



**AN ORDER CREATING A SOLID WASTE PROGRAM  
AND ASSESSMENT OF FEES FOR RESIDENTS OF  
HIDALGO COUNTY  
AND PROVIDING CRIMINAL PENALTIES**

Be it **ORDERED** and **APPROVED** by the Commissioners Court of Hidalgo County, Texas.

**SECTION 1. GENERAL PROVISIONS AND FINDINGS**

**WHEREAS**, the Hidalgo County Commissioners Court has both the responsibility and the authority to protect the health, safety and welfare of the citizens of Hidalgo County, Texas; and

**WHEREAS**, a county may appropriate and spend money from its general revenues to manage solid waste and to administer a solid waste program may charge reasonable fees for those services pursuant to 361.153 of the Texas Health and Safety Code; and

**WHEREAS**, the Commissioners Court hereby finds that a system for the issuance of solid waste disposal permits and fees must be established in order to preserve and protect the public health and safety of the residents in Hidalgo County and that only residents of Hidalgo County are permitted to carry solid waste to a Hidalgo County solid waste disposal facility, and that appropriate fines be assessed for violations, to wit:

The Court finds that it is necessary to require a solid waste permit which shall be displayed on any vehicle carrying solid waste to a Hidalgo County solid waste disposal facility, and each individual permit issued shall correspond to a specific vehicle; and

The Court finds it is necessary to assess a twenty five dollar (\$25.00) solid waste permit quarterly fee for each individual vehicle carrying solid waste to a Hidalgo County disposal facility which will be valid for a period of three (3) months from the date of purchase; and

The Court finds that any person disposing of solid waste at a Hidalgo County disposal facility without a required solid waste permit should be assessed a fine;

**SECTION 2. SUBSTANTIVE PROVISIONS AND DEFINITIONS**

For the above reasons, and pursuant to the provisions of Section 361.153 of the Texas Health and Safety Code, the Hidalgo County Commissioners Court hereby

**ORDER, RESOLVES** and **ESTABLISHES** the following **ORDER**:

**IT IS ORDERED** that in order to dispose of solid waste at a Hidalgo County solid waste disposal facility you must be a Hidalgo County resident with a valid Solid Waste Permit displayed on the vehicle transporting or carrying the solid waste. A Solid Waste Permit is required for each individual vehicle transporting or carrying waste to a Hidalgo County solid waste disposal facility, and each permit issued shall be registered to a specific vehicle's VIN number. It will be a violation of this order to submit a permit registered to another vehicle which is not the vehicle transporting or carrying the solid waste. A quarterly fee of twenty five (\$25.00) will be assessed for each permit

issued and will be valid for three (3) months from the date of purchase. Proper identification documents must be presented before a permit will be issued.

**DEFINITIONS IN THIS ORDER:**

1. "Solid waste" means garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities. Texas Health & Safety Code § 361.003.
2. "Solid waste facility" means all contiguous land, including structures, appurtenances, and other improvements on the land, used for processing, storing, or disposing of solid waste. The term includes a publicly or privately owned solid waste facility consisting of several processing, storage, or disposal operational units such as one or more landfills, surface impoundments, or a combination of units. Texas Health & Safety Code § 361.003.

**OTHER PROVISIONS**

See Exhibit A.

**SECTION 3. IDENTIFICATION DOCUMENTS**

One of the following identification documents will be required to show proof of residency in Hidalgo County before a permit will be issued pursuant to this order:

1. A valid Texas Driver's license showing a Hidalgo County physical residence address;
2. A valid voter registration card authorizing resident to vote in Hidalgo County, Texas;
3. A valid Texas Personal Identification Card showing a Hidalgo County physical residence address;
4. A valid United States Passport showing Hidalgo County physical residence address;
5. A valid United States Military Identification Card showing a Hidalgo County physical residence address.
6. A copy of a utility bill showing a Hidalgo County physical residence address.

A post office box will be insufficient to show residency in Hidalgo County.

The following vehicle identification will also be required before a permit will be issued:

1. A copy of the vehicle registration indication VIN number and License Plate number; or
2. Other evidence of ownership of vehicle if not evident on registration.

**SECTION 4. LOCATIONS TO ACQUIRE PERMITS**

Hidalgo County Commissioner Pct. 1  
Administration Office  
1902 Joe Stephens Ave. Ste. 101  
Weslaco, TX 78599

Hidalgo County Commissioner Pct. 2  
Administration Office  
300 W. Hall Acres Suite G  
Pharr, TX 78577

Hidalgo County Commissioner Pct. 3  
Administration Office  
724 North Breyfogle  
Mission, TX 78574

Hidalgo County Commissioner Pct. 4  
Administration Office  
1051 N. Doolittle Rd.  
Edinburg, TX 78542

**SECTION 5. CIVIL PENALTY**

Disposal of solid waste at any of the Hidalgo County solid waste disposal facilities without a valid solid waste permit properly displayed or in violation of any other provision of this order may result in civil penalties. Any complaints may be reported to the Hidalgo County Constable's Office(s) in order to conduct an investigation and will then be referred to the Office of the Criminal District Attorney.

**SECTION 6. SEVERABILITY**

If any portion of this order is deemed to be in violation of the statutes of the constitution of this state of the United States by a court of competent jurisdiction, said portion shall be severed, and the remaining portions of the order shall remain in full force and effect.

**SECTION 7. EFFECTIVE DATE**

This order shall become effective immediately upon adoption.

Read and adopted this \_\_\_\_ day of \_\_\_\_\_, 2014, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

\_\_\_\_\_  
RAMON GARCIA  
County Judge

\_\_\_\_\_  
A.C. CUELLAR, JR.  
County Commissioner, Pct. 1

\_\_\_\_\_  
HECTOR "TITO" PALACIOS  
County Commissioner, Pct. 2

\_\_\_\_\_  
JOE M. FLORES  
County Commissioner, Pct. 3

\_\_\_\_\_  
JOSEPH PALACIOS  
County Commissioner, Pct. 4

\_\_\_\_\_  
Attest: ARTURO GUAJARDO, JR.  
County Clerk