

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

3

SENATE BILL 433  
Finance Committee Substitute Adopted 6/20/91  
Third Edition Engrossed 7/1/91

Short Title: Local Solid Waste Fees/Caswell Ref.

(Local)

Sponsors:

Referred to:

April 1, 1991

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CHATHAM, NASH, PITT, SWAIN, GRAHAM, AND CLAY COUNTIES TO IMPOSE AN AVAILABILITY FEE FOR SOLID WASTE DISPOSAL FACILITIES AND TO BILL AND COLLECT THE FEE IN THE SAME MANNER AS PROPERTY TAXES AND TO AUTHORIZE CASWELL COUNTY TO HOLD A REFERENDUM ON LONG-TERM SOLID WASTE OPTIONS.

The General Assembly of North Carolina enacts:

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

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

(a) The board of county commissioners of any county ~~is hereby empowered to~~ may establish and operate garbage, refuse, and solid waste collection and disposal ~~facilities,~~ or either, facilities in areas outside of ~~incorporated cities and towns where, in its opinion, the need for such facilities exists.~~ the corporate limits of a city. The board may by ordinance regulate the use of ~~such garbage, refuse, and solid waste~~ a disposal facilities; facility, the nature of the solid wastes disposed of ~~therein;~~ in a facility, 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, city,~~ individual, or privately owned corporation ~~to collect and dispose, or collect or dispose, of garbage, refuse, and solid waste in any such area.~~ to collect and dispose of garbage, refuse, and solid waste in the area. ~~No county shall levy a fee for the disposal~~

1 of solid waste upon any municipality located in that county or upon any contractor or resident  
2 of any such municipality unless such disposal fee is based on a schedule which applies  
3 uniformly throughout the county. In the disposal of garbage, refuse, and solid waste, the board  
4 may use any vacant land owned by the county, or it may acquire suitable sites for such purpose.  
5 The board may make appropriations to carry out the activities herein authorized. The board  
6 may impose fees for the use of disposal facilities, and in the event it shall provide for the  
7 collection of garbage, refuse, and solid waste, it may charge fees for such collection service  
8 sufficient in its opinion to defray the expense of collection. Counties and municipalities  
9 therein are authorized to cities may establish and operate joint collection and disposal  
10 facilities, or either of these, upon such terms as the governing bodies may determine. facilities.  
11 Such A joint agreement shall be in writing and executed by the governing body bodies of  
12 the participating units of local government.

13 (b) ~~The board of commissioners of each county is hereby authorized to levy taxes~~  
14 ~~for the special purpose of carrying out the authority conferred by this section, in~~  
15 ~~addition to the rate of tax allowed by the Constitution for general purposes, and the~~  
16 ~~General Assembly hereby gives its special approval for such tax levies. The board of~~  
17 county commissioners may impose a fee for the collection of garbage, refuse, and solid  
18 waste. The fee may not exceed the costs of collection. The board of county  
19 commissioners may impose a fee for the use of a disposal facility. The fee for use may  
20 not exceed the cost of operating the facility. A county may not impose a fee for the use  
21 of a disposal facility on a city located in the county or a contractor or resident of the city  
22 unless the fee is based on a schedule that applies uniformly throughout the county. The  
23 board of county commissioners may impose a fee for the availability of a disposal  
24 facility. A fee for availability may not exceed the cost of providing the facility and may  
25 be imposed on all property in the county that benefits from the availability of the  
26 facility. Property served by a private contractor who disposes of garbage, refuse, and  
27 solid waste collected from the property in a disposal facility provided by a private  
28 contractor is not considered to benefit from a disposal facility provided by the county  
29 and is not subject to a fee imposed by the county for the availability of a disposal  
30 facility provided by the county.

31 (b1) Fees established pursuant to subsection (b) of this section may only be  
32 imposed on those who use the facility.

33 (c) ~~The board of county commissioners may use any vacant land owned by the~~  
34 ~~county, and county for the site of a disposal facility. If the county does not own suitable~~  
35 vacant land for a disposal facility, it may acquire suitable land by purchase or  
36 condemnation suitable land for the disposal sites, and in the event condemnation of said lands  
37 is necessary, the procedure used shall be that set forth in Chapter 40A of the North Carolina  
38 General Statutes. condemnation. The board may erect a gate across a highway that leads  
39 directly to a disposal facility operated by the county. The gate may be erected at or in  
40 close proximity to the boundary of the disposal facility. The county shall pay the cost  
41 of erecting and maintaining the gate.

42 (d) ~~The board may impose fees for the use of the disposal site, and if the county~~  
43 ~~provides for collection services, it shall charge fees sufficient to defray the expense of~~  
44 ~~collection.~~

1 (e) The board of commissioners of each county is authorized to levy taxes for the  
2 special purpose of carrying out the authority conferred by this section, in addition to the  
3 rate of tax allowed by the Constitution for general purposes, and the General Assembly  
4 hereby gives its special approval for such tax levies. The board of commissioners is  
5 authorized to make appropriations from these tax funds, and from nonrevenue funds  
6 which may be available. Provided that the county board of commissioners may  
7 authorize the erection of a gate across a State or county maintained highway leading  
8 directly to a sanitary landfill or garbage disposal site which is operated by the county.  
9 The gate may be erected at or in close proximity to the boundary of the landfill or  
10 garbage disposal site. The cost of the erection of the gate and its maintenance is to be  
11 borne by the county, and the gate shall be closed upon authority of the county  
12 commissioners."

13 Sec. 2. G.S. 153A-293 reads as rewritten:

14 "**§ 153A-293. Collection of fees in certain counties for solid waste disposal facilities**  
15 **and solid waste collection services.**

16 (a) A county may provide that adopt an ordinance providing that any fee imposed  
17 under G.S. 153A-292 may be billed with the ad valorem property taxes, may be payable  
18 in the same manner as ad valorem property taxes, and, in the case of nonpayment, may  
19 result in the imposition of a lien on the property owner's real property in the same manner as ad  
20 valorem taxes. be collected in any manner by which delinquent personal or real property  
21 taxes can be collected. If an ordinance states that delinquent fees can be collected in the  
22 same manner as delinquent real property taxes, the fees are a lien on the real property  
23 described on the bill that includes the fee.

24 (b) ~~This section applies to Alleghany, Anson, Ashe, Burke, Caswell, Cleveland,~~  
25 ~~Duplin, Gaston, Lee, Lenoir, Montgomery, Polk, Richmond, Robeson, Transylvania,~~  
26 ~~Washington, Watauga, and Wayne Counties only."~~

27 Sec. 3. The Caswell County Board of Commissioners may direct the County  
28 Board of Elections to hold a referendum, in accordance with the procedures set forth in  
29 Chapter 163 of the General Statutes, for the purpose of submitting to the registered  
30 voters of Caswell County several options for satisfying the long-term solid waste  
31 disposal needs of Caswell County, as a mechanism for receiving information about the  
32 desires of the Caswell County citizens regarding the options. The questions placed on  
33 the ballot shall be in a form approved by the Caswell County Attorney. The results of  
34 the referendum shall be for informational use by the Caswell County Board of  
35 Commissioners and shall not bind the discretion of the Caswell County Board of  
36 Commissioners.

37 Sec. 4. Sections 1 and 2 of this act apply to Chatham, Nash, Swain, Graham,  
38 Clay, and Pitt Counties only; provided, however, subsection (b1) of Section 1 of this act  
39 does not apply to Pitt County.

40 Sec. 5. This act is effective upon ratification and applies to fees imposed on  
41 or after July 1, 1991.