

ORDINANCE
FOR
AVAILABILITY AND USE FEES FOR SOLID WASTE
DISPOSAL FACILITIES
HARNETT COUNTY, NORTH CAROLINA

FILED 298-
BOOK 975 PAGE 302
'92 AUG 7 PM 2 23

WHEREAS, the need to protect the environment has led to new Federal and State solid waste management regulations and

GAYLE P. HOLDER
CLERK OF DEEDS
HARNETT COUNTY, NC

WHEREAS, the North Carolina Solid Waste Management Act mandates that all counties in North Carolina develop a comprehensive plan for the management of solid waste, and

WHEREAS, the North Carolina Solid Waste Management Act mandates that new sanitary landfills meet all Environmental Protection Agency, Subtitle D, sanitary landfill regulations, and

WHEREAS, the North Carolina Solid Waste Management Act requires counties to provide alternative solid waste disposal facilities for items which can be diverted from sanitary landfills, and

WHEREAS, Harnett County currently owns and operates a solid waste disposal facility which will include new lined sanitary landfill cells, a demolition cell, an asbestos cell, and a tire monofill cell, and

WHEREAS, Harnett County has a need to impose and collect fees for the availability and use of all County-owned disposal facilities, and

WHEREAS, N.C.G.S. § 153A-292 and § 153A-293, provide that such fees may become a lien on the improved property of the taxpayer, much the same way as ad valorem taxes are a lien, provided an Ordinance is adopted by the Board of Commissioners complying with the provisions of the aforesaid Statutes.

NOW, THEREFORE, the Harnett County Board of Commissioners adopts the following Ordinance:

BE IT ORDAINED THAT:

Section 1. Purpose and Intent

The provisions of this Ordinance are such as to impose fees for the availability and use of a disposal facility provided by the County of Harnett. Availability fees imposed hereunder shall not exceed the cost of providing the facility and shall be imposed on all improved property in the County that benefits from the availability of the

facility. Fees for use of the facility shall not exceed the cost of operating the facility and may be imposed only on those who use the facility.

Section 2. Authority

This Ordinance is adopted under the authority of N.C.G.S. § 153A-292 and § 153A-293.

Section 3. Applicability

This Ordinance is applicable to all owners of improved property in the County that benefit from the availability of the facility and commercial, municipal, and industrial users of the facility, subject to the provisions of N.C.G.S. § 153A-292(b).

Section 4. Fees

Except as otherwise herein provided, the following fees shall be imposed:

- A. A fee of \$37.50 per unit, for the 1992-1993 fiscal year, shall be imposed on the improved property of each owner (as of July 1 of the fiscal year for which the fee is collected) within Harnett County that benefits from the availability of the facility, and thereafter said fee per unit, per year will be established annually by the Harnett County Board of Commissioners in the annual Budget Ordinance. For the purposes of this Ordinance, unit means a potential generator of solid waste and shall include, but not be limited to, each individual residence, mobile home, apartment unit, condominium unit, commercial enterprise, manufacturer, industrial plant, utility, church, school, hospital, rest home facility and non-profit institution. This fee shall be applied separately for each individual business, store, or other entity within a commercial enterprise.
- B. Effective July 1, for fiscal year 1992-1993, a fee of \$25.00 per ton, shall be imposed on all solid waste deposited by commercial, municipal and industrial entities which use the facility, and thereafter, said fee per ton shall be established by the Harnett County Board of Commissioners in the annual Budget Ordinance; provided, however, said fee shall not apply to solid waste deposited by commercial and municipal haulers which is collected from residential customers within Harnett County.

C. Effective July 1, for fiscal year 1992-1993, a fee of \$25.00 per ton shall be collected from individuals, commercial, municipal, and industrial haulers that deposit stumps, limbs, leaves, concrete, brick, wood, construction debris, and uncontaminated earth in the demolition landfill. Thereafter, said fee per ton, shall be established by the Harnett County Board of Commissioners in the annual Budget Ordinance. There will be no charge for yard waste delivered separated in the following categories:

- (1) Leaves and grass clippings only.
- (2) Limbs under 6 inches in diameter and 6 feet or less in length.
- (3) Wood products - clean and in natural state (without paint, etc, and 6 feet or less in length.)

D. Effective July 20, for fiscal year 1992-1993, fees for tire disposal, as set forth below, shall be collected from individuals, and commercial, municipal, and industrial haulers in accordance with Senate Bill 111, Chapter 784. Such fees shall supersede any tire disposal fees adopted or established prior to July 20, 1992. Thereafter, said fees shall be established by the Harnett County Board of Commissioners in the annual Budget Ordinance.

\$.50 each	Car and light truck - up to 16.5
\$1.25 each	Medium and large truck - over 16.5
\$2.50 each	Farm tractor tires
\$3.75 each	Construction, heavy equipment type
\$.50 per/20 #	Tire pieces (cut, shredded, etc.)

Section 5. Collection and Enforcement

A. Improved Real Property: The fee imposed by the Ordinance upon owners of all improved property who benefit from the availability of the facility shall be billed with property taxes pursuant to N.C.G.S. § 153A-293 and shall be payable in the same manner as property taxes; provided, however, that in the event of nonpayment, said fee shall be collected in any manner in which delinquent personal or real property taxes can be collected and that until paid, the fees imposed shall constitute a lien on the real property described on the bill that includes the fee. In conjunction with, and in the same manner as used for billing owners for property taxes, the Harnett County Tax Administrator shall bill owners who are not otherwise subject to taxation for the availability fees imposed by this Ordinance.

- B. Commercial, Municipal, and Industrial Users: As a condition for the disposition of solid waste of all kinds by commercial, municipal, and industrial users at the facility, the users of said facilities shall run an account approved by the Finance Officer of Harnett County, which account shall be payable in full on a monthly basis. In the event of nonpayment of the monthly account, the privilege of the use of the facility may be suspended. Until the account is fully paid, the suspension, as herein provided, may remain in full force and effect.

Section 6. Residential Solid Waste Sticker

The owners of improved property shall be supplied by Harnett County with one sticker per unit, which shall be displayed above the state inspection sticker on the windshield of the vehicle being used for disposal purposes. This will allow each resident to dispose of household garbage at any county solid waste convenience center or landfill.

Section 7. Effective Date:

This Ordinance shall be effective as of July 1, 1992.

Adopted this 3rd day of August, 1992.



HARNETT COUNTY BOARD OF COMMISSIONERS


Lloyd G. Stewart, Chairman


Vanessa W. Young
Clerk to the Board

NORTH CAROLINA

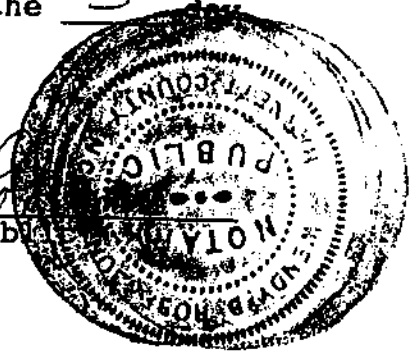
HARNETT COUNTY

On this 3 day of August, 1992,
personally appeared before me, a Notary Public in and for
said State and County, Lloyd G. Stewart, who, being by me
duly sworn, says that he is Chairman of the Board of
Commissioners of Harnett County, and that Vanessa W. Young

is the Clerk of said Board, that the seal affixed to the foregoing and attested instrument is the seal of Harnett County, North Carolina, and that said instrument was signed by him as Chairman of the Board of Commissioners of said County and by the Clerk of said Board, who affixed the official seal of Harnett County to said instrument; and that the said Lloyd G. Stewart, Chairman of the Board of Commissioners, acknowledged said instrument to be the act and deed of Harnett County, North Carolina.

Witness my hand and notarial seal, this the 3 of August, 1992.

Wendy B. Robinson
Notary Public



My Commission Expires: 10-04-94

(N.P. Seal)

North Carolina — Harnett County
The foregoing certificate(s) of Wendy B. Robinson, notary of Harnett Co.
Notary Public (Notaries Public) is/are certified to be correct. This instrument was presented for registration

and recorded in this office at Book 975 page 298-302

This 1st day of August, 1992 at

2:23 o'clock P. M.

Gail P. Holderby: Judi C. Smith
Register of Deeds — Asst. Deputy