

SECOND REGULAR SESSION

HOUSE BILL NO. 1645

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ROORDA (Sponsor), CASEY, JOHNSON (90), HARRIS (110),
MEADOWS AND WAGNER (Co-sponsors).

Read 1st time February 2, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4601L.01I

AN ACT

To repeal section 321.222, RSMo, and to enact in lieu thereof one new section relating to residential construction regulations, with an emergency clause.

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Section A. Section 321.222, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 321.222, to read as follows: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 of
40 the residential construction regulatory system of such county, city, town, or village as it relates
41 to fire protection issues as long as the county, city, town, or village retains jurisdiction over the
42 implementation and enforcement of such system.

43 **9. This section shall not apply to any regulation of blasting, including the storage**
44 **and discharge of explosives by fire protection districts governed by this section.**

Section B. Because immediate action is necessary to protect citizens near blasting zones,
2 section A of this act is deemed necessary for the immediate preservation of the public health,
3 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of
4 the constitution, and section A of this act shall be in full force and effect upon its passage and
5 approval.

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