

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 2384

103RD GENERAL ASSEMBLY

5770H.03P

JOSEPH ENGLER, Chief Clerk

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## AN ACT

To repeal sections 67.280 and 71.948, RSMo, and to enact in lieu thereof three new sections relating to applications for property developments.

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

Section A. Sections 67.280 and 71.948, RSMo, are repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 67.280, 67.486, and 71.948, to read as  
3 follows:

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

2 (1) "Code", any published compilation of rules prepared by various technical trade  
3 associations, federal agencies, this state or any agency thereof, but shall be limited to:  
4 regulations concerning the construction of buildings and continued occupancy thereof;  
5 mechanical, plumbing, and electrical construction; and fire prevention;

6 (2) "Community", any county, fire protection district or municipality;

7 (3) "County", any county in the state;

8 (4) "Fire protection district", any fire protection district in the state;

9 (5) "Municipality", any incorporated city, town or village.

10 2. Any community, if the community otherwise has the power under the law to adopt  
11 such an ordinance, may adopt or repeal an ordinance which incorporates by reference the  
12 provisions of any code or portions of any code, or any amendment thereof, properly identified  
13 as to date and source, without setting forth the provisions of such code in full. At least one  
14 copy of such code, portion or amendment which is incorporated or adopted by reference, shall  
15 be filed in the office of the clerk of the community and there kept available for public use,  
16 inspection, and examination. The filing requirements herein prescribed shall not be deemed

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.

17 to be complied with unless the required copies of such codes, portion, or amendment or public  
18 record are filed with the clerk of such community for a period of ninety days prior to the  
19 adoption of the ordinance which incorporates such code, portion, or amendment by reference.

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

23 4. **(1) Notwithstanding any other provision of law to the contrary, no county or**  
24 **municipality shall enact, adopt, or maintain any ordinance, resolution, regulation, code,**  
25 **or policy that mandates an owner, builder, or developer to comply with energy efficiency**  
26 **or other energy related standards or requirements that exceed those permitted under**  
27 **this section in the construction, maintenance, repair, or renovation of one- or two-family**  
28 **dwelling, condominiums, or multiunit townhouses, multiunit apartment buildings, or**  
29 **commercial or industrial buildings including, but not limited to:**

30 (a) Energy efficiency standards or features exceeding those in paragraphs (b)  
31 and (c) below;

32 (b) Standards or features exceeding energy standards or features defined in the  
33 2009 International Residential Code (IRC); or

34 (c) Standards or features exceeding energy standards or features established in  
35 the 2009 International Energy Conservation Code (IECC).

36 (2) An ordinance, resolution, regulation, code, or policy enacted, adopted, or  
37 maintained in violation of this subsection shall be null and void.

38 5. Notwithstanding any other provision of law to the contrary, no county or  
39 municipality shall enact, adopt, or maintain any ordinance, resolution, regulation, code,  
40 or policy that prohibits a building of less than six stories with a Group R-2 occupancy or  
41 its equivalent, as defined in a building code adopted by the county or municipality if  
42 such county or municipality has adopted a building code, to be served by a single exit if:

43 (1) The building has no more than six stories above grade plane;

44 (2) The building does not contain more than four dwelling units on any floor;

45 (3) An exterior stairway or interior exit stairway is provided;

46 (4) A corridor separates each dwelling unit entry or exit door from the door to  
47 an interior exit stairway, including any related exit passageway on each floor, and the  
48 dwelling unit doors do not open directly into an interior exit stairway but may open  
49 directly into an exterior stairway;

50 (5) There is no more than twenty feet of travel to the exit stairway from the door  
51 for entry or exit, or both, of any dwelling unit;

52 (6) Other occupancies in the same building do not have access to the Group R-2  
53 occupancy portion of the building or with the single-exit stairway;

54 (7) The exit serving the Group R-2 occupancy does not discharge through any  
55 other occupancy, including an accessory parking garage; and

56 (8) There are no openings within ten feet of unprotected openings into the  
57 stairway other than required exit doors having a one-hour fire-resistive rating.

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

2 (1) "Political subdivision", a local public body created under the Constitution of  
3 Missouri or by the general assembly that exercises governmental functions for purposes  
4 of a request made under this section;

5 (2) "Request", an application for a permit, license, variance, or any other kind  
6 of prior approval from a political subdivision for an action related to the construction of  
7 a new residential, commercial, or industrial building or the repair or renovation of any  
8 such existing building.

9 2. (1) If an applicant submits a request to a political subdivision, the political  
10 subdivision shall approve or deny the applicant's request within thirty calendar days.

11 (2) If no response is received by an applicant within thirty calendar days, the  
12 request shall be deemed approved and the applicant is authorized to proceed with the  
13 construction as provided in the request.

14 (3) If the request is approved, the political subdivision shall not impose on the  
15 applicant additional requirements related to the request.

16 (4) (a) If the political subdivision denies the request, the political subdivision  
17 shall state in writing to the applicant the reasons for the denial.

18 (b) The written denial shall include, but not be limited to, the following:

19 a. If the request relates to work that is stamped by a certified design professional  
20 and such request is denied on the basis of the political subdivision's rejection of such  
21 work, a detailed description of why the work of the design professional who stamped  
22 such work is so inferior or so insufficient that the political subdivision cannot approve  
23 the request; and

24 b. If the request is denied on the basis of a violation of a code provision  
25 governing any part of the development or improvement that is the subject of the  
26 request, a citation to the code provision the political subdivision determines has been  
27 violated.

28 (5) The time limit in this subsection begins upon the political subdivision's  
29 receipt of the applicant's request.

30 3. (1) A political subdivision may deny an applicant's request under subsection 2  
31 of this section as incomplete.

32           **(2) The request is incomplete if the political subdivision determines the request**  
33 **fails to contain all information required by law, or by rule, ordinance, or policy of the**  
34 **political subdivision adopted prior to the submission of the request.**

35           **(3) If the political subdivision denies a request as incomplete, the political**  
36 **subdivision shall state in writing to the applicant the reasons for the denial of the**  
37 **request as incomplete.**

38           **(4) If an applicant resubmits a request after receiving a written denial as**  
39 **required under this section, the political subdivision shall not issue a subsequent denial**  
40 **that includes additional unrelated reasons for denial that were unspecified and not**  
41 **included in the denial of the initial request.**

42           **(5) The time limit in subsection 2 of this section shall reset only if, within twenty**  
43 **calendar days of receipt of the applicant's request, the political subdivision sends**  
44 **written notice to the applicant of the denial of the request as incomplete.**

71.948. 1. **If a municipality's general ordinances are not available online for**  
2 **inspection without cost by the public, at least three copies of the published book shall be**  
3 **kept on file in the office of the municipal clerk and kept available for inspection by the public**  
4 **at all reasonable business hours.**

5           **2. If a municipality's general ordinances are available online for inspection**  
6 **without cost by the public, at least one copy of the published book shall be kept on file in**  
7 **the office of the municipal clerk and kept available for inspection by the public at all**  
8 **reasonable business hours.**

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