

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 53*

Local Government and Regional Affairs Committee Substitute Adopted 4/1/93

Short Title: Local Ordinances That Require Recycling.

(Public)

Sponsors:

Referred to:

February 9, 1993

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY THAT A COUNTY OR CITY HAS TO REQUIRE PARTICIPATION IN A RECYCLING PROGRAM.

The General Assembly of North Carolina enacts:

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

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

- (1) Regulate the activities of persons, firms, and corporations, both public and private.
- (2) Require each person wishing to commercially collect or dispose of solid wastes to secure a license from the county and prohibit any person from commercially collecting or disposing of solid wastes without a license. A fee may be charged for a license.
- (3) Grant a franchise to one or more persons for the exclusive right to commercially collect or dispose of solid wastes within all or a defined portion of the county and prohibit any other person from commercially collecting or disposing of solid wastes in that area. The board of commissioners may set the terms of any franchise, except that no franchise may be granted for a period exceeding seven years, nor may any franchise by its terms impair the authority of the board of commissioners to regulate fees as authorized by this section.
- (4) Regulate the fees, if any, that may be charged by licensed or franchised persons for collecting or disposing of solid wastes.

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1 (5) Require the source separation of materials ~~from solid waste~~ prior to
2 collection of ~~the~~ solid waste for disposal.

3 (6) Require participation in a recycling program ~~which has been approved~~
4 ~~by the board of commissioners.~~ by requiring separation of designated
5 materials by the owner or occupant of the property prior to disposal.
6 An owner of recovered materials as defined by G.S. 130A-290(a)(24)
7 retains ownership of the recovered materials until the owner conveys,
8 sells, donates, or otherwise transfers the recovered materials to a
9 person, firm, company, corporation, or unit of local government. A
10 county may not require an owner to convey, sell, donate, or otherwise
11 transfer recovered materials to the county or its designee. If an owner
12 places recovered materials in receptacles or delivers recovered
13 materials to specific locations, receptacles, and facilities that are
14 owned or operated by the county or its designee, then ownership of
15 these materials is transferred to the county or its designee.

16 (7) Include any other proper matter."

17 Sec. 2. G.S. 160A-317(b) reads as rewritten:

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

20 (1) Place solid waste in specified places or receptacles for the convenience
21 of city collection and disposal.

22 (2) Separate materials ~~from solid waste~~ before the solid waste is collected.

23 (3) Participate in a recycling program ~~approved by the Council.~~ by requiring
24 separation of designated materials by the owner or occupant of the
25 property prior to disposal. An owner of recovered materials as defined
26 by G.S. 130A-290(a)(24) retains ownership of the recovered materials
27 until the owner conveys, sells, donates, or otherwise transfers the
28 recovered materials to a person, firm, company, corporation, or unit of
29 local government. A city may not require an owner to convey, sell,
30 donate, or otherwise transfer recovered materials to the city or its
31 designee. If an owner places recovered materials in receptacles or
32 delivers recovered materials to specific locations, receptacles, and
33 facilities that are owned or operated by the city or its designee, then
34 ownership of these materials is transferred to the city or its designee.

35 (4) Participate in any solid waste collection service provided by the city or
36 by a person who has a contract with the city if the owner or occupant
37 of the property has not otherwise contracted for the collection of solid
38 waste from the property.

39 (c) A city may impose a fee for the solid waste collection service provided under
40 subdivision ~~(4)~~ (4) of subsection (b) of this section. The fee may not exceed the costs
41 of collection."

42 Sec. 3. This act is effective upon ratification and does not apply to any
43 contracts in existence at that time or to any extensions or renewals thereof.