

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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**HOUSE BILL 730
Committee Substitute Favorable 4/30/19**

Short Title: Trash Collection/Multifamily Residential.

(Public)

Sponsors:

Referred to:

April 15, 2019

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), and 304.2 (Storage) 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.
 - 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.
- (2) In apartment occupancies with open-air corridors or balconies served by exterior exit stairs, when all of the following conditions exist:



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- 1 a. The maximum doorstep refuse and recycling collection container size
- 2 does not exceed 27 gallons.
- 3 b. Waste in a doorstep refuse and recycling collection container is not
- 4 placed in the exit access corridors for single periods exceeding five
- 5 hours.
- 6 c. Doorstep refuse and recycling collection containers do not reduce the
- 7 means of egress width below that required under sections 1005 and
- 8 1020.2 of the Code.
- 9 d. Management staff of the apartment occupancy have written policies
- 10 and procedures in place and enforce them to ensure compliance with
- 11 this subdivision, and, upon request, provide a copy of such policies
- 12 and procedures to the code enforcement authority having jurisdiction.
- 13 (3) The code enforcement authority having jurisdiction may approve alternative
- 14 containers and storage arrangements that are demonstrated to provide an
- 15 equivalent level of safety to that provided under subdivisions (1) and (2) of
- 16 this section.
- 17 (4) To provide a transition period for compliance with the requirements of this
- 18 section, code enforcement authorities having jurisdiction shall allow
- 19 apartment occupancies a phase in period until December 31, 2020, to comply
- 20 with this subsection.

21 **SECTION 4.** Rule-making authority. – Notwithstanding G.S. 150B-19(4), the

22 Council shall revise the exit obstruction and waste accumulation provisions of the NCFPC in a

23 manner substantively identical to the provisions of Section 3 of this act.

24 **SECTION 5.** Sunset. – Section 3 of this act expires on the date that permanent rules

25 adopted pursuant to Section 4 of this act become effective. The Council may adopt temporary

26 rules to implement this act.

27 **SECTION 6.** Effective date. – This act is effective July 1, 2019.