

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2384

103RD GENERAL ASSEMBLY

5770S.05C

KRISTINA MARTIN, Secretary

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.

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Section A. Sections 67.280 and 71.948, RSMo, are repealed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

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

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

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

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

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

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

16 2. Any community, if the community otherwise has the
17 power under the law to adopt such an ordinance, may adopt or
18 repeal an ordinance which incorporates by reference the
19 provisions of any code or portions of any code, or any
20 amendment thereof, properly identified as to date and
21 source, without setting forth the provisions of such code in
22 full. At least one copy of such code, portion or amendment
23 which is incorporated or adopted by reference, shall be
24 filed in the office of the clerk of the community and there
25 kept available for public use, inspection, and examination.
26 The filing requirements herein prescribed shall not be
27 deemed to be complied with unless the required copies of
28 such codes, portion, or amendment or public record are filed
29 with the clerk of such community for a period of ninety days
30 prior to the adoption of the ordinance which incorporates
31 such code, portion, or amendment by reference.

32 3. Any ordinance adopting a code, portion, or
33 amendment by reference shall state the penalty for violating
34 such code, portion, or amendment, or any provisions thereof
35 separately, and no part of any such penalty shall be
36 incorporated by reference.

37 **4. (1) Notwithstanding any other provision of law to**
38 **the contrary, no county or municipality shall enact, adopt,**
39 **or maintain any ordinance, resolution, regulation, code, or**
40 **policy that mandates an owner, builder, or developer to**
41 **comply with energy efficiency or other energy related**
42 **standards or requirements that exceed those permitted under**
43 **this section in the construction, maintenance, repair, or**
44 **renovation of detached one- or two-family dwellings, and**
45 **multiple single-family dwellings, and Group R-2, R-3, and R-**
46 **4 buildings three stories or less in height above grade**
47 **including, but not limited to:**

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

50 (b) Standards or features exceeding energy standards
51 or features defined in the 2012 International Residential
52 Code (IRC); or

53 (c) Standards or features exceeding energy standards
54 or features established in the 2012 International Energy
55 Conservation Code (IECC).

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

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

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

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

13 2. (1) If an applicant submits a request to a
14 political subdivision, the political subdivision shall
15 approve or deny the applicant's request within thirty
16 calendar days.

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

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

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

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

29 a. If the request relates to work that is stamped by a
30 certified design professional and such request is denied on
31 the basis of the political subdivision's rejection of such
32 work, a detailed description of why the work of the design
33 professional who stamped such work is so inferior or so
34 insufficient that the political subdivision cannot approve
35 the request; and

36 b. If the request is denied on the basis of a
37 violation of a code provision governing any part of the
38 development or improvement that is the subject of the
39 request, a citation to the code provision the political
40 subdivision determines has been violated.

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

43 3. (1) A political subdivision may deny an
44 applicant's request under subsection 2 of this section as
45 incomplete.

46 (2) The request is incomplete if the political
47 subdivision determines the request fails to contain all
48 information required by law, or by rule, ordinance, or
49 policy of the political subdivision adopted prior to the
50 submission of the request.

51 (3) If the political subdivision denies a request as
52 incomplete, the political subdivision shall state in writing

53 to the applicant the reasons for the denial of the request
54 as incomplete.

55 (4) If an applicant resubmits a request after
56 receiving a written denial as required under this section,
57 the political subdivision shall not issue a subsequent
58 denial that includes additional unrelated reasons for denial
59 that were unspecified and not included in the denial of the
60 initial request.

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

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

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

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