

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1999

HOUSE BILL 1768  
RATIFIED BILL

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

**PART II. REGULATION OF OPEN BURNING**

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

**"§ 153A-136. Regulation of solid wastes.**

- (a) A county may by ordinance regulate the storage, collection, transportation, use, disposal, and other disposition of solid wastes. Such an ordinance may:
- (1) Regulate the activities of persons, firms, and corporations, both public and private.
  - (2) Require each person wishing to commercially collect or dispose of solid wastes to secure a license from the county and prohibit any person from commercially collecting or disposing of solid wastes without a license. A fee may be charged for a license.
  - (3) Grant a franchise to one or more persons for the exclusive right to commercially collect or dispose of solid wastes within all or a defined portion of the county and prohibit any other person from commercially collecting or disposing of solid wastes in that area. The board of commissioners may set the terms of any franchise, except that no franchise may be granted for a period exceeding 30 years, nor may any franchise by its terms impair the authority of the board of commissioners to regulate fees as authorized by this section.
  - (4) Regulate the fees, if any, that may be charged by licensed or franchised persons for collecting or disposing of solid wastes.
  - (5) Require the source separation of materials prior to collection of solid waste for disposal.

- (6) Require participation in a recycling program by requiring separation of designated materials by the owner or occupant of the property prior to disposal. An owner of recovered materials as defined by G.S. 130A-290(a)(24) retains ownership of the recovered materials until the owner conveys, sells, donates, or otherwise transfers the recovered materials to a person, firm, company, corporation, or unit of local government. A county may not require an owner to convey, sell, donate, or otherwise transfer recovered materials to the county or its designee. If an owner places recovered materials in receptacles or delivers recovered materials to specific locations, receptacles, and facilities that are owned or operated by the county or its designee, then ownership of these materials is transferred to the county or its designee.
- (7) Include any other proper matter.
- (b) Any ordinance adopted pursuant to this section shall be consistent with and supplementary to any rules adopted by the Commission for Health Services or the Department of Environment and Natural Resources.
- (c) The board of commissioners of a county shall consider alternative sites and socioeconomic and demographic data and shall hold a public hearing prior to selecting or approving a site for a new sanitary landfill that receives residential solid waste that is located within one mile of an existing sanitary landfill within the State. The distance between an existing and a proposed site shall be determined by measurement between the closest points on the outer boundary of each site. The definitions set out in G.S. 130A-290 apply to this subsection. As used in this subsection:
- (1) "Approving a site" refers to prior approval of a site under G.S. 130A-294(a)(4).
  - (2) " Existing sanitary landfill" means a sanitary landfill that is in operation or that has been in operation within the five-year period immediately prior to the date on which an application for a permit is submitted.
  - (3) " New sanitary landfill" means a sanitary landfill that includes areas not within the legal description of an existing sanitary landfill as set out in the permit for the existing sanitary landfill.
  - (4) " Socioeconomic and demographic data" means the most recent socioeconomic and demographic data compiled by the United States Bureau of the Census and any additional socioeconomic and demographic data submitted at the public hearing.
- (d) As used in this section, "solid waste" means nonhazardous solid waste, that is, solid waste as defined in G.S. 130A-290 but not including hazardous waste.
- (e) A county may, as a condition of approval of any permit for a subdivision, clearing, and development of land or construction of buildings within the planning jurisdiction of the county, regulate and prohibit the open burning of trees, limbs, stumps, and construction debris associated with the permitted activity. Agricultural, horticultural, and silvacultural activities which are exempt by law from requirements of a county permit for subdivision, clearing, and development of land or construction of buildings within the planning jurisdiction of the county are not made subject to such permitting by this subsection.

### **PART III. APPLICABILITY AND EFFECTIVE DATE**

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

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

In the General Assembly read three times and ratified this the 12th day of July, 2000.

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Marc Basnight  
President Pro Tempore of the Senate

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James B. Black  
Speaker of the House of Representatives