

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1768

Short Title: Orange/Chatham Omnibus Act.

(Local)

Sponsors: Representatives Insko and Hackney.

Referred to: Local Government I.

May 25, 2000

A BILL TO BE ENTITLED

AN ACT MAKING OMNIBUS CHANGES TO CERTAIN GENERAL AND LOCAL
LAWS AFFECTING ORANGE COUNTY.

The General Assembly of North Carolina enacts:

**PART I. ORANGE COUNTY ADDED TO THOSE COUNTIES USING
ATTACHMENT AND GARNISHMENT IN THE COLLECTION OF
AMBULANCE SERVICE FEES**

Section 1. G.S. 44-51.8 reads as rewritten:

"§ 44-51.8. Counties to which Article applies.

The provisions of this Article shall apply only to Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Caswell, Catawba, Chatham, Cherokee, Chowan, Cleveland, Columbus, Craven, Cumberland, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Hyde, Iredell, Johnston, Jones, Lee, Lenoir, Lincoln, McDowell, Macon, Madison, Mecklenburg, Mitchell, Montgomery, Moore, Nash, New Hanover, Onslow, Orange, Pasquotank, Person, Pitt, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania,

1 Tyrrell, Union, Vance, Wake, Warren, Washington, Watauga, Wilkes, Wilson, Yadkin
2 and Yancey Counties."

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4 **PART II. REGULATION OF OPEN BURNING**

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6 Section 2. 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, use,
9 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 solid
13 wastes to secure a license from the county and prohibit any person from
14 commercially collecting or disposing of solid wastes without a license.
15 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 30 years, nor may any
22 franchise by its terms impair the authority of the board of
23 commissioners to regulate fees as authorized by this section.

24 (4) Regulate the fees, if any, that may be charged by licensed or franchised
25 persons for collecting or disposing of solid wastes.

26 (5) Require the source separation of materials prior to collection of solid
27 waste for disposal.

28 (6) Require participation in a recycling program by requiring separation of
29 designated materials by the owner or occupant of the property prior to
30 disposal. An owner of recovered materials as defined by G.S. 130A-
31 290(a)(24) retains ownership of the recovered materials until the owner
32 conveys, sells, donates, or otherwise transfers the recovered materials to
33 a person, firm, company, corporation, or unit of local government. A
34 county may not require an owner to convey, sell, donate, or otherwise
35 transfer recovered materials to the county or its designee. If an owner
36 places recovered materials in receptacles or delivers recovered materials
37 to specific locations, receptacles, and facilities that are owned or
38 operated by the county or its designee, then ownership of these
39 materials is transferred to the county or its designee.

40 (7) Include any other proper matter.

41 (b) Any ordinance adopted pursuant to this section shall be consistent with and
42 supplementary to any rules adopted by the Commission for Health Services or the
43 Department of Environment and Natural Resources.

1 (c) The board of commissioners of a county shall consider alternative sites and
2 socioeconomic and demographic data and shall hold a public hearing prior to selecting or
3 approving a site for a new sanitary landfill that receives residential solid waste that is
4 located within one mile of an existing sanitary landfill within the State. The distance
5 between an existing and a proposed site shall be determined by measurement between the
6 closest points on the outer boundary of each site. The definitions set out in G.S. 130A-
7 290 apply to this subsection. As used in this subsection:

8 (1) "Approving a site" refers to prior approval of a site under G.S. 130A-
9 294(a)(4).

10 (2) "Existing sanitary landfill" means a sanitary landfill that is in operation
11 or that has been in operation within the five-year period immediately
12 prior to the date on which an application for a permit is submitted.

13 (3) "New sanitary landfill" means a sanitary landfill that includes areas not
14 within the legal description of an existing sanitary landfill as set out in
15 the permit for the existing sanitary landfill.

16 (4) "Socioeconomic and demographic data" means the most recent
17 socioeconomic and demographic data compiled by the United States
18 Bureau of the Census and any additional socioeconomic and
19 demographic data submitted at the public hearing.

20 (d) As used in this section, "solid waste" means nonhazardous solid waste, that is,
21 solid waste as defined in G.S. 130A-290 but not including hazardous waste.

22 (e) A county may by ordinance regulate and prohibit the open burning of trees,
23 limbs, stumps, and construction debris. A county may, as a condition of approval of any
24 permit for a subdivision, clearing, and development of land or construction of buildings
25 within the planning jurisdiction of the county, regulate and prohibit the open burning of
26 trees, limbs, stumps, and construction debris associated with the permitted activity."

27 28 **PART III. APPLICABILITY AND EFFECTIVE DATE**

29 Section 3. This act applies to Orange County only.

30 Section 4. This act is effective when it becomes law.