**A** **BILL**

TO AMEND SECTION 44‑96‑80 OF THE 1976 CODE, RELATING TO COUNTY SOLID WASTE PROGRAMS, TO PROVIDE THAT AN ORDINANCE THAT RESTRICTS SOLID WASTE DISPOSAL AT PERMITTED FACILITIES LOCATED OUTSIDE A COUNTY’S BOUNDARIES OR IMPEDES A RECYCLING PROGRAM IS INCONSISTENT WITH THE PROVISIONS OF THE CHAPTER; AND TO AMEND SECTION 44‑55‑1210, RELATING TO COUNTIES ENGAGING IN SOLID WASTE COLLECTION, TO PROVIDE THAT AN ORDINANCE IS VOID TO THE EXTENT THAT A COUNTY ORDINANCE RESTRICTS SOLID WASTE DISPOSAL AT A PERMITTED SITE OUTSIDE A COUNTY’S BOUNDARIES OR IMPEDES A RECYCLING PROGRAM.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑96‑80(K) of the 1976 Code is amended to read:

“(K) The governing body of a county is authorized to enact ~~such~~ ordinances ~~as may be~~ necessary to carry out its responsibilities under this chapter~~; provided, however, that the governing body of a county~~, but may not enact an ordinance inconsistent with the state solid waste management plan, with ~~any~~ a provision of this chapter, with ~~any other~~ another applicable provision of state law, or with ~~any~~ a regulation promulgated by the department providing for the protection of public health ~~and~~, public safety, or ~~for protection of~~ the environment. An ordinance that restricts or prohibits disposal of waste at a permitted solid waste management facility located outside the county’s boundaries or impedes the development and implementation of a public or private recycling program is considered inconsistent with the provisions of this chapter.”

SECTION 2. Section 44‑55‑1210 of the 1976 Code is amended to read:

“Section 44‑55‑1210. The governing body of ~~any~~ a county may by ordinance or resolution provide that the county ~~shall~~ must engage in the collection and disposal of solid waste. ~~Such~~ This collection and disposal may be accomplished either by use of county employees and equipment or by contract with a private ~~agencies~~ agency or ~~municipalities~~ municipality of the county. ~~Service charges~~ A service charge may be levied against ~~persons~~ a person for whom a collection ~~services are~~ service is provided whether ~~such services are~~ this service is performed by the county, a municipality, or a private agency. To the extent that a county ordinance restricts or prohibits disposal of waste at a permitted solid waste management facility located outside the county’s boundaries or impedes the development and implementation of a public or private recycling program, the ordinance is void.”

SECTION 3. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑