

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: First Reading: October 10, 2016
Second Reading: October 24, 2016

AGENDA ITEM NUMBER: 14
7

Second Reading on
SUBJECT: ORDINANCE AMENDING SECTIONS OF CHAPTER 19, ARTICLE III OF THE FORSYTH COUNTY CODE, ENTITLED, "FRANCHISE FOR COLLECTION, TRANSPORTATION OR DISPOSAL" TO ELIMINATE THE REQUIREMENT FOR A FRANCHISE TO PROVIDE RECYCLING COLLECTION AND TRANSPORTATION SERVICES IN THE UNINCORPORATED AREAS OF FORSYTH COUNTY

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

Effective December 31, 2016, the current term of the recycling franchise agreement expires. The recycling Franchise Holder, Waste Industries, has provided advance notice, in accordance with applicable county ordinances, of their intent to discontinue residential curbside recycling collection service after completion of the current term.

By revising Article III of Chapter 19 of the County Code to rescind the requirement for a franchise empowering service providers to provide recycling collection service in the unincorporated areas of the county and to deregulate service areas and fees, county residents and potential service providers will be enabled to negotiate recycling service agreements under open market conditions. The proposed revisions to Article III of Chapter 19 are limited to the deletion of eight references to recyclables in the language of the franchise requirements without affecting franchised residential solid waste/garbage collection service.

Because the recommended revisions do not include or impact Articles I and II of Chapter 19, the county will retain the authority to perform annual inspections of recycling collection vehicles and related facilities, require county-issued permits for the collection and transportation of recyclables from county residents and small businesses, and ensure all recyclables collected are transported to an approved facility for processing.

ATTACHMENTS: YES NO

SIGNATURE: J. Audrey Watts, Jr. /akh
COUNTY MANAGER

DATE: October 19, 2016
October 6, 2016

**ORDINANCE AMENDING SECTIONS OF CHAPTER 19, ARTICLE III
OF THE FORSYTH COUNTY CODE, ENTITLED, "FRANCHISE FOR
COLLECTION, TRANSPORTATION OR DISPOSAL" TO ELIMINATE THE
REQUIREMENT FOR A FRANCHISE TO PROVIDE RECYCLING
COLLECTION AND TRANSPORTATION SERVICES IN THE
UNINCORPORATED AREAS OF FORSYTH COUNTY**

BE IT ORDAINED by the Forsyth County Board of Commissioners that Chapter 19, Article III of the Forsyth County Code, entitled, "Franchise for Collection, Transportation or Disposal," is hereby amended as follows:

That Section 19-37 of the Forsyth County Code is hereby amended to read as follows:

Sec. 19-37. Required.

No person shall, for a fee, hire or consideration, collect or transport solid waste ~~and/or recyclables~~ for disposal or processing unless such person holds a valid, current franchise issued by the board of county commissioners empowering him to collect and transport solid waste ~~and/or recyclables~~, and describing the territory or area for which the franchise is issued.

That Section 19-41 of the Forsyth County Code is hereby amended to read as follows:

Sec. 19-41. Fees charged by applicant to be fixed prior to grant; amendment of fee schedules.

(a) The board of county commissioners shall set and approve all fees charged for the collection and transportation of solid waste ~~and/or recyclables~~, prior to the granting of any franchise hereunder. The board of county commissioners shall regulate and may classify fees according to residential, business and commercial services, so that reasonable compensation may be provided for such services in accordance with the best interests of the public. Notwithstanding anything to the contrary herein, fees charged by a holder of any nonexclusive franchise granted hereunder for services outside of his exclusive franchise duties are subject to review and approval by the County Manager or his authorized representative as to reasonableness if it is deemed advisable,

(b) All fee schedules fixed in accordance with this section may be amended or altered from time to time by the board of county commissioners. Regulations may provide for the period during which the schedules are to be effective.

That Section 19-42 of the Forsyth County Code is hereby amended to read as follows:

Sec. 19-42. Authorized fees.

(a) The board of county commissioners may adopt uniform franchise fees to be paid by franchise holders, for franchises to collect, transport, and properly dispose of solid waste ~~and/or recyclables~~, which fees shall be paid to the county in consideration of receiving or being issued a franchise hereunder. Regulations may be adopted pertaining to the

payment of such franchise fees, the period for which the fee applies, methods for computing or determining the fee (if other than lump sum) and other matters.

(b) The board of county commissioners may impose a fuel surcharge fee on certain residential and small business collection, transportation, disposal, and recycling services.

That Section 19-43 of the Forsyth County Code is hereby amended to read as follows:

Sec. 19-43. May be exclusive; term.

The board of county commissioners may grant exclusive franchises to collect, transport, and properly dispose of solid waste and/or recyclables within a specified area, and may specify the period for which the franchise is effective. It shall be unlawful for unauthorized persons to collect, transport, or dispose of solid waste or recyclables within such specified areas for a fee.

That section 19-44 of the Forsyth County Code is hereby amended to read as follows:

Sec. 19-44. Holder to have solid waste management permit and comply with chapter and applicable state and local regulations.

No franchise to collect, transport, and dispose of solid waste and/or recyclables within the county shall be valid, unless the franchise holder:

(1) Holds a currently valid solid waste management permit issued by the county manager; pursuant to Article II of this chapter, to collect, transport and properly dispose of solid waste and/or recyclables; and

~~(2) Deposits all collected recyclable materials in an approved materials reclamation facility (MRF); and~~

~~(3)~~ 2) Complies with this chapter and all applicable state and local regulations.

Except regarding waste acceptance requirements, the provisions of Chapter 19 do not apply to landfill operators or owners.

That section 19-45 of the Forsyth County Code is hereby amended to read as follows:

Sec. 19-45. Holder to present fee schedule to customers; duty of holder to remove customers' solid waste.

Any person operating under a franchise granted under this article shall present to each customer, in advance of any agreement with that customer, a schedule of his fees, as authorized under this article, to be charged. Household solid waste shall be removed by the franchise holder from the customer's premises at least once per week, ~~except that designated recyclables shall be removed at least once every two weeks,~~ provided the customer is no more than thirty (30) days in arrears in payment of such fees.

This ordinance shall be effective January 1, 2017.

Adopted on first reading this 10th day of October 2016.

Adopted on second reading this 24th day of October 2016.