

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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SENATE BILL 465

Short Title: Trash Collection/Multifamily Residential. (Public)

Sponsors: Senators Johnson, Craven, and Corbin (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 5, 2021

A BILL TO BE ENTITLED

AN ACT REQUIRING THAT DOORSTEP REFUSE AND RECYCLING COLLECTION
CONTAINERS BE ALLOWED IN EXIT ACCESS CORRIDORS OF CERTAIN
APARTMENT OCCUPANCIES UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. Definitions. – As used in this act, "Council" means the Building Code Council, "Code" means the 2018 North Carolina Fire Prevention Code (NCFPC) as adopted by the Council, and "exit obstruction and waste accumulation provisions" means Sections 1031.2 (Reliability), 1031.3 (Obstructions), 304.1 (Waste Accumulation Prohibited), 304.2 (Storage), and 304.4 (Valet Trash Collection Services) of the Code.

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 and local governments enforcing the Code shall follow the provisions of Section 3 of this act with respect to exit obstruction and waste accumulation.

SECTION 3. Implementation. – Notwithstanding any provision of the Code to the contrary, code enforcement authorities with jurisdiction over apartment occupancies shall permit doorstep refuse and recycling collection containers which stand upright on their own and do not leak liquids when standing upright in exit access corridors as follows:

- (1) With respect to apartment occupancies with enclosed corridors, when all of the following conditions exist:
 - a. The maximum doorstep refuse and recycling collection container size does not exceed 13 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 occupy the exit access corridors for single periods exceeding 12 hours.
 - d. 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.
 - e. 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.



- 1 (2) In apartment occupancies with open-air corridors or balconies served by
2 exterior exit stairs, when all of the following conditions exist:
- 3 a. The maximum doorstep refuse and recycling collection container size
4 does not exceed 27 gallons and the number of containers does not
5 exceed one refuse and one recycling collection container for a total of
6 two containers per apartment occupancy.
- 7 b. Waste in a doorstep refuse and recycling collection container is not
8 placed in the exit access corridors for single periods exceeding five
9 hours.
- 10 c. Doorstep refuse and recycling collection containers do not reduce the
11 means of egress width below that required under Sections 1005 and
12 1020.2 of the Code.
- 13 d. Management staff of the apartment occupancy have written policies
14 and procedures in place and enforce them to ensure compliance with
15 this subdivision, and, upon request, provide a copy of such policies
16 and procedures to the code enforcement authority having jurisdiction.
- 17 (3) The code enforcement authority having jurisdiction may approve alternative
18 containers and storage arrangements that are demonstrated to provide an
19 equivalent level of safety to that provided under subdivisions (1) and (2) of
20 this section.
- 21 (4) To provide a transition period for compliance with the requirements of this
22 section, code enforcement authorities having jurisdiction shall allow
23 apartment occupancies a phase-in period until December 31, 2021, to comply
24 with this subsection.

25 **SECTION 4.** Rulemaking Authority. – Notwithstanding G.S. 150B-19(4), the
26 Commission shall revise the exit obstruction and waste accumulation provisions of the NCFPC
27 in a manner substantively identical to the provisions of Section 3 of this act.

28 **SECTION 5.** Sunset. – Section 3 of this act expires on the date that permanent rules
29 adopted pursuant to Section 4 of this act become effective. The Council may adopt temporary
30 rules to implement this act.

31 **SECTION 6.** Chapter 58 of the General Statutes is amended by adding a new Article
32 to read:

33 "Article 81A.

34 "Regulation of Valet Trash Companies.

35 "§ 58-82A-1. Definitions.

36 The following definitions apply in this Article:

- 37 (1) Office. – The Office of State Fire Marshal of the Department of Insurance.
- 38 (2) Registry. – A listing of valet trash companies that have met the standards
39 adopted by the Office pursuant to the authority granted by this Article.
- 40 (3) Valet trash delivery services. – The removal of household waste and
41 recyclable materials after the residents of multifamily residential communities
42 place the waste and materials for collection outside their doors.

43 "§ 58-82A-3. Office to adopt rules.

44 The Office, in consultation with persons who own or operate a company engaged in the
45 business of providing valet trash services, shall adopt rules for valet trash services. The rules
46 shall include, at a minimum, the following:

- 47 (1) The establishment of a registry for persons offering valet trash services that
48 have complied with the requirements of this Article.
- 49 (2) Procedures and submissions required for persons engaging in valet trash
50 services to be listed in the registry.

- 1 (3) Minimum standards and procedures for timely handling and disposal of
2 household waste and recyclables collected by valet trash service providers.
3 (4) Placarding requirements for each multifamily residential complex serviced by
4 a valet trash service provider.
5 (5) Minimum standards by which valet trash service providers can participate in
6 the provision of valet trash service.

7 "**§ 58-82A-5. Penalties for violation of Article.**

8 (a) Cease and Desist Order. – If the Commissioner determines that a person has violated
9 the provisions of this Article or rules adopted under the authority of this Article, the
10 Commissioner shall reduce the finding of violation to writing and shall issue and cause to be
11 served upon the person charged with the violation an order requiring the person to cease and
12 desist from engaging in the method, act, or practice.

13 (b) Civil Penalty. – Whenever the Commissioner has reason to believe that any person
14 has violated any of the provisions of this Article, the Commissioner may, after notice and
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 **SECTION 7.** Effective Date. – This act is effective when it becomes law.