

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 514
HOUSE BILL 417

1 AN ACT TO AUTHORIZE COUNTIES TO REGULATE THE COLLECTION OF
2 GARBAGE.

3
4 The General Assembly of North Carolina do enact:

5
6 **Section 1.** Chapter 153 of the General Statutes is hereby amended by adding
7 thereto a new Article to read as follows:

8 "ARTICLE 22

9 "Garbage Collection and Disposal

10 "**G.S. 153-272. Control of private collectors.** The board of county commissioners of any
11 county is hereby empowered to regulate the collection and disposal of garbage by private
12 persons, firms, or corporations outside of the incorporated cities and towns of the county for the
13 purpose of encouraging and attempting to insure an adequate and continuing service of garbage
14 collection and disposal where the board deems it to be desirable. In the exercise of such power,
15 the board may issue a license to any private person, firm, or corporation to collect and/or
16 dispose of garbage; may prohibit the collection and/or disposal of garbage by unlicensed
17 persons, firms, or corporations; may grant to licensed persons, firms, or corporations the
18 exclusive right to collect and/or dispose of garbage for compensation within a specified area
19 and prohibit unauthorized persons, firms, or corporations from collecting and/or disposing of
20 garbage within said area; and may regulate the fees charged by licensed persons, firms, and
21 corporations for the collection and/or disposal of garbage to the end that reasonable
22 compensation may be provided for such services. The board may adopt regulations pursuant to
23 the power herein granted, and the violation of any such regulation shall be a misdemeanor,
24 subject to a fine not exceeding fifty dollars (\$50.00), or imprisonment not exceeding thirty
25 days; each week that any such violation continues to exist shall be a separate offense.

26 "**G.S. 153-273. County collection and disposal.** The board of county commissioners of any
27 county is hereby empowered to establish and operate garbage collection and/or disposal
28 facilities in areas outside of incorporated cities and towns where, in its opinion, the need for
29 such facilities exists. The board may contract with any city or town to collect and/or dispose of
30 garbage in any such area. In the disposal of garbage, the board may use any vacant land owned
31 by the county, or it may acquire suitable sites for such purpose. The board may make
32 appropriations to carry out the activities herein authorized. The board may impose fees for the
33 use of disposal facilities, and in the event it shall provide for the collection of garbage, it shall
34 charge fees for such collection service sufficient in its opinion to defray the expense of
35 collection.

36 "**G.S. 153-274. Powers of local boards of health unaffected.** Nothing in this Article shall
37 affect the powers of local boards of health to control the keeping, removal, collection, and
38 disposal of garbage, insofar as the exercise of any such power is necessary to protect and
39 advance the public health.

40 "**G.S. 153-275. Powers granted herein supplementary.** The powers granted to counties by
41 this Article shall be deemed supplementary to any powers heretofore or hereafter granted by
42 any other law, either general, special, or local, for the same or a similar purpose, and in any
43 case where the provisions of this Article conflict with or are different from the provisions of

1 such other law, the board of county commissioners may in its discretion proceed in accordance
2 with the provisions of such other law, or, as an alternative method, in accordance with the
3 provisions of this Article."

4 **Sec. 1a.** The provisions of this Act shall not apply to Vance County.

5 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

6 **Sec. 3.** This Act shall be effective upon ratification.

7 In the General Assembly read three times and ratified, this the 26th day of May,
8 1961.