

FIRST REGULAR SESSION

# SENATE BILL NO. 86

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROHRBACH,

Pre-filed December 1, 2000, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0226S.011

## AN ACT

To repeal section 64.170, RSMo 2000, relating to building codes in certain counties, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 64.170, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 64.170, to read as follows:

64.170. 1. For the purpose of promoting the public safety, health and general welfare, to protect life and property and to prevent the construction of fire hazardous buildings, the county commission in all counties of the first and second classification, as provided by law, is for this purpose empowered, **subject to the provisions of subsections 3 to 5 of this section**, to adopt by order or ordinance regulations to control the construction, reconstruction, alteration or repair of any building or structure and any electrical wiring or electrical installation therein, and provide for the issuance of building permits and adopt regulations licensing persons, firms or corporations other than federal, state or local governments, public utilities and their contractors engaged in the business of electrical wiring or installations and provide for the inspection thereof and establish a schedule of permit, license and inspection fees and appoint a building commission to prepare the regulations, as herein provided.

2. For the purpose of promoting the public safety, health and general welfare, to protect life and property, the county commission in a county of the first classification having a population of more than one hundred sixty thousand but less than two hundred thousand, as provided by law, is for this purpose empowered to adopt by order or ordinance regulations to control the construction, reconstruction, alteration or repair of any building or structure, and provide for the issuance of building permits and adopt regulations licensing contractors, firms or corporations other than federal, state or local governments, public utilities and their contractors engaged in the business

of plumbing or drain laying and provide for the inspection thereof and establish a schedule of permit, license and inspection fee and appoint a building commission to prepare the regulations, as herein provided.

**3. Any county which has not adopted a building code prior to August 28, 2001, pursuant to sections 64.170 to 64.200, shall not have the authority to adopt a building code pursuant to such sections unless the authority is approved by voters, subject to the provisions of subsection 4 of this section. The ballot of submission for authority pursuant to this subsection shall be in substantially the following form:**

**"Shall ..... (insert name of county) have authority to create, adopt and impose a county building code?**

☐ Yes

☐ No".

**4. The proposal or repeal of the authority to adopt a building code shall be voted on only by voters in the area affected by the proposed code, such that a code affecting a county shall not be voted upon by citizens of any incorporated territory.**

**5. Whenever the governing body of any county in which a building code has been imposed in the manner provided by sections 64.170 to 64.200 receives a petition, signed by ten percent of the registered voters of such county voting in the last gubernatorial election affected by the building codes, calling for an election to repeal such authority to adopt a county building code, regardless of when implemented, the governing body shall submit to the voters of such county a proposal to repeal the authority to adopt a county building code imposed under the provisions of sections 64.170 to 64.200. If a majority of the votes cast, pursuant to subsection 4 of this section, on the proposal by the registered voters voting thereon are in favor of the proposal to repeal the authority to adopt a county building code, then the ordinance or order imposing the county building code, along with any amendments thereto, is repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal the authority to adopt a county building code, then the ordinance or order imposing the county building code along with any amendments thereto, shall remain in effect. The ballot of submission to repeal the authority pursuant to this subsection shall be in substantially the following form:**

**"Shall the authority granted by the voters of ..... (insert name of county) to create, adopt and impose a county building code be repealed?**

☐ Yes

☐ No".