

SECOND REGULAR SESSION

HOUSE BILL NO. 1201

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JOHNSON (90) (Sponsor), ROORDA, MEADOWS,
CASEY AND HARRIS (110) (Co-sponsors).

Pre-filed December 29, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3693L.01I

AN ACT

To repeal section 321.222, RSMo, relating to residential construction regulation by fire protection districts.

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

Section A. Section 321.222, RSMo, is repealed as follows:

2 [321.222. 1. As used in this section, the term "residential construction"
3 shall mean new construction and erection of detached single-family or two-family
4 dwellings, the alteration, enlargement, replacement, or repair of detached
5 single-family or two-family dwellings.

6 2. As used in this section, the term "residential construction regulatory
7 system" means any bylaw, ordinance, order, rule, or regulation pertaining to
8 residential construction, the implementation or enforcement of any permitting
9 system or program relative to residential construction, including the use or
10 occupancy by the initial occupant thereof, or the implementation or enforcement
11 of any system or program for the inspection of residential construction.

12 3. Notwithstanding the provisions of any other law to the contrary, in the
13 event a city, town, village, or county adopts or has adopted, implements or has
14 implemented, or enforces a residential construction regulatory system or any
15 portion thereof applicable to residential construction within its jurisdiction,
16 neither fire protection districts nor their boards shall have the power, authority,
17 or privilege to adopt, enforce, or implement a residential construction regulatory
18 system or any portion thereof applicable to or pertaining to residential
construction within the jurisdiction of such city, town, village, or county.

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.

19 4. Any residential construction regulatory system or any portion thereof
20 adopted or previously adopted, implemented or previously implemented, or
21 enforced by a fire protection district or its board as to residential construction
22 within the jurisdiction of a city, town, village, or county shall be null and void as
23 of the date on which such city, town, village, or county adopts, implements, or
24 enforces its own residential construction regulatory system as to residential
25 construction within its jurisdiction whether or not the residential construction
26 regulatory system or any portion thereof adopted, implemented, or enforced by
27 such city, town, village, or county specifically addresses matters addressed in
28 substance or manner by the residential construction regulatory system or any
29 portion thereof adopted, implemented, or enforced by the applicable fire
30 protection district or its board.

31 5. In no event shall a fire protection district or its board enact, adopt, or
32 implement any bylaws, ordinances, orders, rules, or regulations that pertain, in
33 any manner, to either the subdivision of land for the purpose of residential
34 construction or to the construction, installation, and erection of any
35 improvements, infrastructure, and utility facilities related to or for the purpose of
36 serving residential construction.

37 6. Any residential construction regulatory system or any portion thereof
38 adopted or previously adopted, implemented or previously implemented, or
39 enforced by the applicable fire protection district or board that is in conflict with
40 this section shall be void.

41 7. This section shall only apply to any fire protection district located
42 wholly within any county of the first classification with more than one hundred
43 ninety-eight thousand but fewer than one hundred ninety-nine thousand two
44 hundred inhabitants.

45 8. Notwithstanding any provision in this section to the contrary, a fire
46 protection district may enter into a contract with a county, city, town, or village
47 to assist in the implementation of the residential construction regulatory system
48 of such county, city, town, or village as it relates to fire protection issues as long
49 as the county, city, town, or village retains jurisdiction over the implementation
50 and enforcement of such system.]

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