

FIRST REGULAR SESSION

# HOUSE BILL NO. 1274

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES ROORDA (Sponsor), WILDBERGER AND NORR (Co-sponsors).

Read 1st time March 29, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0687L.03I

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### AN ACT

To repeal sections 67.280 and 320.250, RSMo, and to enact in lieu thereof two new sections relating to incorporation of fire codes.

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

Section A. Sections 67.280 and 320.250, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 67.280 and 320.250, to read as follows:

67.280. 1. As used in this section, the following terms mean:  
2 (1) "Community", any county, fire protection district or municipality;  
3 (2) "County", any county in the state;  
4 (3) "Fire protection district", any fire protection district in the state;  
5 (4) "Municipality", any incorporated city, town or village;  
6 (5) "Technical code", any published compilation of rules prepared by various technical  
7 trade associations, federal agencies, this state or any agency thereof, but shall be limited to:  
8 regulations concerning the construction of buildings and continued occupancy thereof;  
9 mechanical, plumbing and electrical construction; and fire prevention.

10 2. **On or before August 27, 2008**, any community, if the community otherwise has the  
11 power under the law to adopt such an ordinance, may adopt or repeal an ordinance which  
12 incorporates by reference the provisions of any code or portions of any code, or any amendment  
13 thereof, [property] **properly** identified as to date and source, without setting forth the provisions  
14 of such code in full. At least three copies of such code, portion or amendment which is  
15 incorporated or adopted by reference, shall be filed in the office of the clerk of the community

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.

16 and there kept available for public use, inspection, and examination. The filing requirements  
17 herein prescribed shall not be deemed to be complied with unless the required copies of such  
18 codes, portion, or amendment or public record are filed with the clerk of such community for a  
19 period of ninety days prior to the adoption of the ordinance which incorporates such code,  
20 portion, or amendment by reference.

21 [3.] Any ordinance adopting a code, portion, or amendment by reference shall state the  
22 penalty for violating such code, portion, or amendment, or any provisions thereof separately, and  
23 no part of any such penalty shall be incorporated by reference.

24 **3. (1) As used in this subsection, "international fire code" means the 2003 ICC**  
25 **International Fire Code developed and published by the International Code Council.**

26 **(2) By August 28, 2008, each county and fire protection district shall, by order or**  
27 **ordinance, adopt and enforce the international fire code under this subsection. The order**  
28 **or ordinance may adopt the international fire code and any amendments to such fire code**  
29 **by reference, properly identified as to date and source, without setting forth the provisions**  
30 **of such international fire code in full. At least three copies of such international fire code,**  
31 **portion, or amendment which is incorporated or adopted by reference shall be filed in the**  
32 **office of the county clerk and there kept available for public use, inspection, and**  
33 **examination. The filing requirements shall not be deemed to be complied with unless the**  
34 **required copies of such international fire code, portion, or amendment or public record are**  
35 **filed with the county clerk for a period of ninety days before the adoption of the order or**  
36 **ordinance that incorporates such international fire code, portion, or amendment by**  
37 **reference. Any order or ordinance adopting the international fire code, portion, or**  
38 **amendment by reference shall state the penalty for violating such international fire code,**  
39 **portion, or amendment, or any provisions thereof separately, and no part of any such**  
40 **penalty shall be incorporated by reference.**

320.250. 1. Except as provided in subsection 2 of this section, sections 320.200 to  
2 320.270 shall not deprive the authorities of any county, city, or other political subdivision of any  
3 power or jurisdiction over property or fire regulations.

4 **2. (1) As used in this subsection, "international fire code" means the 2003 ICC**  
5 **International Fire Code developed and published by the International Code Council.**

6 **(2) After August 28, 2008, if any county or fire protection district has not adopted**  
7 **the international fire code as provided in section 67.280, RSMo, the state fire marshal shall**  
8 **promulgate rules adopting such international fire code to govern all construction and**  
9 **occupancy of residential structures in all areas of this state that have not adopted such**  
10 **international fire code or another code that is equivalent to or stricter than such fire code.**  
11 **For purposes of this subsection, "residential structures" shall include any residential care**

12 facility, assisted living facility, intermediate care facility, or skilled nursing facility, as  
13 defined in 198.006, RSMo. The state fire marshal shall promulgate rules determining  
14 whether another code is equivalent to or stricter than the international fire code, shall  
15 provide assistance to any county or fire protection district in adopting the international fire  
16 code or an equivalent or stricter code, and shall enforce the international fire code in any  
17 area of the state until such area adopts the international fire code or an equivalent or  
18 stricter code under section 67.280, RSMo. Such rules adopted by the state fire marshal  
19 shall provide for the adoption of any amendments to the international fire code.

20 (3) The state fire marshal shall promulgate rules to implement the provisions of this  
21 subsection. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
22 that is created under the authority delegated in this section shall become effective only if  
23 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if  
24 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
25 and if any of the powers vested with the general assembly under chapter 536, RSMo, to  
26 review, to delay the effective date, or to disapprove and annul a rule are subsequently held  
27 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
28 after August 28, 2007, shall be invalid and void.

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