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HOUSE BILL 985\*

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Short Title: City Garbage Service/Local Authority.

(Public)

Sponsors:

Referred to:

April 19, 1991

A BILL TO BE ENTITLED

AN ACT TO CLARIFY A CITY'S AUTHORITY TO REQUIRE PARTICIPATION  
IN ANY SOLID WASTE COLLECTION SERVICES PROVIDED BY THE CITY,  
TO AUTHORIZE THE CITY OF STATESVILLE TO EXEMPT CERTAIN  
PROPERTY FROM ASSESSMENTS, AND TO AUTHORIZE CLEVELAND,  
GASTON, IREDELL, LINCOLN, AND RUTHERFORD COUNTIES TO IMPOSE  
AN AVAILABILITY FEE FOR SOLID WASTE DISPOSAL FACILITIES AND  
COLLECT A SOLID WASTE USER FEE OR AVAILABILITY FEE IN THE  
SAME MANNER AS PROPERTY TAXES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-192 is repealed.

Sec. 2. G.S. 160A-317 reads as rewritten:

**"§ 160A-317. Power to require ~~connections.~~ connections to water or sewer service and to use solid waste collection services.**

(a) Connections. – A city may require ~~the owners~~ an owner of improved property located within the city limits and upon or within a reasonable distance of any water line or sewer collection line owned or leased and operated by the city to connect ~~his~~ the owner's premises with the water or sewer line or both, and may fix charges for the connections. In lieu of requiring connection under this ~~section~~ subsection and in order to avoid hardship, the city may require payment of a periodic availability charge, not to exceed the minimum periodic service charge for properties ~~which~~ that are connected.

1 (b) Solid Waste. – A city may require an owner of improved property to do any  
2 of the following:

- 3 (1) Place solid waste in specified places or receptacles for the convenience  
4 of city collection and disposal.  
5 (2) Separate materials from solid waste before the solid waste is collected.  
6 (3) Participate in a recycling program approved by the Council.  
7 (4) Participate in any solid waste collection service provided by the city or by  
8 a person who has a contract with the city if the owner or occupant of  
9 the property has not otherwise contracted for the collection of solid  
10 waste from the property.

11 A city may impose a fee on those who are required to participate in a solid waste  
12 collection service under subdivision (4). The fee imposed must be the same amount as a  
13 fee that is imposed on those who choose to participate in the service."

14 Sec. 3. The City of Statesville may exempt from special assessments levied  
15 under Article 10 of Chapter 160A of the General Statutes for the construction of water  
16 lines, any property within the area annexed by the City of Statesville by Ordinance No.  
17 22-90 adopted May 21, 1990, if the property, on the effective date of the annexation  
18 ordinance (June 30, 1990), was situated adjacent to the water lines of the Iredell Water  
19 Corporation, Piedmont Water Corporation, or to existing water lines of the City of  
20 Statesville.

21 Sec. 4. G.S. 153A-292 reads as rewritten:

22 "**§ 153A-292. County collection and disposal; tax levy; disposal facilities.**

23 (a) ~~The board of county commissioners of any county is hereby empowered to may~~  
24 ~~establish and operate garbage, refuse, and solid waste collection and disposal facilities, or~~  
25 ~~either, facilities in areas outside of incorporated cities and towns where, in its opinion, the~~  
26 ~~need for such facilities exists. the corporate limits of a city. The board may by ordinance~~  
27 ~~regulate the use of such garbage, refuse, and solid waste a disposal facilities; facility~~  
28 ~~provided by the county, the nature of the solid wastes disposed of therein; in a facility,~~  
29 ~~and the method of disposal. Ordinances so adopted may be enforced by any law-~~  
30 ~~enforcement officer having jurisdiction, which shall include, but not be limited to, officers of~~  
31 ~~the county sheriff's department, county police department and the State Highway Patrol. The~~  
32 ~~board may contract with any municipality, city, individual, or privately owned~~  
33 ~~corporation to collect and dispose, or collect or dispose, of garbage, refuse, and solid waste in~~  
34 ~~any such area. to collect and dispose of solid waste in the area. No county shall levy a fee~~  
35 ~~for the disposal of solid waste upon any municipality located in that county or upon any~~  
36 ~~contractor or resident of any such municipality unless such disposal fee is based on a schedule~~  
37 ~~which applies uniformly throughout the county. In the disposal of garbage, refuse, and solid~~  
38 ~~waste, the board may use any vacant land owned by the county, or it may acquire suitable sites~~  
39 ~~for such purpose. The board may make appropriations to carry out the activities herein~~  
40 ~~authorized. The board may impose fees for the use of disposal facilities, and in the event it~~  
41 ~~shall provide for the collection of garbage, refuse, and solid waste, it may charge fees for such~~  
42 ~~collection service sufficient in its opinion to defray the expense of collection. Counties and~~  
43 ~~municipalities therein are authorized to cities may establish and operate joint collection and~~  
44 ~~disposal facilities, or either of these, upon such terms as the governing bodies may determine.~~

1 facilities. ~~Such~~ A joint agreement shall be in writing and executed by the governing  
2 ~~body~~ bodies of the participating units of local government.

3 (b) ~~The board of commissioners of each county is hereby authorized to levy taxes~~  
4 ~~for the special purpose of carrying out the authority conferred by this section, in~~  
5 ~~addition to the rate of tax allowed by the Constitution for general purposes, and the~~  
6 ~~General Assembly hereby gives its special approval for such tax levies.~~ The board of  
7 county commissioners may impose a fee for the collection of solid waste. The fee may  
8 not exceed the costs of collection.

9 The board of county commissioners may impose a fee for the use of a disposal  
10 facility provided by the county. The fee for use may not exceed the cost of operating  
11 the facility and may be imposed only on those who use the facility. A county may not  
12 impose a fee for the use of a disposal facility on a city located in the county or a  
13 contractor or resident of the city unless the fee is based on a schedule that applies  
14 uniformly throughout the county.

15 The board of county commissioners may impose a fee for the availability of a  
16 disposal facility provided by the county. A fee for availability may not exceed the cost  
17 of providing the facility and may be imposed on all improved property in the county  
18 that benefits from the availability of the facility. A county may not impose an  
19 availability fee on property whose solid waste is collected by a county, a city, or a  
20 private contractor for a fee if the fee imposed by a county, a city, or a private contractor  
21 for the collection of solid waste includes a charge for the availability and use of a  
22 disposal facility provided by the county. Property served by a private contractor who  
23 disposes of solid waste collected from the property in a disposal facility provided by a  
24 private contractor is not considered to benefit from a disposal facility provided by the  
25 county and is not subject to a fee imposed by the county for the availability of a disposal  
26 facility provided by the county.

27 In determining the costs of providing and operating a disposal facility, a county may  
28 consider solid waste management costs incidental to a county's handling and disposal of  
29 solid waste at its disposal facility. A fee for the availability or use of a disposal facility  
30 may be based on the combined costs of the different disposal facilities provided by the  
31 county.

32 (c) ~~The board of county commissioners may use any~~ suitable vacant land owned  
33 by the ~~county, and~~ county for the site of a disposal facility, subject to the permit  
34 requirements of Article 9 of Chapter 130A of the General Statutes. ~~If the county does~~  
35 ~~not own suitable vacant land for a disposal facility, it may acquire~~ suitable land by  
36 ~~purchase or condemnation~~ suitable land for the disposal sites, and in the event condemnation  
37 ~~of said lands is necessary, the procedure used shall be that set forth in Chapter 40A of the North~~  
38 ~~Carolina General Statutes.~~ condemnation. The board may erect a gate across a highway  
39 that leads directly to a disposal facility operated by the county. The gate may be erected  
40 at or in close proximity to the boundary of the disposal facility. The county shall pay  
41 the cost 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. 5. G.S. 153A-293 reads as rewritten:

14 **"§ 153A-293. Collection of fees in certain counties.**

15 (a) A county may provide that any fee imposed under G.S. 153A-292 may be  
16 billed with the ad valorem taxes, may be payable in the same manner as ad valorem  
17 taxes, and, in the case of nonpayment, may result in the imposition of a lien on the  
18 property owner's real property in the same manner as ad valorem taxes.

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

22 Sec. 6. Part 3 of Article 15 of Chapter 153A of the General Statutes is  
23 amended by adding a new section to read:

24 **"§ 153A-294. Collection of fees in certain other counties for solid waste disposal**  
25 **facilities and solid waste collection services.**

26 A county may adopt an ordinance providing that any fee imposed under G.S. 153A-  
27 292 may be billed with property taxes, may be payable in the same manner as property  
28 taxes, and, in the case of nonpayment, may be collected in any manner by which  
29 delinquent personal or real property taxes can be collected. If an ordinance states that  
30 delinquent fees can be collected in the same manner as delinquent real property taxes,  
31 the fees are a lien on the real property described on the bill that includes the fee."

32 Sec. 7. Section 3 of this act applies to the City of Statesville only.

33 Sec. 8. Section 5 of this act applies to Gaston and Cleveland Counties only.

34 Sec. 9. Sections 4 and 6 of this act apply to Cleveland, Gaston, Iredell,  
35 Lincoln, and Rutherford Counties only.

36 Sec. 10. This act is effective upon ratification.