

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 134
Committee Substitute Favorable 4/4/91

Short Title: Private Recyclers' Report.

(Public)

Sponsors:

Referred to:

February 21, 1991

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING COUNTIES AND CITIES TO ENACT ORDINANCES
3 REQUIRING PRIVATE RECYCLERS TO REPORT ON THE RECYCLABLE
4 MATERIALS SUBJECT TO THE GOAL SET FORTH IN G.S. 130A-309.04
5 THAT THE RECYCLER IS RECOVERING WITHIN THE COUNTY OR CITY.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 153A-136(a) reads as rewritten:

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

- 1 (4) Regulate the fees, if any, that may be charged by licensed or
2 franchised persons for collecting or disposing of solid wastes.
3 (5) Require the source separation of materials from solid waste prior to
4 collection of the solid waste for disposal.
5 (6) Require participation in a recycling program which has been approved
6 by the board of commissioners.
7 (7) Require private recyclers to report annually to the county on the
8 recyclable materials subject to the recycling goal set forth in G.S.
9 130A-309.04 that the recycler is recovering within the county. An
10 ordinance adopted pursuant to this subdivision shall require that such
11 reports be made using a standard reporting format developed by the
12 Department of Environment, Health, and Natural Resources. No
13 ordinance adopted pursuant to this subdivision shall be construed to
14 require the disclosure of proprietary information.

15 ~~(7)~~(8) Include any other proper matter."

16 Sec. 2. G.S. 160A-192(a) reads as rewritten:

17 "(a) A city may by ordinance regulate the collection and disposal of solid waste
18 within the city. An ordinance may:

- 19 (1) Require the owners or occupants of houses and other buildings to place
20 solid waste in specified places or receptacles for the convenience of
21 city collection and disposal.
22 (2) Impose charges for such collection and disposal.
23 (3) Require the source separation of materials from solid waste prior to
24 collection of the solid waste for disposal.
25 (4) Require participation in a recycling program which has been approved
26 by the governing board.
27 (5) Require private recyclers to report annually to the city on the
28 recyclable materials subject to the recycling goal set forth in G.S.
29 130A-309.04 that the recycler is recovering within the city and, where
30 the city operates a solid waste disposal facility that serves areas outside
31 its territorial jurisdiction, that the recycler is recovering within such
32 additional areas. An ordinance adopted pursuant to this subdivision
33 shall require that such reports be made using a standard reporting
34 format developed by the Department of Environment, Health, and
35 Natural Resources. No ordinance adopted pursuant to this subdivision
36 shall be construed to require the disclosure of proprietary information.
37 ~~(5)~~(6) Include any other proper matter."

38 Sec. 3. G.S. 130A-309.06(a) is amended by adding a new subdivision to
39 read:

40 "(12) The Department shall develop a standard reporting format which
41 shall be used by every county which requires private recyclers to
42 report on the recyclable materials recovered by the recycler within
43 the county pursuant to G.S. 153A-136(a)(7) and by every city
44 which requires reports pursuant to G.S. 160A-192(a)(5). The

1 reporting format developed pursuant to this subdivision shall not
2 require the disclosure by the private recycler of proprietary
3 information."

4 Sec. 4. This act is effective upon ratification.