

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1159

Environment and Natural Resources Committee Substitute Adopted 6/15/92

Environment and Natural Resources Committee Substitute #2 Adopted 6/29/92

Short Title: Local Govt. Solid Waste Contracts.

(Public)

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Sponsors:

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Referred to:

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June 3, 1992

A BILL TO BE ENTITLED

1 AN ACT TO REPEAL THE REQUIREMENT THAT LONG-TERM CONTRACTS  
2 ENTERED INTO BY LOCAL GOVERNMENTS FOR THE COLLECTION OR  
3 DISPOSAL OF NONHAZARDOUS SOLID WASTE MUST BE APPROVED BY  
4 THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL  
5 RESOURCES, TO ESTABLISH A UNIFORM MAXIMUM DURATION OF  
6 SUCH CONTRACTS, AND TO ALLOW ALL LOCAL GOVERNMENTS TO  
7 ENTER INTO SUCH CONTRACTS.  
8

9 The General Assembly of North Carolina enacts:

10 Section 1. G.S. 153A-136 reads as rewritten:

11 "**§ 153A-136. Regulation of solid wastes.**

12 (a) A county may by ordinance regulate the storage, collection, transportation,  
13 use, disposal, and other disposition of solid wastes. Such an ordinance may:

14 (1) Regulate the activities of persons, firms, and corporations, both public  
15 and private.

16 (2) Require each person wishing to commercially collect or dispose of  
17 solid wastes to secure a license from the county and prohibit any  
18 person from commercially collecting or disposing of solid wastes  
19 without a license. A fee may be charged for a license.

20 (3) Grant a franchise to one or more persons for the exclusive right to  
21 commercially collect or dispose of solid wastes within all or a defined  
22 portion of the county and prohibit any other person from commercially

1 collecting or disposing of solid wastes in that area. The board of  
2 commissioners may set the terms of any franchise, except that no  
3 franchise may be granted for a period exceeding ~~seven~~30 years, nor  
4 may any franchise by its terms impair the authority of the board of  
5 commissioners to regulate fees as authorized by this section.

6 (4) Regulate the fees, if any, that may be charged by licensed or  
7 franchised persons for collecting or disposing of solid wastes.

8 (5) Require the source separation of materials from solid waste prior to  
9 collection of the solid waste for disposal.

10 (6) Require participation in a recycling program which has been approved  
11 by the board of commissioners.

12 (7) Include any other proper matter.

13 (b) Any ordinance adopted pursuant to this section shall be consistent with and  
14 supplementary to any rules adopted by the Commission for Health Services or the  
15 Department of Environment, Health, and Natural Resources.

16 (c) A contract for the collection or disposal of solid waste shall be consistent  
17 with the provisions of Article 9 of Chapter 130A of the General Statutes and with rules  
18 adopted by the Commission for Health Services. Any provision of a contract that is  
19 inconsistent with federal or State law, regulation, or rule relating to the management of  
20 solid waste is void.

21 (d) As used in this section, 'solid waste' means nonhazardous solid waste, that is,  
22 solid waste as defined in G.S. 130A-290 but not including hazardous waste."

23 Sec. 2. G.S. 160A-319 reads as rewritten:

24 "**§ 160A-319. Utility franchises.**

25 (a) A city shall have authority to grant upon reasonable terms franchises for the  
26 operation within the city of any of the enterprises listed in G.S. 160A-311 and for the  
27 operation of telephone systems. No franchise shall be granted for a period of more than  
28 60 years, except that a franchise for solid waste collection or disposal systems and  
29 facilities shall not be granted for a period of more than 30 years and cable television  
30 franchises shall not be granted for a period of more than 20 years. Except as otherwise  
31 provided by law, when a city operates an enterprise, or upon granting a franchise, a city  
32 may by ordinance make it unlawful to operate an enterprise without a franchise.

33 (b) For the purposes of this section, 'cable television system' means any system  
34 or facility that, by means of a master antenna and wires or cables, or by wires or cables  
35 alone, receives, amplifies, modifies, transmits, or distributes any television, radio, or  
36 electronic signal, audio or video or both, to subscribing members of the public for  
37 compensation. 'Cable television system' does not include providing master antenna  
38 services only to property owned or leased by the same person, firm, or corporation, nor  
39 communication services rendered to a cable television system by a public utility that is  
40 regulated by the North Carolina Utilities Commission or the Federal Communications  
41 Commission in providing those services."

42 Sec. 3. Part 1 of Article 16 of Chapter 160A of the General Statutes is  
43 amended by adding a new section to read:

44 "**§ 160A-325. Solid waste collection and disposal contracts.**

1 (a) As used in this Part, 'solid waste' means nonhazardous solid waste, that is,  
2 solid waste as defined in G.S. 130A-290 but not including hazardous waste.

3 (b) A contract for the collection or disposal of solid waste shall be consistent  
4 with the provisions of Article 9 of Chapter 130A of the General Statutes and with rules  
5 adopted by the Commission for Health Services. Any provision of a contract that is  
6 inconsistent with federal or State law, regulation, or rule relating to the management of  
7 solid waste is void."

8 Sec. 4. Part 3 of Article 15 of Chapter 153A of the General Statutes is  
9 amended by adding a new section to read:

10 "**§ 153A-294. Solid waste defined.**

11 As used in this Article, 'solid waste' means nonhazardous solid waste, that is, solid  
12 waste as defined in G.S. 130A-290 but not including hazardous waste."

13 Sec. 5. Part 4 of Article 15 of Chapter 153A, as amended by Chapters 763,  
14 773, and 775 of the 1991 Session Laws (1992 Regular Session), is repealed.

15 Sec. 6. Any contract for solid waste collection or disposal entered into by any  
16 county, city, or town that would have been lawful if this act had been in effect at the  
17 time the contract was entered into is validated. The provisions of this act that limit a  
18 contract or franchise for the collection and disposal of solid waste to a period of not  
19 more than 30 years shall not be construed to invalidate any contract or franchise for a  
20 longer period up to 60 years that was entered into by any county, city, or town prior to  
21 the date this act is effective.

22 Sec. 7. This act is effective upon ratification.