

JACKSON COUNTY
LANDFILL FEE ORDINANCE

ARTICLE I

The purpose of this Ordinance is to provide for the method of assessment and collection of solid waste user fees and solid waste availability fees in the County of Jackson, State of North Carolina.

BE IT ORDAINED by the Board of Commissioners of the County of Jackson, State of North Carolina.

Short Title: This Ordinance shall be known as the *Jackson County Landfill Fee Ordinance*.

ARTICLE II

JACKSON COUNTY SOLID WASTE USER,
AVAILABILITY AND RECYCLING FEES

Section 1-1. Purpose

In the public interest and for the promotion of the public health, safety, welfare, and convenience of its citizens and pursuant to statutory authority contained in The Solid Waste Management Act of 1989, as amended, and in N.C.G.S. 130A-309.08(d), N.C.G.S. 130A-309.09A, N.C.G.S. 153A-277, N.C.G.S. 153A-292, and N.C.G.S. 153A-293, and other applicable laws, the following laws, the following rules are adopted, which rules set forth the amounts of solid waste user fees, the amounts of solid waste availability fees, the manner of assessment thereof, and the manner of collection thereof, within the County of Jackson; all of said fees being assessed and utilized for the purpose of recovering all or a part of the cost of disposal of solid waste in Jackson County.

Section 1-2. Establishment of Fees.

There is hereby imposed a landfill user fee which shall not exceed the cost of operating landfill facilities in Jackson County and a landfill availability fee which shall not exceed the cost of providing the landfill facilities, such fees to be used to recover all or a portion of the cost of locating, acquiring and preparing sites, and the cost of operating, maintaining and closing of sufficient facilities to provide for the solid waste sorting, reduction and disposal in the County of Jackson, State of North Carolina. These fees shall be imposed Countywide upon persons who use the landfill facilities and upon all improved property in Jackson County that benefits from the availability of the facility, whether in side or outside incorporated areas within the County, which said fees shall be applied uniformly throughout the County.

Section 1-3. Amount of Fees.

The amount of the landfill use fee and the amount of the landfill availability to be charged, shall be established from time to time by the Jackson County Board of Commissioners, in accordance with the provisions of N.C.G.S. 130A-309.08, N.C.G.S. 153A-277(a) and the provisions of N.C.G.S. 153A-292(b). The initial fees appear on the fee schedules attached to this Ordinance as Attachments 1, 2 and 3. The fees as so established may be changed from time to time by Resolutions adopted by the Jackson County Board of Commissioners, which changes shall be amendments to this Ordinance.

Section 1-4. Use of Fees.

The total revenue derived from the landfill use fees shall be utilized to defray the cost of operating the landfill facilities for Jackson County. The total revenue derived from the landfill availability fees shall be utilized to defray the cost of providing the landfill facilities for Jackson County, including the cost of closing old solid waste disposal sites, the locating, acquiring and preparing of sites, and the cost of opening new solid waste disposal sites, and the maintenance of all solid waste disposal sites. A separate budget category shall be established to reflect the assessment, collection and disbursement of solid waste user and solid waste availability fees.

Section 1-5. Properties Upon Which Fees Shall be Assessed.

A. A landfill availability fee hereinabove imposed shall be assessed, in the amounts set forth in the schedule hereto attached, upon the owners of the following properties:

- (i) All residential dwelling units, including but not limited to, houses, apartments, duplexes, townhouses, condominiums, and mobile homes located within Jackson County.
- (ii) All improved business sites within Jackson County.
- (iii) The owners of all other improved properties within the County of Jackson.

B. The landfill use fees hereinabove imposed shall be assessed, in the amounts set forth in the schedule hereto attached, upon all users of the Jackson County Solid Waste Disposal facilities.

Section 1-6. Supplemental Assessments and Exemptions.

A. The Jackson County Board of Commissioners may from time to time establish supplemental solid waste tipping fees on selected large industrial waste producers and on commercial solid waste haulers and on any properties, the use of which produce large amounts of solid waste.

B. The Jackson County Board of Commissioners may, from time to time, establish categories of exemptions from the fees imposed by this Ordinance. The initial categories of exemptions appear on the schedule of exemptions attached to this Ordinance. The exemptions as so established may be amended from time to time by action of the Jackson County Board of Commissioners, which changes shall be amendments to this Ordinance.

Section 1-7. Method of Billing and Collection of Solid Waste Fees.


A. The annual landfill availability fees hereinabove imposed shall be added, as a separate identified charge, on the ad valorem property tax statements produced with respect to those Jackson County taxpayers who are owners of property improved with residential units or businesses or other improved properties, the use of which produce solid waste, so that they will be billed with the property taxes and shall be payable in the same manner as property taxes, and in the case of non-payment, may be collected in any manner by which delinquent personal or real property taxes can be collected. Such fee shall constitute a lien on the real property described on the bill that includes the fee and in the event of non-payment, there shall be included as an additional charge, interest, costs of collection including attorney fees and other costs as provided by N.C.G.S. 105-374.

B. The amount of the solid waste use (tipping) fees shall be determined at the landfill site through a measurement system using either weight or volume, depending on the type of solid waste being disposed of. The solid waste use (tipping) fees so determined shall be either collected at the site or invoiced to the user monthly by Jackson and/or Macon County.

Section 1-8. Appeals Procedure.

A Landfill Review Committee will be established to hear any appeal regarding fee assessment. The committee shall consist of three members appointed by the Jackson County Board of Commissioners. The Landfill Review Committee shall meet on the third Monday of each month. The Landfill Review Committee shall make recommendations to the Jackson County Board of Commissioners for final approval.

THIS ORDINANCE ADOPTED on the 23rd day of June, 2000, with the fees set forth in the attachments hereto.



Jay A. Denton, Chairman
Board of Commissioners

ATTEST:


Darlene Fox
Clerk to the Board

003760

ATTACHMENT 1

ANNUAL LANDFILL AVAILABILITY FEES
JACKSON COUNTY, NORTH CAROLINA

CATEGORY 1	Each residential dwelling unit, including, but not limited to, houses, cabins, apartments, duplexes, townhouses, condominiums, and mobile homes within Jackson County.	Amount of Fee: \$ 60.00 per unit
CATEGORY 2	Residential dwelling units with short term rental units contained within	Amount of Fee: \$ 60.00 per unit plus \$ 4.00 per rental room
CATEGORY 3	Business sites	Amount of Fee: \$60.00 per site
CATEGORY 4	Motels, hotels, bed and breakfast, and inns who are presently required to pay the occupancy tax imposed by Jackson County	Amount of Fee: \$ 4.00 per room
CATEGORY 5	Campgrounds (a) Temporary RV Site (b) Full-time RV Site (c) Other Campsites	Amount of Fee: \$ 4.00 per campsite \$ 60.00 per unit \$ 4.00 per campsite
CATEGORY 6	Hospitals, nursing homes and residential schools	Amount of Fee: \$ 4.00 per bed

ATTACHMENT 2LANDFILL USE (TIPPING) FEES
JACKSON COUNTY, NORTH CAROLINA

CATEGORY 1	Yard Waste	Amount of Fee: \$ 20.00 per ton Delivered to a Jackson County Landfill for disposal
CATEGORY 2	Concrete and Brick	Amount of Fee: \$ 45.00 per ton Delivered to a Jackson County Landfill for disposal
CATEGORY 3	C & D Landfill	Amount of Fee: \$ 45.00 per ton Delivered to a Jackson County Landfill for disposal
CATEGORY 4	All other waste	Amount of Fee: \$ 50.00 per ton of solid waste delivered to a Macon County landfill for disposal

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ATTACHMENT 3

LANDFILL FEE EXEMPTIONS
JACKSON COUNTY, NORTH CAROLINA

CATEGORY 1	There will be no availability fee charged against: (a) Commercial properties located within the city limits of the Town of Sylva (b) Age 65 or disability exemption as determined by the Tax Assessment Office.
CATEGORY 2	White Goods as defined by G.S. 130A-291(a)(44) are exempt pursuant to State Statute.
CATEGORY 3	So as to conserve administrative costs, no statement shall be mailed for any fee hereby imposed in an amount of \$5.00 or less, and each such fee is hereby remitted.
CATEGORY 4	Vehicles and tires are exempt pursuant to State Statute.
CATEGORY 5	Solid Waste collected and disposed of through another agency or entity because of geographic location as determined by the Tax Assessment Office.