

FIRST REGULAR SESSION

HOUSE BILL NO. 514

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MAYHEW.

0511H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 321.228, RSMo, and to enact in lieu thereof one new section relating to fire protection districts.

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

Section A. Section 321.228, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 321.228, to read as follows:

321.228. 1. As used in this section, the following terms shall mean:

(1) "Residential construction", new construction and erection of detached single-family or two-family dwellings or the development of land to be used for detached single-family or two-family dwellings;

(2) "Residential construction regulatory system", any bylaw, ordinance, order, rule, or regulation adopted, implemented, or enforced by any city, town, village, or county that pertains to residential construction, to any permitting system, or program relating to residential construction, including but not limited to the use or occupancy by the initial occupant thereof, or to any system or program for the inspection of residential construction. Residential construction regulatory system also includes the whole or any part of a nationally recognized model code, with or without amendments specific to such city, town, village, or county.

2. Notwithstanding the provisions of any other law to the contrary, if a city, town, village, or county adopts or has adopted, implements, and enforces a residential construction regulatory system applicable to residential construction within its jurisdiction, any fire protection districts wholly or partly located within such city, town, village, or county shall be without power, authority, or privilege to 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.

18 regulatory system purporting to be applicable to any residential construction within such city,
19 town, village, or county. **Notwithstanding the provisions of any other law to the contrary,**
20 any such residential construction regulatory system adopted by a fire protection district or its
21 board shall be treated as advisory only and shall not be enforced by such fire protection
22 district or its board.

23 3. Notwithstanding the provisions of any other law to the contrary, fire protection
24 districts:

25 (1) Shall have final regulatory authority regarding the location and specifications of
26 fire hydrants, fire hydrant flow rates, and fire lanes, all as it relates to residential construction.
27 Nothing in this subdivision shall be construed to require the political subdivision supplying
28 water to incur any costs to modify its water supply infrastructure; and

29 (2) May inspect the alteration, enlargement, replacement or repair of a detached
30 single-family or two-family dwelling; and

31 (3) Shall not collect a fee for the services described in subdivisions (1) and (2) of this
32 subsection.

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

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

43 6. **If any city, town, village, or county has not adopted a building code or other**
44 **residential construction regulatory system and the city, town, village, or county is under**
45 **the jurisdiction of a fire protection district with a fire code, notwithstanding any fire**
46 **code provision to the contrary, the fire protection district shall only issue permits related**
47 **directly to fire protection.**

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