SENATE BILL 465:
Trash Collection/Multifamily Residential.

2021-2022 General Assembly

Committee:	Senate Commerce and Insurance. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	April 15, 2021
Introduced by:	Sens. Johnson, Craven, Corbin	**Prepared by:**	Bill Patterson Committee Co-Counsel
Analysis of:	First Edition		

OVERVIEW: Senate Bill 465 would set forth requirements applicable to the use of doorstep refuse and recycling containers in apartment communities, would require code enforcement authorities to permit the use of such containers in accordance with these requirements, would require the Building Code Council to incorporate these provisions into the Fire Prevention Code, and would authorize the Council to adopt temporary rules until the Council's Code revisions become effective.

The bill would also enact a new Article 83A in Chapter 58 of the General Statutes requiring the Office of the State Fire Marshal to adopt rules for valet trash services and establish a registry listing those providers of valet trash services meeting the requirements the new Article. The bill would also authorize the Commissioner of Insurance to impose civil penalties against persons violating the provisions of the new Article or the rules adopted thereunder.

BILL ANALYSIS:

Section 1 of the bill would define terms used in this act.

Section 2 would require the Building Code Council and local governments enforcing the Code to follow the provisions of Section 3 of the bill with respect to exit obstruction and waste accumulation, until the Council has revised the Fire Prevention Code as required by Section 4 of the bill.

Section 3 would provide that notwithstanding any provision of the Fire Prevention Code to the contrary, code enforcement authorities with jurisdiction over apartment occupancies must permit one doorstep refuse container and one doorstop recycling container per apartment occupancy if all of the following conditions are satisfied:

- The size of each container is no more than:
  - 13 gallons for apartments with enclosed corridors.
  - 27 gallons for apartments with open-air corridors or balconies served by exterior exit stairs.
- The containers do not reduce the means of egress width below that required by the Code.
- Waste in a refuse or recycling container is not placed in an exit corridor for more than 5 hours at a time in apartment occupancies with open-air corridors or balconies served by exterior exit stairs.
- The containers do not occupy the exit access corridors for more than 12 hours at a time in an apartment with enclosed corridors.
- Building management has written policies in place to ensure compliance with these requirements.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

The code enforcement authority having jurisdiction could approve alternative containers and storage arrangements that are demonstrated to provide an equivalent level of safety. Apartment occupancies would be given until December 31, 2021 to comply with these requirements.

Section 4 would require the Building Code Council to amend the exit obstruction and waste accumulation provisions of the Fire Prevention Code to conform to the provisions of Section 3 of the bill.

Section 5 would authorize the Council to adopt temporary rules to implement this act and would sunset the provisions in Section 3 once the Council's permanent rules amending the Fire Prevention Code become effective.

Section 6 would enact new Article 81A, Regulation of Valet Trash Companies, which would require the Office of State Fire Marshall of the Department of Insurance to adopt rules for valet trash services in consultation with persons who own or operate a company engaged in the business of providing valet trash delivery services. For purposes of the new Article, "valet trash deliver services" would mean the removal of household waste and recyclable materials after the residents of multifamily residential communities place the waste and materials for collection outside their doors.

The rules to be adopted by the Office of State Fire Marshall would include, at a minimum:

- Establishment of a registry of valet trash services providers that are in compliance with requirements.
- Procedures for becoming listed in the registry.
- Minimum standards and procedures for timely handling and disposal of collected household waste and recyclables.
- Placarding requirements for each multifamily residential complex serviced by a valet trash service provider.
- Minimum standards by which persons are permitted to provide valet trash services.

Upon finding that a person has violated the provisions of new Article 82A or rules adopted thereunder, the Commissioner would be required to serve the violator with a cease and desist order, and could subject the violator to imposition of a civil penalty of between $100 and $500 per violation. In determining the amount of the civil penalty, the Commissioner would be required to consider:

- The degree and extent of harm caused by the violation.
- The amount of money that inured to the benefit of the violator as a result of the violation.
- Whether the violation was committed willfully.
- The violator's prior records of compliance or noncompliance with applicable laws, rules, or orders.

EFFECTIVE DATE: The act would be effective when it becomes law.