

**AN ORDINANCE REGULATING THE ASSESSMENT OF A SOLID WASTE USE/AVAILABILITY FEE
AND
A SOLID WASTE TIPPING FEE IN
CLAY COUNTY, NORTH CAROLINA
Ordinance #25-0717**

WHEREAS, NCGS 153A-292 authorizes the Clay County Board of Commissioners to establish and operate solid waste collection and disposal facilities in areas outside the corporate limits of a city.

WHEREAS, pursuant to NCGS 153A-292, the Clay County Board of County Commissioners may impose a fee for the collection of solid waste; for the use of solid waste facilities; and for the availability of disposal facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE Clay County Board of Commissioners of Clay County that the following Ordinance shall be in place and effective in Clay County, North Carolina, in accordance with its terms:

Section 1. Title.

This Ordinance shall be known and cited as Ordinance #25-0717, the Ordinance regulating the assessment of a solid waste use/availability fee and a solid waste tipping fee in Clay County, North Carolina.

Section 2. Authority and Jurisdiction.

- A. **Authority.** This Ordinance is established by the Clay County Board of Commissioners pursuant to the authority conferred in NCGS 153A-121 (general ordinance-making power), G.S. 153A-122 (territorial jurisdiction), G.S. 153A-123 (enforcement), G.S. 153A-246 (authority to adopt ordinance for civil enforcement of G.S. 20-217) and G.S. 153A-147 (enforcement described in the Machinery Act (G.S. 105-366, et seq) as well as G.S.153A-292.
- B. **Jurisdiction.** *The use/availability fees provisions of this Ordinance shall apply to all areas of Clay County, North Carolina, outside of all corporate limits of all municipalities located within Clay County. The tipping fees provisions shall apply to all areas of Clay County, North Carolina, including municipalities.*

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY:

1. The cost of disposal of Solid Waste in Clay County shall be recovered from the citizens through a use/availability fee.
 - A. There shall be a yearly solid waste use/availability fee imposed to recover the cost of disposal of Solid Waste as well as operating and establishing the Solid Waste facilities (i.e., Transfer Station) in Clay County;
 - B. There shall be a Solid Waste Tipping Fee imposed at the Clay County Transfer Station on all solid waste brought to the Transfer Station;
 - C. The Solid Waste Use/Availability Fee and the Tipping Fee shall be set by the Clay County Board of Commissioners. These amounts shall be established and adjusted as the Board deems necessary.
 - D. The total revenues derived from the Solid Waste Use/Availability Fee and the Tipping Fee shall be used exclusively for the Clay County Landfill operations and any cost associated with such operations and billing.
 - E. The Solid Waste Use/Availability Fees shall be billed annually on the Ad Valorem Tax Notice sent to Clay County Property Owners.
 - F. The Solid Waste Tipping Fee amount shall be determined at the Transfer Station Site, through a measurement system using either weight or volume.

II. The Solid Waste Use/Availability Fee:

- A. The owner of each single person or single-family residence or dwelling in Clay County shall pay Clay County a Solid Waste Use/Availability Fee for each such residence or dwelling owned. For example, an apartment building containing three apartments would constitute three dwellings and the owner thereof would be required to pay a user fee for each apartment. For the purpose of this ordinance, a residence and a dwelling are synonymous. Furthermore, the residential improved property can be either real property and/or personal property, for example, mobile homes, campers/recreational vehicles, motor vehicles, yurts, treehouses, etc.
- B. Each campground owner, operating a camping ground as a business, shall pay Clay County a solid waste use/availability fee for each camping site in the campground. The Solid Waste Use/Availability Fee for a camping site shall be 1/2 of the use/availability fee charged for a single-family residence.
- C. The owner of a camping site shall pay to Clay County for each camping site owned, a Solid Waste Use/Availability Fee, which fee shall be ½ of the solid waste use/availability fee charged for a single-family residence.

- D. The owner of a camping site which is used as a permanent residence shall pay to Clay County for each camping site owned the same fee charged for a single-family residence.
- E. The Solid Waste Use/Availability Fee shall be due and payable on September 1st of each year and shall be overdue as of January 6th of the following year. Payments made after January 6th of the following year shall be charged the same rate of interest as delinquent ad valorem taxes.
- F. The yearly Solid Waste Use/Availability Fee shall be billed and shall constitute a lien on the property owner's real property and/or on the property owner's personal property used as a dwelling and/or single family residence, including, but not limited to a single wide and/or double wide mobile home, a camper and/or recreational vehicle (R/V), a yurt, treehouse, motor vehicle, etc.
- G. Delinquent solid waste fees may be collected by the tax collector in any manner by which delinquent personal or real property taxes can be collected by the tax collector, using the Machinery Act remedies of foreclosure, attachment and garnishment, and levy and any other methods of collection as authorized by North Carolina laws. Solid waste fees are a lien on the real property described on the bill that includes the fee. Solid waste fees are a lien on personal property being used as residence or a single-family residence. Delinquent solid waste fees become a lien upon publication of the legal notice.

III. The Solid Waste Tipping Fee shall be paid by:

- A. All commercial solid waste haulers;
- B. All municipalities hauling business and/or industrial solid waste;
- C. All businesses in the County of Clay, outside the municipal boundaries, must make arrangements as necessary to dispose of solid waste. They may use private haulers or haul the solid waste themselves to the Landfill. A tipping fee will be assessed at the Landfill. Businesses are encouraged to recycle where possible.
- D. All households who exceed their weekly allowance of household garbage and/or which are disposing of items other than household garbage such as furniture, electronics, construction materials, etc.

IV. Amount of Fees:

- A. The Solid Waste Use/Availability Fees shall be in accordance with the Schedule of Fees hereby adopted by the Clay County Board of Commissioners this the 17th day of July, 2025 which is attached hereto.
- B. The Solid Waste Tipping Fee shall be in accordance with the Schedule of Fees hereby adopted by the Clay County Board of Commissioners this the 17th day of July, 2025 which is attached hereto.

Motion made by Randy Nichols to adopt this Ordinance and
seconded by Scott Penland. Adopted this the 17th
of July, 2025 with a vote of 5 for and 0 against with an
effective date of 07-17-25.

County of Clay

By: 
Chairman of the Board

Attest:


Clerk to the Board

(County Seal)



**SCHEDULE OF FEES FOR THE ORDINANCE REGULATING THE ASSESSMENT OF SOLID WASTE
FEES AND
SOLID WASTE TIPPING FEES IN
CLAY COUNTY, NORTH CAROLINA
Ordinance #25-0717**

1. Solid Waste Use/Availability Fees:

An annual fee of \$100.00 will be assessed on each residence in Clay County that lies outside municipal corporate limits of the Town of Hayesville.

- Each residence can dump household garbage only.
- Each residence is permitted to dump 5 large (30 to 40 gallon) bags or 10 small bags per week. (Note: Any amount over this limit will be charged solid waste tipping fees as listed below.)

2. Solid Waste Tipping Fees:

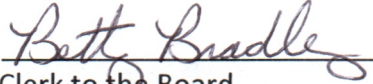
- Disposal of solid waste that is not considered household garbage or exceeds the 5 large bags of household garbage or the 10 small bags of household garbage will be charged a tipping fee of five (5) cents per pound.
- Businesses will be charged a tipping fee of Eighty-Eight (\$88.00) Dollars per ton.
- Solid waste hauling businesses that haul solid waste as their business will be charged Eighty (\$80.00) Dollars per ton.

Motion made by Randy Nichols to adopt this Schedule of Fees for the Solid Waste Use/Availability Fee and the Solid Waste Tipping Fees for Clay County for the fiscal year of 2025-2026, and seconded by Scott Penland. Adopted this the 17th of July, 2025 with a vote of 5 for and 0 against with an effective date of 07-17-25.

County of Clay

By: 
Chairman of the Board

Attest:


Clerk to the Board

(County Seal)