concession grant shall be for**  
8 **a longer term than twenty-five years.**

9 2. Such concession stands or marinas may offer refreshments for sale to the public using  
10 such areas and services therein relating to boating, swimming, picnicking, golfing, shooting,  
11 horseback riding, fishing, tennis and other recreational, cultural and educational uses upon such  
12 terms and under such regulations as the county may prescribe.

13 3. All moneys derived from the operation of concession stands or marinas shall be paid  
14 into the county treasury and be credited to a "Park Fund" to be established by each county  
15 authorized under subsection 1 of this section and be used and expended by the county  
16 commission for park purposes.

17 4. The provisions of this section authorizing and extending authority to counties  
18 concerning marinas shall not apply to any privately operated marina in operation prior to August  
19 28, 2000, **except that if an operator is in default or if no bids are received during the open**  
20 **bid period, then the county may operate such marina for a period not to exceed a**  
21 **cumulative total of twenty-four months.**

**Section 1. The state of Missouri hereby waives all rights to its possibility of reverter**  
2 **in the real property particularly described in the quitclaim deed in Book 279 at Pages 76-77**  
3 **of the office of the recorder of deeds of Scott County.**

**Section 2. Any device, other than a device located in a public building, that is not**  
2 **used by the general public shall be exempt from the provisions of sections 701.350 to**  
3 **701.380.**