

**Waller County, Texas      Ordinance No. 2011-001**

**AN ORDINANCE DESIGNATING AREAS IN WALLER COUNTY, TEXAS WHERE MUNICIPAL OR SOLID WASTE DISPOSAL IS NOT PROHIBITED PURSUANT TO TEXAS HEALTH AND SAFETY CODE SECTIONS 363.112 AND/OR 364.012.**

**WHEREAS**, the Commissioners Court of Waller County, Texas, (“the Commissioners Court”) has the authority to act to protect the Health, Safety, and Welfare of its Citizens and the public at large;

**WHEREAS**, a majority of the Commissioners Court has determined that the resources of the County are best served by, and the Health, Safety, and Welfare of the citizens of Waller County and the public at large will be best protected by, designating the areas set forth below as areas in which municipal or solid waste disposal will not be permitted;

**WHEREAS**, this Ordinance was published for two consecutive weeks in a newspaper(s) of general circulation, and a public hearing was held on August 26, 2011, where all interested citizens of Waller County were permitted to speak; and

**WHEREAS**, this Ordinance complies with Texas Health and Safety Code Sections 363.112 and 364.012;

**NOW, THEREFORE:**

**BE IT ORDERED BY THE COMMISSIONERS COURT OF WALLER COUNTY, TEXAS:**

- Section 1.      The Commissioners Court adopts the Recitals Above as its findings.
- Section 2.      Unless an area is specifically designated as an area where municipal or solid waste disposal is not prohibited (discussed below), disposal of municipal or solid waste in Waller County is prohibited.
- Section 3.      Pursuant to Texas Health and Safety Code Sections 363.112 and/or 364.012, the disposal of municipal or solid waste is not prohibited in the following area(s) within Waller County, Texas:
- a)      Any area within a two (2) mile radius of any privately-owned solid waste disposal site holding a currently or previously valid permit for municipal or solid waste disposal issued by the Texas Commission on Environmental Quality (“TCEQ”) and/or its predecessor agencies, as of the date of adoption of this Ordinance, but not afterwards.
  - b)      This Ordinance shall not apply to any municipal or solid waste disposal facility owned and/or operated by any unit of local

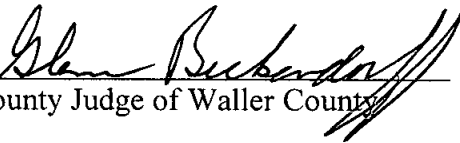
government (i.e., City, Town, or Municipality) within Waller County. Any such municipal or solid waste facilities are not included in the designations of areas where disposal of municipal or solid waste is not prohibited, and such municipal or solid waste facilities shall not be considered in calculating the two (2) mile radius discussed above.

- (c) This Ordinance shall be construed as exercising the full authority conferred on the County under Texas Health and Safety Code Sections 363.112 and 364.012, subject only to the limitations imposed on the County's authority by state or federal law.

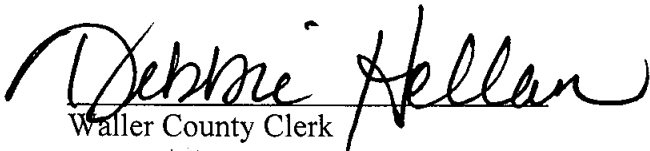
Section 4. This Ordinance may be amended from time to time at the discretion of a majority vote of the Commissioners Court.

Section 5. This Ordinance shall be recorded in the Minutes of Commissioners Court.

**ORDER, PASSED AND ADOPTED on this the 26 day of August, 2011.**

  
County Judge of Waller County

<b>VOTING:</b>	<b>AYE</b>	<b>NAY</b>	<b>(Check one) ABSTAIN</b>
Commissioner Styers (Pct. 1)	x		
Commissioner Pokluda (Pct. 2)	x		
Commissioner Cedillo (Pct. 3)	x		
Commissioner Kitzman (Pct. 4)		x	
County Judge Beckendorff	x		

  
Waller County Clerk

