

COUNTY OF ATASCOSA

**ORDER PROHIBITING DUMPSTERS WITHIN THE PUBLIC RIGHT-OF-WAY OF
ATASCOSA COUNTY, TEXAS**

WHEREAS The Texas Transportation Code 251.016 gives the commissioners court of a county the general control over all roads, highways, and bridges in the county;

WHEREAS, dumpsters left or remaining in the Public Right-of-Way of County maintained road impede the ability of the County to properly maintain the Right-of-Way along county roads and may impact the integrity of the county roads and/or safety of vehicular traffic by creating physical obstructions;

IT IS ORDERED dumpsters are not allowed cause an obstruction or to be placed in Roadway, side ditches, county right-of-way or anyplace where it can be a potential hazard to roadway traffic or prevent the maintenance of the Public Right-of-Way.

- I. If any person or entity violates any provision of this Order, the Rural Development Office will attempt to obtain compliance with these Regulations. In the event they are unable to obtain compliance within a reasonable time the violations will be reported to the Commissioners' Court and the following remedies may be pursued:
 - a. A County Commissioner or his precinct staff, or Rural Development staff who observe or receive a report a violation of this order, a dumpster located in the county road right-of-way shall notify the violator and follow the procedure attached as "Exhibit A" to this order.
 - b. If after the procedure to notify and address the violation is unsuccessful, then the violator will be summoned to appear before the Commissioners' Court where the County Attorney's Office and/or Rural Development Office will present the violation to Commissioners' Court. The entity or person alleged to be in violation of the Order will be allowed to present arguments and information to the Court on their own behalf.
 - c. If Commissioners' Court acts to find the entity or person to be in violation of this Order, the violator shall have 10 business days to comply with the Order or the Commissioners' Court may order the removal of the dumpster at the person or entity's expense.
 - d. If a violator fails to comply with the Order, then the Commissioners' Court shall follow the procedure for contempt proceedings before Commissioners Court that will be consistent with procedures in actions before other courts in this state for enforcement of court orders, and for the protection of the jurisdiction of courts by process of contempt. Provided, however, that the person shall be given ten (10) days' notice of said contempt proceeding by certified or registered mail, return receipt requested.
 - e. As per Texas Local Government Code §81.023 the Commissioners Court may punish a person held in contempt by fine not more than twenty-five dollars (\$25.00), or by confinement for not twenty-four (24) hours. A person fined under this section may be confined until the fine is paid.

- f. If the Commissioners Court finds a person to be guilty of contempt, it may enter such orders consistent with general law as it deems appropriate to punish the person guilty of contempt, and may enter such order and further orders enforceable by civil and criminal contempt, and consistent with its authority under general law, as Commissioners Court deems necessary to enforce and protect its jurisdiction over the matter and to uphold the integrity of this Order.
- II. All Orders or parts of orders in conflict herewith are, to the extent of such conflict, hereby repealed.
- III. The provisions of this Order are declared to be severable and if any section, sentence, clause, or phrase of this order shall for any reason be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Order, but they shall remain in effect, it being the legislative intent that this Order shall stand notwithstanding the validity of any part.
- IV. This Order shall be in full force and effect from and after its passage and publication required by law, and it is so ordered effective on August, 2025.

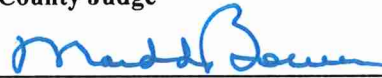
PASSED AND APPROVED ON THIS 11 DAY OF AUGUST 2025.



Weldon P. Cude, County Judge



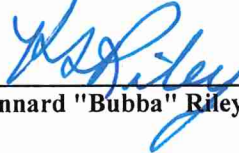
Mark Gillespie, Commissioner, Pct. 1



Mark Bowen, Commissioner, Pct. 2



George "Butch" Pawelek, Commissioner, Pct. 3



Kennard "Bubba" Riley Commissioner, Pct. 4

ATTEST:



Theresa Carrasco, County Clerk

