

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE BILL NO. 86
91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROHRBACH.

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

Read 2nd time January 16, 2001, and referred to the Committee on Insurance and Housing.

Reported from the Committee February 1, 2001, with recommendation that the bill do pass.

Taken up for Perfection February 7, 2001. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

0226S.01P

AN ACT

To repeal sections 64.170 and 64.180, RSMo 2000, relating to building codes in certain counties, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Sections 64.170 and 64.180, RSMo 2000, are repealed and two new sections enacted in lieu thereof, to be known as sections 64.170 and 64.180, to read as follows: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".

Such issue shall not be submitted to the voters more often than once every five years.

64.180. 1. The county commission of any county which shall exercise the authority granted under the provisions of sections 64.170 to 64.200 shall appoint a building commission consisting of five members, residents and taxpayers of the county, one of whom shall be a member of the county commission, to be selected by the county commission. The members of the commission shall serve without compensation for a term of two years. The term of the county commission member shall not extend beyond the tenure of his office.

2. Said commission shall prepare a building and electrical code of regulations under the powers granted herein, which shall be submitted to the county commission for adoption. Such code of regulations shall be in accord with standards prescribed by recognized inspection and testing laboratories and agencies.

3. Before the adoption of such code of regulations, the **county** commission shall hold at least three public hearings thereon, fifteen days' notice of the time and place of which shall be published in at least two newspapers having general circulation within the county and notice of such hearings shall also be posted at least fifteen days in advance thereof in four conspicuous places in the county. The regulations adopted shall be applicable to the unincorporated territory of the county, except as otherwise provided herein, and may from time to time be amended by the county commission after hearings are held and notice given, as prescribed herein. The county commission is authorized to employ and pay the personnel necessary to enforce the regulations adopted.

4. Counties adopting the International Building Code, International Residential Code, International Electrical Code and International Plumbing Code, 2000 editions, and later editions or amendments thereof shall be in compliance with subsection 2 of this section.