

AN ORDINANCE

TO AMEND THE CODE OF THE COUNTY OF YORK, SOUTH CAROLINA, DISPOSAL OF WASTE AT COUNTY LANDFILL, CHAPTER 33, SECTIONS 50.02 AND 50.33(B) AND (E), IN ORDER TO DEFINE MATERIAL RECOVERY FACILITY AND RECYCLABLE MATERIALS; TO PROVIDE FOR AN INCREASE IN FEES FOR THE DISPOSAL OF MUNICIPAL SOLID WASTE, CONSTRUCTION AND DEMOLITION DEBRIS, AND LAND CLEARING DEBRIS AT THE COUNTY LANDFILL; TO ADD FEES FOR CLEAN CONCRETE, BRICK, BLOCK AND ASPHALT AND FOR THE ACCEPTANCE AND PROCESSING OF RECYCLABLE MATERIALS; TO PROVIDE A FEE EXEMPTION PROVISION AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

BE IT ORDAINED AND ENACTED BY THE COUNTY COUNCIL OF YORK COUNTY, SOUTH CAROLINA

SECTION 1. Legislative findings.

As an incident to the adoption of this ordinance, the York County Council, as the governing body of York County, South Carolina, has made the following legislative findings:

1.1 Under the tenets of S.C. Code Ann. § 44-96-20 and pursuant to S.C. Code §§ 44-96-80 (J)-(K), Council has the authority and responsibility to provide solid waste management facilities for York County and may enact ordinances to carry out its duties under the statute.

1.2 In furtherance of its solid waste disposal obligations, York County has caused a study to be performed by NewGen Strategies and Solutions (NewGen) to analyze the solid waste services provided by the County and has also conducted an internal analysis of data collected at the Material Recovery Facility since its inception in July 2018 in order to establish fees commensurate with the level of services provided at the Material Recovery Facility.

1.3 The NewGen study was reported to the County in December 2018 (“Report”), incorporated herein by reference, and the County concluded its fee analysis in approximately April 2019, which fees are presented herein.

1.4 Council finds that the fees as presented by the internal county staff analysis and requirements specified in the Report for the acceptance and processing of recyclable material delivered to the York County Material Recovery Facility are appropriate and consistent with costs borne by the County and the demands placed upon York County in furtherance of its solid waste disposal obligations.

1.5 As a result, the Council finds that the Code of York County, South Carolina, should be amended by revising Chapter 33, Section 50.02 to add definitions for “Material Recovery Facility” and “Recyclable Material”; by revising and modifying Sections 50.33(B)(1), (B)(2) and (B)(5) so that the rates for municipal solid waste (MSW), construction and demolition debris (C&D), and Brush correspond to the costs borne by York County and are consistent with the Report generated by NewGen.

1.6 Council finds that the ordinance amendments herein are in furtherance of the County’s fulfilling its solid waste disposal obligations and pursued in the best interest of the public health, safety and general welfare of the citizens of York County and the goals of the State.

SECTION 2. Code of York County Amended.

The York County Code of Ordinances is hereby amended in the following particulars:

Chapter 50, Section 50.02 within the York County Code of Ordinances is hereby amended to add definitions for “Material Recovery Facility” and “Recyclable Material” to be included in the existing definitions in the Code in alphabetical order.

§ 50.02 DEFINITIONS.

MATERIAL RECOVERY FACILITY. A facility that is designed and operates to accept, process, and prepare recyclable material for marketing

RECYCLABLE MATERIAL. Raw or processed material that can be recovered from a waste stream for reuse or repurpose. In York County, accepted recyclable material is subject to market availability and operational capabilities. Acceptable materials are included in the policies and procedures of the department.

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Chapter 50, Section 50.33(B) within the York County Code of Ordinances is hereby amended in its entirety with the addition of new subsections (5)(a) and (9)(a)(b), so that the section reads as follows:

“§ 50.33 FEES AND CHARGES.

(B) Establishment of permanent rates, fees and charges. The following schedule of rates, fees and charges is hereby established and shall apply to the deposit or disposal of solid waste, garbage or refuse permitted by law to be deposited at the county municipal solid waste landfill(s):

(1) For permitted household solid waste, garbage or refuse delivered by all providers, including, but not limited to municipalities, commercial haulers, businesses and county convenience centers, the tipping fee shall be \$42.00 per ton, effective July 1, 2019 through June 30, 2020 and \$43.00 per ton thereafter, with a minimum charge of \$5 per load;

(2) For permitted yard waste, waste wood, clearing debris and other cellulosic materials, \$32.00 per ton, effective July 1, 2019 through June 30, 2020 and \$34.00 per ton thereafter, with a minimum charge of \$5 per load;

(3) For automobile and truck tires, \$75 per ton, with a minimum charge of \$10 per load; (For heavy equipment oversized tires (larger than 11 inches by 24.5 inches), \$.088 per pound, with a minimum charge of \$10 per load. If, upon delivery of automobile or truck tires to the landfill, the owner of the tires presents an invoice clearly demonstrating that the owner has paid the \$2 per new tire fee for those tires as required by the South Carolina Solid Waste Policy and Management Act of 1991, the owner will not be required to pay any county disposal fee for those tires for which the new tire fee for those tires has been paid. This exemption is not applicable to heavy equipment oversized tires.)

(4) For white goods and scrap metals, \$20 per ton, with a minimum \$5 charge per load.

(5) For construction and demolition debris, the tipping fee shall be \$34.00 per ton, effective July 1, 2019 through June 30, 2020 and \$38.00 per ton thereafter, with a \$5 minimum charge per load.

(a) For clean concrete, brick, block and asphalt, the tipping fee shall be \$32.00 per ton, effective July 1, 2019 through June 30, 2020 and \$34.00 per ton thereafter, with a \$5 minimum charge per load.

(6) For items requiring special handling or special provisions for disposal, including, but not limited to items requiring issuance of a special waste disposal permit by either the South Carolina Department of Health and Environmental Control or the county, \$50 per ton, with a minimum charge of \$25 per load; and (For large, bulky or difficult to handle or accommodate items, \$70 per ton, with a minimum charge of \$35 per load for special handling: fees, rates and charges for

permitted solid waste, garbage or refuse requiring special handling to be determined based on the weight, special handling required and circumstances of each case.)

(7) For all other items or materials, the disposal rate shall be in accordance with policies and procedures of the county's solid waste disposal and recovery department and in no case less than \$20 per ton, with a minimum charge of \$5 per load.

(8) For all vehicles with unsecured loads arriving at the York County Landfill and Transfer Station, the County shall charge operators of the vehicles the following fee:

Passenger Licensed vehicles \$ 25.00

Commercial vehicles, commercial flatbeds, and commercial tandem trucks
\$ 50.00

(9) For Recyclable Material delivered to the York County Material Recovery Facility by all providers, including, but not limited to municipalities, commercial haulers and businesses, the tipping fee shall be \$35.00 per ton, with a minimum charge of \$5 per load.

(a) The York County Material Recovery Facility will only accept material generated and/or collected within York County.

(b) Acceptance of recyclable material subject to an Agreement approved by the Public Works Director or his/her designee.”

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Chapter 50, Section 50.33(E) within the York County Code of Ordinances is hereby amended to add new subsection (3) in sequential fashion, which subsection shall read as follows:

“(3) The County Manager may, at his or her discretion, exempt/waive any or all fees in the event of a natural disaster or documented emergency weather events, such as a tornadic or hurricane related event, with the occurrence of a thunder storm and associated winds not rising to the level of this exemption/waiver authority.”

SECTION 3. Public Hearing Required.

The York County Council shall conduct a public hearing after publishing a notice of the date, time and place of such hearing at least fifteen (15) days in advance of such hearing before final legislative action is taken for the adoption of this ordinance.

SECTION 4. Severability.

The provisions of this ordinance are hereby declared to be severable, and if any provision or section of this ordinance is declared to be unconstitutional or unenforceable by the final order of a court of competent jurisdiction, such declaration shall not affect the constitutionality, legality or enforceability of any other section or provision of this ordinance, which shall be deemed severable, valid, enforceable and effective.

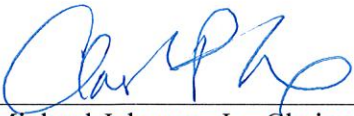
SECTION 5. Repeal of inconsistent sections and ordinances.

All sections of the York County Code of Ordinances and all York County ordinances in conflict with this ordinance are hereby amended to the extent of such conflict.


SECTION 6. Effective date.

This ordinance shall take effect on June 17, 2019.

YORK COUNTY COUNCIL

By: 
R. Michael Johnson, Jr., Chairman
York County Council

Christi Cox, Vice-Chairwoman


Attest: 
William P. Shanahan, Jr.
County Manager

First Reading:	<u>May 20, 2019</u>
Second Reading:	<u>June 3, 2019</u>
Public Hearing:	<u>June 17, 2019</u>
Third Reading:	<u>June 17, 2019</u>