

SECOND REGULAR SESSION

# HOUSE BILL NO. 2134

## 93RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE ROORDA.

Read 1st time March 31, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4697L.02I

---

### AN ACT

To repeal section 321.222, RSMo, and to enact in lieu thereof one new section 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Section A. Section 321.222, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 321.222, to read as follows:

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

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

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

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.

15 regulatory system or any portion thereof applicable to or pertaining to residential construction  
16 within the jurisdiction of such [city, town, village, or] county.

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

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

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

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

38 8. Notwithstanding any provision in this section to the contrary, a fire protection district  
39 may enter into a contract with a county[, city, town, or village] to assist in the implementation  
40 of the residential construction regulatory system of such county[, city, town, or village] as it  
41 relates to fire protection issues as long as the county[, city, town, or village] retains jurisdiction  
42 over the implementation and enforcement of such system.

✓