

GENERAL ASSEMBLY OF NORTH CAROLINA

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SENATE BILL 1159

Environment and Natural Resources Committee Substitute Adopted 6/15/92
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Short Title: Local Govt. Solid Waste Contracts.

(Public)

Sponsors:

Referred to:

June 3, 1992

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

§ 153A-136. Regulation of solid wastes.

(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

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

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

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

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

13 (7) Include any other proper matter.

14 (b) Any ordinance adopted pursuant to this section shall be consistent with and
15 supplementary to Article 9 of Chapter 130A of the General Statutes and any rules
16 adopted by the Commission for Health Services or the Department of Environment,
17 Health, and Natural Resources. ~~Resources that apply specifically to the ordinance.~~

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

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

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

26 "**§ 160A-319. Utility franchises.**

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

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

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

3 **"§ 160A-325. Solid waste collection and disposal contracts.**

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

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

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

13 **"§ 153A-294. Solid waste defined.**

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

16 Sec. 5. Part 4 of Article 15 of Chapter 153A, as amended by Chapters 763,
17 773, and 775 of the 1991 Session Laws (1992 Regular Session), is repealed.

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

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