

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

1

SENATE BILL 114

Short Title: Landfill Disposal Fees.

(Public)

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

Referred to: Local Government.

February 6, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A COUNTY LANDFILL THAT IS A PUBLIC ENTERPRISE HAS CONDITIONAL AUTHORITY TO CHARGE A MUNICIPALITY LOCATED IN THAT COUNTY A SOLID WASTE DISPOSAL FEE.

The General Assembly of North Carolina enacts:

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

"§ 153A-292. County collection and disposal; tax levy.

The board of county commissioners of any county is hereby empowered to establish and operate garbage, refuse, and solid waste collection and disposal facilities, or either, in areas outside of incorporated cities and towns where, in its opinion, the need for such facilities exists. The board may by ordinance regulate the use of such garbage, refuse, and solid waste disposal facilities; the nature of the solid wastes disposed of therein; and the method of disposal. Ordinances so adopted may be enforced by any law-enforcement officer having jurisdiction, which shall include, but not be limited to, officers of the county sheriff's department, county police department and the State Highway Patrol. The board may contract with any municipality, individual, or privately owned corporation to collect and dispose, or collect or dispose, of garbage, refuse, and solid waste in any such area provided no county shall be authorized by this Article to levy a disposal fee upon any municipality located in that county if the board of commissioners levy a countywide tax on property which provides in part for financing such disposal facilities or its residents unless the county also levies a similar disposal fee that is clearly designated as a disposal fee upon non-municipal county residents, or upon

1 privately owned corporations or individuals which have contracted with the board to
2 collect solid waste, so that municipal residents are treated equitably. In the disposal of
3 garbage, refuse, and solid waste, the board may use any vacant land owned by the
4 county, or it may acquire suitable sites for such purpose. The board may make
5 appropriations to carry out the activities herein authorized. The board may impose fees
6 for the use of disposal facilities, and in the event it shall provide for the collection of
7 garbage, refuse, and solid waste, it may charge fees for such collection service sufficient
8 in its opinion to defray the expense of collection. Counties and municipalities therein
9 are authorized to establish and operate joint collection and disposal facilities, or either
10 of these, upon such terms as the governing bodies may determine. Such agreement shall
11 be in writing and executed by the governing body of the participating units of local
12 government.

13 The board of commissioners of each county is hereby authorized to levy taxes for
14 the special purpose of carrying out the authority conferred by this section, in addition to
15 the rate of tax allowed by the Constitution for general purposes, and the General
16 Assembly hereby gives its special approval for such tax levies.

17 The board of county commissioners may use any vacant land owned by the county,
18 and it may acquire by purchase or condemnation suitable land for the disposal sites, and
19 in the event condemnation of said lands is necessary, the procedure used shall be that set
20 forth in Chapter 40A of the North Carolina General Statutes.

21 The board may impose fees for the use of the disposal site, and if the county
22 provides for collection services, it shall charge fees sufficient to defray the expense of
23 collection.

24 The board of commissioners of each county is authorized to levy taxes for the
25 special purpose of carrying out the authority conferred by this section, in addition to the
26 rate of tax allowed by the Constitution for general purposes, and the General Assembly
27 hereby gives its special approval for such tax levies. The board of commissioners is
28 authorized to make appropriations from these tax funds, and from nonrevenue funds
29 which may be available. Provided that the county board of commissioners may
30 authorize the erection of a gate across a state or county-maintained highway leading
31 directly to a sanitary landfill or garbage disposal site which is operated by the county.
32 The gate may be erected at or in close proximity to the boundary of the landfill or
33 garbage disposal site. The cost of the erection of the gate and its maintenance is to be
34 borne by the county, and the gate shall be closed upon authority of the county
35 commissioners."

36 Sec. 2. This act shall become effective October 1, 1989.