GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2021

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SENATE BILL 465 PROPOSED COMMITTEE SUBSTITUTE S465-PCS15278-TG-20

Short Title: Trash Collection/Multifamily Residential. (Public) Sponsors: Referred to: April 5, 2021 A BILL TO BE ENTITLED 1 2 AN ACT REQUIRING THAT DOORSTEP REFUSE AND RECYCLING COLLECTION 3 CONTAINERS BE ALLOWED IN EXIT ACCESS CORRIDORS OF CERTAIN 4 APARTMENT OCCUPANCIES UNDER CERTAIN CIRCUMSTANCES. 5 The General Assembly of North Carolina enacts: 6 SECTION 1. Definitions. - As used in this act, "Council" means the Building Code 7 Council, "Code" means the 2018 North Carolina Fire Prevention Code (NCFPC) as adopted by 8 the Council, and "exit obstruction and waste accumulation provisions" means Sections 1031.2 9 (Reliability), 1031.3 (Obstructions), 304.1 (Waste Accumulation Prohibited), 304.2 (Storage), 10 and 304.4 (Valet Trash Collection Services) of the Code. 11 SECTION 2. New Code Amendment. – Until the effective date of the Code amendment that the Council is required to adopt pursuant to Section 4 of this act, the Council 12 13 and local governments enforcing the Code shall follow the provisions of Section 3 of this act 14 with respect to exit obstruction and waste accumulation. 15 **SECTION 3.** Implementation. – Notwithstanding any provision of the Code to the contrary, code enforcement authorities with jurisdiction over apartment occupancies shall permit 16 doorstep refuse and recycling collection containers which stand upright on their own and do not 17 18 leak liquids when standing upright in exit access corridors as follows: 19 With respect to apartment occupancies with enclosed corridors, when all of (1)20 the following conditions exist: 21 a. The maximum doorstep refuse and recycling collection container size 22 does not exceed 13 gallons and the number of containers does not 23 exceed one refuse and one recycling collection container for a total of 24 two containers per apartment occupancy. Waste in a doorstep refuse and recycling collection container is not 25 b. placed in the exit access corridors for single periods exceeding five 26 27 hours. 28 Doorstep refuse and recycling collection containers do not occupy the c. exit access corridors for single periods exceeding 12 hours. 29 Doorstep refuse and recycling collection containers do not reduce the 30 d. 31 means of egress width below that required under Sections 1005 and 32 1020.2 of the Code. 33 Management staff of the apartment occupancy have written policies e. 34 and procedures in place and enforce them to ensure compliance with this subdivision, and, upon request, provide a copy of such policies 35 36 and procedures to the code enforcement authority having jurisdiction.



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(2)	 In apartment occupancies with open-air corridors or balconies served by exterior exit stairs, when all of the following conditions exist: a. The maximum doorstep refuse and recycling collection container size does not exceed 27 gallons and the number of containers does not exceed one refuse and one recycling collection container for a total of two containers per apartment occupancy. b. Waste in a doorstep refuse and recycling collection container is not placed in the exit access corridors for single periods exceeding five hours. c. Doorstep refuse and recycling collection containers do not reduce the means of egress width below that required under Sections 1005 and 1020.2 of the Code.
	d. Management staff of the apartment occupancy have written policies and procedures in place and enforce them to ensure compliance with this subdivision, and, upon request, provide a copy of such policies and procedures to the code enforcement authority having jurisdiction.
(3)	The code enforcement authority having jurisdiction may approve alternative containers and storage arrangements that are demonstrated to provide an equivalent level of safety to that provided under subdivisions (1) and (2) of this section.
(4) SE(To provide a transition period for compliance with the requirements of this section, code enforcement authorities having jurisdiction shall allow apartment occupancies a phase-in period until December 31, 2021, to comply with this subsection.
Council shall re manner substan SEC adopted pursua	CTION 4. Rulemaking Authority. – Notwithstanding G.S. 150B-19(4), the evise the exit obstruction and waste accumulation provisions of the NCFPC in a tively identical to the provisions of Section 3 of this act. CTION 5. Sunset. – Section 3 of this act expires on the date that permanent rules nt to Section 4 of this act become effective. The Council may adopt temporary part this act.
rules to implem SEC to read:	CTION 6. Chapter 58 of the General Statutes is amended by adding a new Article
10 1044.	" <u>Article 81A.</u> "Regulation of Valet Trash Companies.
" <u>§ 58-81A-1. I</u> <u>The followi</u>	· ·
(1) (2) (3)	 <u>Office. – The Office of State Fire Marshal of the Department of Insurance.</u> <u>Registry. – A listing of valet trash companies that have met the standards</u> <u>adopted by the Office pursuant to the authority granted by this Article.</u> <u>Valet trash delivery services. – The removal of household waste and</u> recyclable materials after the residents of multifamily residential communities
	<u>place the waste and materials for collection outside their doors.</u> <u>Office to adopt rules.</u> in consultation with persons who own or operate a company engaged in the
	widing valet trash services, shall adopt rules for valet trash services. The rules
	t a minimum, the following:
<u>(1)</u>	<u>The establishment of a registry for persons offering valet trash services that</u> have complied with the requirements of this Article.
<u>(2)</u>	Procedures and submissions required for persons engaging in valet trash services to be listed in the registry.

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1	<u>(3)</u>	Minimum standards and procedures for timely handling	and disposal of	
2		household waste and recyclables collected by valet trash service	vice providers.	
3	<u>(4)</u>	Placarding requirements for each multifamily residential com	plex serviced by	
4		<u>a valet trash service provider.</u>		
5	<u>(5)</u>	Minimum standards by which valet trash service providers of	can participate in	
6		the provision of valet trash service.		
7	" <u>§ 58-81A-5.</u> P	enalties for violation of Article.		
8	(a) Cease	e and Desist Order If the Commissioner determines that a per-	rson has violated	
9	the provisions	of this Article or rules adopted under the authority of t	this Article, the	
10	Commissioner s	hall reduce the finding of violation to writing and shall issue	and cause to be	
11		person charged with the violation an order requiring the person	son to cease and	
12	desist from enga	ging in the method, act, or practice.		
13		Penalty Whenever the Commissioner has reason to believe		
14		y of the provisions of this Article, the Commissioner may,		
15	opportunity for a hearing, order the payment of a monetary penalty of not less than one hundred			
16	dollars (\$100.00) and not more than five hundred dollars (\$500.00) per violation. In determining			
17	the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused			
18	by the violation, the amount of money that inured to the benefit of the violator as a result of the			
19	violation, whether the violation was committed willfully, and the prior record of the violator in			
20	complying or failing to comply with laws, rules, or orders applicable to the violator. The clear			
21	proceeds of the penalty shall be remitted to the Civil Penalty and Forfeiture Fund in accordance			
22	with G.S. 115C-457.2. Payment of the civil penalty under this section shall be in addition to			
23	payment of any other penalty for a violation of the criminal laws of this State."			
24	SEC'	TION 7. Effective Date. – This act is effective when it become	es law.	