

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1768  
Committee Substitute Favorable 6/30/00  
Third Edition Engrossed 7/6/00  
Senate Finance Committee Substitute Adopted 7/11/00

Short Title: Orange Omnibus Act.

(Local)

Sponsors:

Referred to:

May 25, 2000

A BILL TO BE ENTITLED  
AN ACT MAKING OMNIBUS CHANGES TO CERTAIN GENERAL AND LOCAL  
LAWS AFFECTING CARTERET, ORANGE, AND PENDER COUNTIES.

The General Assembly of North Carolina enacts:

**PART I. CARTERET, ORANGE, AND PENDER COUNTIES 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, Carteret, 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,

1 McDowell, Macon, Madison, Mecklenburg, Mitchell, Montgomery, Moore, Nash, New  
2 Hanover, Onslow, Orange, Pasquotank, Pender, Person, Pitt, Polk, Randolph, Richmond,  
3 Robeson, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry,  
4 Swain, Transylvania, Tyrrell, Union, Vance, Wake, Warren, Washington, Watauga,  
5 Wilkes, Wilson, Yadkin and Yancey Counties."

## 7 PART II. REGULATION OF OPEN BURNING

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9 Section 2. G.S. 153A-136 reads as rewritten:

### 10 "§ 153A-136. Regulation of solid wastes.

11 (a) A county may by ordinance regulate the storage, collection, transportation, use,  
12 disposal, and other disposition of solid wastes. Such an ordinance may:

13 (1) Regulate the activities of persons, firms, and corporations, both public  
14 and private.

15 (2) Require each person wishing to commercially collect or dispose of solid  
16 wastes to secure a license from the county and prohibit any person from  
17 commercially collecting or disposing of solid wastes without a license.  
18 A fee may be charged for a license.

19 (3) Grant a franchise to one or more persons for the exclusive right to  
20 commercially collect or dispose of solid wastes within all or a defined  
21 portion of the county and prohibit any other person from commercially  
22 collecting or disposing of solid wastes in that area. The board of  
23 commissioners may set the terms of any franchise, except that no  
24 franchise may be granted for a period exceeding 30 years, nor may any  
25 franchise by its terms impair the authority of the board of  
26 commissioners to regulate fees as authorized by this section.

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

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

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

43 (7) Include any other proper matter.

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

4 (c) The board of commissioners of a county shall consider alternative sites and  
5 socioeconomic and demographic data and shall hold a public hearing prior to selecting or  
6 approving a site for a new sanitary landfill that receives residential solid waste that is  
7 located within one mile of an existing sanitary landfill within the State. The distance  
8 between an existing and a proposed site shall be determined by measurement between the  
9 closest points on the outer boundary of each site. The definitions set out in G.S. 130A-  
10 290 apply to this subsection. As used in this subsection:

11 (1) "Approving a site" refers to prior approval of a site under G.S. 130A-  
12 294(a)(4).

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

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

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

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

25 (e) A county may, as a condition of approval of any permit for a subdivision,  
26 clearing, and development of land or construction of buildings within the planning  
27 jurisdiction of the county, regulate and prohibit the open burning of trees, limbs, stumps,  
28 and construction debris associated with the permitted activity. Agricultural, horticultural,  
29 and silvacultural activities which are exempt by law from requirements of a county  
30 permit for subdivision, clearing, and development of land or construction of buildings  
31 within the planning jurisdiction of the county are not made subject to such permitting by  
32 this subsection."

### 33 34 PART III. APPLICABILITY AND EFFECTIVE DATE

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36 Section 3. Section 1 of this act applies to Carteret, Orange, and Pender  
37 Counties only. Section 2 of this act applies to Orange County only, except that it does  
38 not apply to Carr and Cheeks Precincts.

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