

FIRST REGULAR SESSION

# HOUSE BILL NO. 1105

103RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE MAYHEW.

2317H.011

JOSEPH ENGLER, Chief Clerk

---

## AN ACT

To repeal sections 321.130, 321.210, and 321.228, RSMo, and to enact in lieu thereof four new sections relating to requirements for certain political subdivisions.

---

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

Section A. Sections 321.130, 321.210, and 321.228, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 67.491, 321.130, 321.210, and 321.228, to read as follows:

**67.491. 1. A political subdivision that adopts any uniform or model code or standard within such political subdivision's boundaries shall employ or contract with an enforcement inspector who is certified to perform inspections of projects that are subject to such uniform or model code or standard to ensure compliance with such uniform or model code or standard.**

**2. Such enforcement inspector may be certified by any nationally or state-recognized agency or organization that offers certification in inspecting for compliance with the uniform or model code or standard adopted by such political subdivision.**

321.130. A person, to be qualified to serve as a director, shall be a resident and voter of the district for at least one year before the election or appointment and be over the age of twenty-four years. In the event the person is no longer a resident of the district, the person's office shall be vacated, and the vacancy shall be filled as provided in section 321.200. Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection district by ~~[paying a filing fee equal to the amount of a candidate for county office as set forth under section 115.357, and]~~ filing a statement under oath that such person

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.

8 possesses the required qualifications. Thereafter, such candidate shall have the candidate's  
9 name placed on the ballot as a candidate for director.

321.210. On the first Tuesday in April after the expiration of at least two full calendar  
2 years from the date of the election of the first board of directors, and on the first Tuesday in  
3 April every two years thereafter, an election for members of the board of directors shall be  
4 held in the district. Nominations shall be filed at the headquarters of the fire protection  
5 district in which a majority of the district is located by ~~[paying a filing fee equal to the amount~~  
6 ~~of a candidate for county office as set forth under section 115.357 and]~~ filing a statement  
7 under oath that the candidate possesses the required qualifications. The candidate receiving  
8 the most votes shall be elected. Any new member of the board shall qualify in the same  
9 manner as the members of the first board qualify.

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

2 (1) "Residential construction", new construction and erection of detached single-  
3 family or two-family dwellings or the development of land to be used for detached single-  
4 family or two-family dwellings;

5 (2) "Residential construction regulatory system", any bylaw, ordinance, order, rule, or  
6 regulation adopted, implemented, or enforced by any city, town, village, or county that  
7 pertains to residential construction, to any permitting system, or program relating to  
8 residential construction, including but not limited to the use or occupancy by the initial  
9 occupant thereof, or to any system or program for the inspection of residential construction.  
10 Residential construction regulatory system also includes the whole or any part of a nationally  
11 recognized model code, with or without amendments specific to such city, town, village, or  
12 county.

13 2. Notwithstanding the provisions of any other law to the contrary, if a city, town,  
14 village, or county adopts or has adopted, implements, and enforces a residential construction  
15 regulatory system applicable to residential construction within its jurisdiction, any fire  
16 protection districts wholly or partly located within such city, town, village, or county shall be  
17 without power, authority, or privilege to enforce or implement a residential construction  
18 regulatory system purporting to be applicable to any residential construction within such city,  
19 town, village, or county. **Notwithstanding the provisions of any other law to the contrary,**  
20 any such residential construction regulatory system adopted by a fire protection district or its  
21 board shall be treated as advisory only and shall not be enforced by such fire protection  
22 district or its board.

23 3. Notwithstanding the provisions of any other law to the contrary, fire protection  
24 districts:

25 (1) Shall have final regulatory authority regarding the location and specifications of  
26 fire hydrants, fire hydrant flow rates, and fire lanes, all as it relates to residential construction.

27 Nothing in this subdivision shall be construed to require the political subdivision supplying  
28 water to incur any costs to modify its water supply infrastructure; and

29 (2) May inspect the alteration, enlargement, replacement or repair of a detached  
30 single-family or two-family dwelling; and

31 (3) Shall not collect a fee for the services described in subdivisions (1) and (2) of this  
32 subsection.

33 **4. In no event shall a fire protection district or its board enact, adopt, or**  
34 **implement any bylaws, ordinances, orders, rules, or regulations that pertain, in any**  
35 **manner, to either the subdivision of land for the purpose of residential construction or to**  
36 **the construction, installation, and erection of any improvements, infrastructure, and**  
37 **utility facilities related to or for the purpose of serving residential construction.**

38 **5. Notwithstanding any provision of this section to the contrary, a fire protection**  
39 **district may enter into a contract with a county, city, town, or village to assist in the**  
40 **implementation of the residential construction regulatory system of such county, city,**  
41 **town, or village as it relates to fire protection issues as long as the county, city, town, or**  
42 **village retains jurisdiction over the implementation and enforcement of such system.**

43 **6. If any city, town, village, or county has not adopted a building code or other**  
44 **residential construction regulatory system and the city, town, village, or county is under**  
45 **the jurisdiction of a fire protection district with a fire code, notwithstanding any fire**  
46 **code provision to the contrary, the fire protection district shall issue only permits related**  
47 **directly to fire protection.**

✓