

C

Effective:[See Text Amendments]Vernon's Texas Statutes and Codes Annotated [Currentness](#)Health and Safety Code ([Refs & Annos](#))Title 5. Sanitation and Environmental Quality ([Refs & Annos](#))Subtitle B. Solid Waste, Toxic Chemicals, Sewage, Litter, and Water ([Refs & Annos](#))

Chapter 363. Municipal Solid Waste

Subchapter F. Local Solid Waste Services and Regulation

→→ § 363.112. Prohibition of Processing or Disposal of Solid Waste in Certain Areas

(a) To prohibit the processing or disposal of municipal or industrial solid waste in certain areas of a municipality or county, the governing body of the municipality or county must by ordinance or order specifically designate the area of the municipality or county, as appropriate, in which the disposal of municipal or industrial solid waste will not be prohibited.

(b) The ordinance or order must be published for two consecutive weeks in a newspaper of general circulation in the area of the municipality or county, as appropriate, before the date the proposed ordinance or order is adopted by the governing body.

(c) The governing body of a municipality or county may not prohibit the processing or disposal of municipal or industrial solid waste in an area of that municipality or county for which:

(1) an application for a permit or other authorization under Chapter 361 has been filed with and is pending before the commission; or

(2) a permit or other authorization under Chapter 361 has been issued by the commission.

(d) The commission may not grant an application for a permit to process or dispose of municipal or industrial solid waste in an area in which the processing or disposal of municipal or industrial solid waste is prohibited by an ordinance or order authorized by Subsection (a), unless the governing body of the municipality or county violated Subsection (c) in passing the ordinance or order. The commission by rule may establish procedures for determining whether an application is for the processing or disposal of municipal or industrial solid waste in an area for which that processing or disposal is prohibited by an ordinance or order.

(e) The powers specified by this section may not be exercised by the governing body of a municipality or county with respect to areas to which [Section 361.090](#) applies.

CREDIT(S)

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.110, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 570, § 4, eff. Sept. 1, 1999.

REVISOR'S NOTE

2010 Main Volume

The revised law substitutes the term “municipality” for “city” for the reason stated in Revisor's Note (1) under [Section 363.004](#).

HISTORICAL AND STATUTORY NOTES

2010 Main Volume

Section 6 of Acts 1999, 76th Leg., ch. 570 provides:

“(a) This Act takes effect September 1, 1999.

“(b) The changes in law made by this Act to [Sections 361.152](#), 363.112, and [364.012, Health and Safety Code](#), do not apply to an application filed:

“(1) before September 1, 1998, if the county commissioners court has, on or before September 1, 1999, enacted an ordinance or adopted an order under Section 363.112 or [364.012, Health and Safety Code](#); or

“(2) on or after September 1, 1998, but before September 1, 1999, if the county commissioners court has, on or before September 1, 1999, provided notice in accordance with Chapter 551, Government Code, of its intent to enact an ordinance or adopt an order under Section 363.112 or [364.012, Health and Safety Code](#), and the ordinance or order is effective on or before January 1, 2000.”

Prior Laws:

Acts 1983, 68th Leg., p. 5125, ch. 934.

[Vernon's Ann.Civ.St. art. 4477-7c, § 34\(b\), \(c\)](#).

RESEARCH REFERENCES

2014 Electronic Pocket Part Update

Encyclopedias

[TX Jur. 3d Conservation and Pollution Laws § 150](#), Local Regulation.

Treatises and Practice Aids


[Civins, Hall & Sahs, 45 Tex. Prac. Series § 1:6](#), State, Local, and Municipal Laws.

[Civins, Hall & Sahs, 45 Tex. Prac. Series § 10:5](#), Municipal Solid Waste.

NOTES OF DECISIONS

Notice [1](#)

[1](#). Notice

Municipal ordinance restricting location of landfills was invalid, for failure to comply with notice and hearing requirements. [City of Bells v. Greater Texoma Utility Authority \(App. 5 Dist. 1990\) 790 S.W.2d 6](#), writ denied. [Zoning And Planning](#)  [1129](#)

V. T. C. A., Health & Safety Code § 363.112, TX HEALTH & S § 363.112

Current through the end of the 2013 Third Called Session of the 83rd Legislature

(C) 2015 Thomson Reuters. No Claim to Orig. US Gov. Works.

END OF DOCUMENT