

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H.B. 1208
May 30, 2012
HOUSE PRINCIPAL CLERK

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HOUSE DRH90240-LBx-450A (05/09)

Short Title: Rockingham Landfill Fee Use. (Local)

Sponsors: Representatives Jones and Holloway (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ROCKINGHAM COUNTY TO USE FEES FOR THE USE OF
DISPOSAL FACILITIES PROVIDED BY THE COUNTY FOR PUBLIC SCHOOL AND
OTHER COUNTY PURPOSES BY LEVYING A SURCHARGE ON THE FEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-292(b) reads as rewritten:

"(b) The board of county commissioners may impose a fee for the collection of solid waste. The fee may not exceed the costs of collection.

The board of county commissioners may impose a fee for the use of a disposal facility provided by the county. The fee for use may not exceed the cost of operating the facility and may be imposed only on those who use the ~~facility.~~ facility, unless the county by ordinance levies a surcharge on the fee which may be used for public school purposes or any other purpose the county may appropriate funds for. The fee for use may vary based on the amount, characteristics, and form of recyclable materials present in solid waste brought to the facility for disposal. A county may not impose a fee for the use of a disposal facility on a city located in the county or a contractor or resident of the city unless the fee is based on a schedule that applies uniformly throughout the county.

The board of county commissioners may impose a fee for the availability of a disposal facility provided by the county. A fee for availability may not exceed the cost of providing the facility and may be imposed on all improved property in the county that benefits from the availability of the facility. A county may not impose an availability fee on property whose solid waste is collected by a county, a city, or a private contractor for a fee if the fee imposed by a county, a city, or a private contractor for the collection of solid waste includes a charge for the availability and use of a disposal facility provided by the county. Property served by a private contractor who disposes of solid waste collected from the property in a disposal facility provided by a private contractor that provides the same services as those provided by the county disposal facility is not considered to benefit from a disposal facility provided by the county and is not subject to a fee imposed by the county for the availability of a disposal facility provided by the county. To the extent that the services provided by the county disposal facility differ from the services provided by the disposal facility provided by a private contractor in the same county, the county may charge an availability fee to cover the costs of the additional services provided by the county disposal facility.

In determining the costs of providing and operating a disposal facility, a county may consider solid waste management costs incidental to a county's handling and disposal of solid waste at its disposal facility, including the costs of the methods of solid waste management



1 specified in G.S. 130A-309.04(a) of the Solid Waste Management Act of 1989. A fee for the
2 availability or use of a disposal facility may be based on the combined costs of the different
3 disposal facilities provided by the county."

4 **SECTION 2.** This act applies to Rockingham County only.

5 **SECTION 3.** This act is effective when it becomes law.