

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 86
Committee Substitute Favorable 6/12/91

Short Title: Solid Waste Fees.

(Public)

Sponsors:

Referred to:

February 18, 1991

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CITIES AND 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.

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 of solid waste upon any municipality located in that county or upon any contractor or resident of any such municipality unless such disposal fee is based on a schedule which applies

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

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

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

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

37 (e) ~~The board of commissioners of each county is authorized to levy taxes for the~~
38 ~~special purpose of carrying out the authority conferred by this section, in addition to the~~
39 ~~rate of tax allowed by the Constitution for general purposes, and the General Assembly~~
40 ~~hereby gives its special approval for such tax levies. The board of commissioners is~~
41 ~~authorized to make appropriations from these tax funds, and from nonrevenue funds~~
42 ~~which may be available. Provided that the county board of commissioners may~~
43 ~~authorize the erection of a gate across a State or county maintained highway leading~~
44 ~~directly to a sanitary landfill or garbage disposal site which is operated by the county.~~
45 ~~The gate may be erected at or in close proximity to the boundary of the landfill or~~

1 garbage disposal site. The cost of the erection of the gate and its maintenance is to be
2 borne by the county, and the gate shall be closed upon authority of the county
3 commissioners."

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

5 "**§ 153A-293. Collection of fees in certain counties for solid waste disposal facilities**
6 **and solid waste collection services.**

7 (a) A county may ~~provide that~~ adopt an ordinance providing that any fee imposed
8 under G.S. 153A-292 may be billed with the ~~ad valorem property taxes~~, may be payable
9 in the same manner as ~~ad valorem property taxes~~, and, in the case of nonpayment, may
10 result in the imposition of a lien on the property owner's real property in the same manner as ~~ad~~
11 ~~valorem taxes~~. be collected in any manner by which delinquent personal or real property
12 taxes can be collected. If an ordinance states that delinquent fees can be collected in the
13 same manner as delinquent real property taxes, the fees are a lien on the real property
14 described on the bill that includes the fee.

15 (b) ~~This section applies to Alleghany, Anson, Ashe, Burke, Caswell, Cleveland,~~
16 ~~Duplin, Gaston, Lee, Lenoir, Montgomery, Polk, Richmond, Robeson, Transylvania,~~
17 ~~Washington, Watauga, and Wayne Counties only. Notwithstanding subsection (a), the~~
18 only collection remedy for delinquent taxes that Sampson County may use is the
19 foreclosure of a lien on the real property described on the bill that includes the fee. It
20 cannot use any of the other collection remedies by which delinquent property taxes may
21 be collected."

22 Sec. 3. G.S. 160A-314(c) reads as rewritten:

23 "(c) Except as provided in subsection ~~(d)~~, (d) and G.S. 160A-314.1, rents, rates,
24 fees, charges, and penalties for enterprisory services shall be legal obligations of the
25 person contracting for them, and shall in no case be a lien upon the property or premises
26 served."

27 Sec. 4. Chapter 160A of the General Statutes is amended by adding a new
28 section to read:

29 "**§ 160A-314.1. Availability fees for solid waste disposal facilities; collection of any**
30 **solid waste fees.**

31 (a) In addition to a fee a city may impose for collecting solid waste or using a
32 disposal facility, a city may impose a fee for the availability of a disposal facility. A fee
33 for availability may not exceed the cost of providing the facility and may be imposed on
34 all property in the city that benefits from the availability of the facility.

35 (b) A city may adopt an ordinance providing that any fee imposed under
36 subsection (a) or under G.S. 160A-314 for collecting or disposing of solid waste may be
37 billed with property taxes, may be payable in the same manner as property taxes, and, in
38 the case of nonpayment, may be collected in any manner by which delinquent personal
39 or real property taxes can be collected. If an ordinance states that delinquent fees can be
40 collected in the same manner as delinquent real property taxes, the fees are a lien on the
41 real property described on the bill that includes the fee.

42 (c) Notwithstanding subsection (b), if a city is located in a county listed in G.S.
43 153A-293(b), the only collection remedy for delinquent taxes that the city may use is
44 the foreclosure of a lien on the real property described on the bill that includes the solid

1 waste fee. It cannot use any of the other collection remedies by which delinquent
2 property taxes may be collected."

3 Sec. 5. Chapters 591, 905, 938, 940, 974, 1007, and 1017 of the 1989
4 Session Laws are repealed. An ordinance adopted under a local act that is repealed by
5 this act is considered to have been adopted under G.S. 153A-293, as amended by this
6 act.

7 Sec. 6. This act is effective upon ratification.