

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 845

Short Title: County Recyclable Collections Programs. (Public)

Sponsors: Representatives Foushee and Insko (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Rules, Calendar, and Operations of the House.

April 11, 2013

A BILL TO BE ENTITLED

AN ACT CLARIFYING THE AUTHORITY OF COUNTIES TO ESTABLISH
RESIDENTIAL RECYCLABLE MATERIALS COLLECTION PROGRAMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-292 reads as rewritten:

"§ 153A-292. County collection and disposal ~~facilities~~; ~~facilities~~; collection programs.

(a) The board of county commissioners of any county may establish and operate solid waste collection and disposal facilities in areas outside the corporate limits of a city. The board may by ordinance regulate the use of a disposal facility provided by the county, the nature of the solid wastes disposed of in a facility, and the method of disposal. The board may contract with any city, individual, or privately owned corporation to collect and dispose of solid waste in the area. Counties and cities may establish and operate joint collection and disposal facilities. A joint agreement shall be in writing and executed by the governing bodies of the participating units of local government. The board may by ordinance establish a program for the collection of residential recyclable materials.

(b) The board of county commissioners may impose a fee for the collection of solid waste. The fee may not exceed the costs of collection.

The board of county commissioners may impose a fee for the use of a disposal facility provided by the county. The fee for use may not exceed the cost of operating the facility and may be imposed only on those who use the facility. The fee for use may vary based on the amount, characteristics, and form of recyclable materials present in solid waste brought to the facility for disposal. A county may not impose a fee for the use of a disposal facility on a city located in the county or a contractor or resident of the city unless the fee is based on a schedule that applies uniformly throughout the county.

The board of county commissioners may impose a fee for the availability of a disposal facility provided by the county. A fee for availability may not exceed the cost of providing the facility and may be imposed on all improved property in the county that benefits from the availability of the facility. A county may not impose an availability fee on property whose solid waste is collected by a county, a city, or a private contractor for a fee if the fee imposed by a county, a city, or a private contractor for the collection of solid waste includes a charge for the availability and use of a disposal facility provided by the county. Property served by a private contractor who disposes of solid waste collected from the property in a disposal facility provided by a private contractor that provides the same services as those provided by the county disposal facility is not considered to benefit from a disposal facility provided by the county and is not subject to a fee imposed by the county for the availability of a disposal



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1 facility provided by the county. To the extent that the services provided by the county disposal
2 facility differ from the services provided by the disposal facility provided by a private
3 contractor in the same county, the county may charge an availability fee to cover the costs of
4 the additional services provided by the county disposal facility.

5 The board of county commissioners may impose a fee for a residential recyclable materials
6 collection program provided by the county. The fee may not exceed the cost of providing the
7 collection service and may be imposed on all benefited improved property along designated
8 collection routes. A county may not impose a recyclable materials collection program fee on
9 improved property from which residential recyclable material is collected by a private
10 contractor for a fee if the private contractor collects the same recyclable materials as those
11 collected by the county collection program. The fee may be imposed in full if the private
12 contractor does not at a minimum collect the same recyclable materials collected by the county.
13 Upon presentation to the county of a valid contract for recyclable materials collection service
14 between the property owner or current resident and a private contractor, the improved property
15 is not considered to benefit from a residential recyclable materials collection program provided
16 by the county and is not subject to a fee imposed by the county for the residential recyclable
17 materials collection program provided by the county. A pro-rated fee may be assessed to
18 benefited property for any portion of a calendar year the benefited property is not served by a
19 private contractor.

20 In determining the costs of providing and operating a disposal ~~facility,~~facility or residential
21 recyclable materials collection program, a county may consider solid waste management costs
22 incidental to a county's handling and disposal of solid waste at its disposal ~~facility,~~facility or
23 residential materials collection program, including the costs of the methods of solid waste
24 management specified in G.S. 130A-309.04(a) of the Solid Waste Management Act of 1989. A
25 fee for the availability or use of a disposal facility may be based on the combined costs of the
26 different disposal facilities provided by the county. A fee for the residential recyclable
27 materials collection program may be based on the combined costs of the different materials
28 collected through the program and may also be based on differing levels of service.

29 A county may operate a residential recyclable materials collection program within the
30 corporate limits of a city if the governing body of the city adopts a resolution to that effect.

31 (c) The board of county commissioners may use any suitable vacant land owned by the
32 county for the site of a disposal facility, subject to the permit requirements of Article 9 of
33 Chapter 130A of the General Statutes. If the county does not own suitable vacant land for a
34 disposal facility, it may acquire suitable land by purchase or condemnation. The board may
35 erect a gate across a highway that leads directly to a disposal facility operated by the county.
36 The gate may be erected at or in close proximity to the boundary of the disposal facility. The
37 county shall pay the cost of erecting and maintaining the gate.

38 (d), (e) Repealed by Session Laws 1991, c. 652, s. 1.

39 (f) This section does not prohibit a county from providing aid to low-income persons to
40 pay all or part of the cost of solid waste management services for those persons."

41 **SECTION 2.** This act is effective when it becomes law.