

**2017 SOLID WASTE DISPOSAL FRANCHISE ORDINANCE
PERSON COUNTY, NORTH CAROLINA**

ARTICLE I

SECTION 1.0-AUTHORITY AND ENACTMENT CLAUSE

Pursuant to the authority conferred by North Carolina General Statute § 153A-136(a)(3), THE BOARD OF COUNTY COMMISSIONERS OF PERSON COUNTY, NORTH CAROLINA DOES HEREBY ORDAIN AND ENACT INTO LAW THE FOLLOWING ARTICLES AND SECTIONS:

SECTION 1.1 -PURPOSE

This 2017 Franchise Ordinance is enacted to promote and protect the health, safety and welfare of the citizens of Person County. It is the intention of the Board of County Commissioners that the provisions of this 2017 Franchise Ordinance will encourage the establishment and continuance of a secure, safe, and economical system of solid waste disposal in the County that will comply with state and federal laws regulating such disposal. It is the further intention of the Board of County Commissioners that this 2017 Franchise Ordinance has the effect of updating prior Person County solid waste disposal franchise ordinances first effective on August 7, 1995 (hereinafter "1995 Franchise Ordinance"), and later amended as effective on October 19, 2009 (hereinafter "2009 Franchise Ordinance") (collectively, the "Prior Franchise Ordinances") only so far as it is necessary to: (a) comply with federal and state statutory and regulatory changes enacted subsequent to adoption of the Prior Franchise Ordinances; (b) reflect changes in the Facility Plan that have occurred since passage of the Prior Franchise Ordinances; and (c) extend the term of the 2009 Franchise Ordinance for a period of two (2) years. This 2017 Franchise Ordinance shall not have the effect of amending, invalidating or repealing any portion of the agreement entered into by and between Person County and Upper Piedmont Environmental, Inc. (now Republic Services of North Carolina, LLC d.b.a. Upper Piedmont Environmental ("Republic")) dated August 7, 1995, or any subsequent amendments or agreements between Person County and Republic.

ARTICLE II

SECTION 2.0- TITLE

This 2017 Franchise Ordinance shall be known and may be cited as the 2017 Person County Solid Waste Disposal Franchise Ordinance.

ARTICLE III

SECTION 3.0-GRANT OF MUNICIPAL SOLID WASTE LANDFILL FRANCHISE

To enable secure, safe and economical disposal of solid waste in Person County, Republic is granted an exclusive franchise to operate in Person County a municipal solid waste management facility as defined in North Carolina General Statute § 130A-290(18b) (referred to

herein as the "Landfill" or "municipal solid waste landfill") for a period through and including June 30, 2019, which is two (2) years from the date this 2017 Franchise Ordinance becomes effective, on June 30, 2017. No other person or entity may operate a municipal solid waste landfill in Person County during this period.

SECTION 3.1 -DESCRIPTION OF MUNICIPAL SOLID WASTE LANDFILL

The Landfill consists of 479.69 acres, located in the Tirzah Township approximately ten (10) miles east-southeast of Roxboro, North Carolina at the intersection of North Carolina Highway 158 and SR 1724 near the Person County/Granville County line. The legal description, deed book references and plat book references for the Landfill are provided on Exhibit A and incorporated herein by reference. The boundary and cells of the Landfill are depicted on Exhibit B and incorporated herein by reference.

SECTION 3.2- DESCRIPTION OF FRANCHISE

- 3.2.1 Population and Geographical Area Served. The geographical area served by the Landfill is the incorporated and unincorporated areas of any County and Independent Virginia City that are partly or wholly within sixty (60) miles of the political boundary of Person County. Counties within this geographical area are the North Carolina counties of Alamance, Caswell, Chatham, Davidson, Durham, Edgecombe, Forsyth, Franklin, Granville, Guilford, Halifax, Harnett, Johnston, Lee, Moore, Nash, Northampton, Orange, Person, Randolph, Rockingham, Stokes, Vance, Wake, Warren, and Wilson, and the Virginia counties of Patrick, Henry, Halifax, Mecklenburg, Brunswick, Greensville, Franklin, Bedford, Campbell, Charlotte, Lunenburg, Amherst, Appomattox, Buckingham, Cumberland, Prince Edward, Nottoway, Pittsylvania and Dinwiddie. However, it is expressly provided herein that the Landfill shall not accept waste collected by the Cities of Durham and Raleigh, North Carolina without the consent of the Board of County Commissioners. Independent Virginia Cities within this geographical area are Lynchburg, Danville and Martinsville. The population to be served shall be all persons and entities within the above geographical area, including residential, municipal, industrial, institutional and commercial customers and contractors.
- 3.2.2 Volume and Characteristic of Waste Stream. The volume of waste in the Landfill is approximately 5,521,772 cubic yards. The remaining capacity of the Landfill under the existing permit is approximately 11,608,228 cubic yards. The average maximum annual disposal rate is 660 tons per day, 365 days per year, or 240,900 tons per year. The Landfill accepts municipal solid waste, non-hazardous commercial, industrial and institutional waste and other non-hazardous special waste types, but shall not accept waste prohibited from disposal in municipal solid waste landfills by applicable state or federal environmental law or prohibited by any of the terms and conditions of any state or federal permits, licenses or approvals obtained with respect to Republic's operation of the Landfill.
- 3.2.3 Life Expectancy. The Landfill is expected to have a useful life of approximately 45 years.

- 3.2.4 Consistency with Solid Waste Management Plan. To ensure that the operation of the Landfill is consistent with Person County's solid waste responsibilities set forth in North Carolina General Statute § 130A-309.09A, Republic accepts municipal solid waste at the Landfill pursuant to this 2017 Franchise Ordinance and by agreement with the County. Further, Republic assists Person County in attaining Person County's waste reduction, reuse and recycling goals by operating a convenience center at the Landfill.
- 3.2.5 Government Oversight and Regulation of Fees. Person County oversees and regulates solid waste disposal fees (both residential and commercial) by way of agreement with Republic. Such tipping fees are a flat, scaled per-ton rate subject to an annual consumer price index adjustment. This 2017 Franchise Ordinance shall not by its terms impair the authority of the County to regulate fees as authorized by law. This 2017 Franchise Ordinance does not, in itself, regulate solid waste disposal fees.
- 3.2.6 Facility Plan. The Facility Plan for the Landfill is attached to this 2017 Franchise Ordinance as Exhibit C and meets all requirements of North Carolina General Statute § 130A-294(b 1)(2)(t).
- 3.2.7 Severability. In the event any one or more of the provisions contained in this 2017 Franchise Ordinance is, for any reason, stayed or held to be invalid, illegal, unconstitutional, or unenforceable in any respect, such invalidity, illegality, unconstitutionality or unenforceability shall not affect any other provision of this 2017 Franchise Ordinance.
- 3.2.8 Regulatory Uncertainty. The Board of County Commissioners recognizes that new statutes and rules are being considered and recently have been adopted regarding municipal solid waste landfills and solid waste disposal franchises (*e.g.*, North Carolina General Statute § 130A-294(b 1)(2)). The Board of County Commissioners further recognizes that the recent consideration and adoption of these statutes and rules, and anticipated future legislative and regulatory action, lead to some uncertainty in the future of solid waste disposal. The Board of County Commissioners adopts this 2017 Franchise Ordinance to continue to provide the citizens of Person County with secure, certain, safe and economical disposal of solid waste during these uncertain times and thereafter, for a period of two (2) years. If this 2017 Franchise Ordinance is, for any reason, stayed or held to be invalid, illegal, unconstitutional, or unenforceable in any respect, it is the intention of the Board of County Commissioners that the 2009 Franchise Ordinance remain valid and in effect, except that the expiration date of the 2009 Franchise Ordinance set forth in Section 3.0 of the 2009 Franchise Ordinance will be extended for a period of one (1) year, through and including June 30, 2018, and for one (1) year thereafter unless and until the Board of County Commissioners amends or repeals the 2009 Franchise Ordinance.

ARTICLE IV

SECTION 4.0- EFFECTIVE DATE

This 2017 Franchise Ordinance shall become effective on June 30, 2017.



A handwritten signature in cursive script, appearing to read "Tracey L. Kendrick".

Tracey L. Kendrick, Chairman
Person County Board of Commissioners

A handwritten signature in cursive script, appearing to read "Brenda B. Reaves".

Brenda B. Reaves
Clerk to the Board