

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 549

Short Title: Counties May Require Solid Waste Services. (Public)

Sponsors: Representatives Iler and Hill (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

March 31, 2011

1 A BILL TO BE ENTITLED
2 AN ACT ALLOWING COUNTIES TO REQUIRE THE USE OF SOLID WASTE AND
3 RECYCLING COLLECTION SERVICES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 16 of Chapter 153A of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 153A-292.1. Power to require the use of solid waste collection services.**

8 (a) A county may by ordinance require an owner of improved real property to do any of
9 the following:

10 (1) Place solid waste in specified places or receptacles for the convenience of
11 county collection and disposal.

12 (2) Separate materials before the solid waste is collected.

13 (3) Participate in a recycling program by requiring separation of designated
14 materials by the owner or occupant of the property prior to disposal. An
15 owner of recovered materials, as defined by G.S. 130A-290(a)(24), retains
16 ownership of the recovered materials until the owner conveys, sells, donates,
17 or otherwise transfers the recovered materials to a person, firm, company,
18 corporation, or unit of local government. A county may not require an owner
19 to convey, sell, donate, or otherwise transfer recovered materials to the
20 county or its designee. If an owner places recovered materials in receptacles
21 or delivers recovered materials to specific locations, receptacles, and
22 facilities that are owned or operated by the county or its designee, then
23 ownership of these materials is transferred to the county or its designee.

24 (4) Participate in any solid waste collection service provided by the county or by
25 a person who has a contract with the county if the owner or occupant of the
26 property has not otherwise contracted for the collection of solid waste from
27 the property.

28 (b) A county may impose a fee for the solid waste collection service provided in
29 accordance with subdivision (4) of subsection (a) of this section. The fee may not exceed the
30 costs of collection."

31 **SECTION 2.** This act is effective when it becomes law.

