

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 113

Short Title: Various Solid Waste Ordinances.

(Public)

Sponsors: Senators Speed; Barker, Block, Bryan, Carpenter, Cobb, Daniel, Guy, Hardin, Hunt of Moore, Martin of Guilford, Odom, Smith, Swain, Taft, Tally, and Ward.

Referred to: Environment and Natural Resources.

February 6, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE IT CLEAR THAT A COUNTY AND A CITY HAVE THE
3 AUTHORITY TO ENACT CERTAIN ORDINANCES REGULATING LOCAL
4 SOLID WASTE MANAGEMENT.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S.153A-136 reads as rewritten:
7 "§ 153A-136. Regulation of solid wastes.
8 (a) A county may by ordinance regulate the storage, collection, transportation,
9 use, disposal, and other disposition of solid wastes. Such an ordinance may:
10 (1) Regulate the activities of persons, firms, and corporations, both public
11 and private.
12 (2) Require each person wishing to commercially collect or dispose of
13 solid wastes to secure a license from the county and prohibit any
14 person from commercially collecting or disposing of solid wastes
15 without a license. A fee may be charged for a license.
16 (3) Grant a franchise to one or more persons for the exclusive right to
17 commercially collect or dispose of solid wastes within all or a defined
18 portion of the county and prohibit any other person from commercially
19 collecting or disposing of solid wastes in that area. The board of
20 commissioners may set the terms of any franchise, except that no
21 franchise may be granted for a period exceeding seven years, nor may
22 any franchise by its terms impair the authority of the board of
23 commissioners to regulate fees as authorized by this section.

- 1 (4) Regulate the fees, if any, that may be charged by licensed or
2 franchised persons for collecting or disposing of solid wastes.
3 (4a) Require the source separation of materials from solid waste prior to
4 collection of the solid waste for disposal.
5 (4b) Require participation in a recycling program which has been approved
6 by the board of commissioners.
7 (4c) Require the county landfill to accept for disposal only solid waste
8 which was generated in the geographic area which the landfill was
9 specified to serve, as indicated in the permit issued pursuant to Article
10 9 of Chapter 130A of the General Statutes.

11 (5) Include any other proper matter.

12 (b) Any ordinance adopted pursuant to this section shall be consistent with and
13 supplementary to any regulations adopted by the Department of Human Resources."

14 Sec. 2. G.S. 160A-192 reads as rewritten:

15 "**§ 160A-192. Regulation of trash and garbage.**

16 (a) ~~A city may by ordinance regulate the disposal of solid wastes within the city,~~
17 ~~and may require the owners or occupants of houses and other buildings to place solid~~
18 ~~waste in specified places or receptacles for the convenience of city collection and~~
19 ~~disposal, and may impose charges for such collection and disposal.~~ A city may by
20 ordinance regulate the collection and disposal of solid waste within the city. An
21 ordinance may:

- 22 (1) Require the owners or occupants of houses and other buildings to place
23 solid waste in specified places or receptacles for the convenience of
24 city collection and disposal;
25 (2) Impose charges for such collection and disposal;
26 (3) Require the source separation of materials from solid waste prior to
27 collection of the solid waste for disposal.
28 (4) Require participation in a recycling program which has been approved
29 by the governing board.
30 (5) Require the city landfill to accept for disposal only solid waste which
31 was generated in the geographic area which the landfill was specified
32 to serve, as indicated in the permit issued pursuant to Article 9 of
33 Chapter 130A of the General Statutes.

34 (b) Any two or more cities, counties, sanitary districts, or any combination
35 thereof, are authorized to enter into contracts and agreements for the joint ownership,
36 construction, operation and maintenance of solid waste collection and disposal systems
37 and facilities. In operating such systems and facilities, the participating units may
38 exercise jointly any power that they might exercise individually with respect to solid
39 waste collection and disposal systems and facilities."

40 Sec. 3. This act is effective upon ratification.