

## Chapter 360. Litter on Highways Prohibited <sup>1</sup>

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### **360.001 Order Prohibiting Litter within Fifty Feet of a Public Highway**

#### (a) [Findings]

- (1) Whereas, under Texas Health and Safety Code Annotated Section 365.011 et seq.; and the Travis County Commissioners find that the County has the authority to:
  - (A) Prohibit the accumulation of litter for more than 30 days on a person's property within 50 feet of a public highway in the county;
  - (B) Provide for the removal and disposition of litter accumulated within 50 feet of a public highway; and
  - (C) Provide for the assessment of the cost of removing litter accumulated within 50 feet of a public highway against a person who owns the property from which litter is removed, and
  - (D) Provide for the establishment of a lien in favor of Travis County against the property from which litter is removed to secure the payment of costs incurred by the County to remove and dispose of the litter.
- (2) Whereas, the Travis County Commissioners Court (the "Court") desires the removal of litter which has accumulated within 50 feet of a public highway from certain properties in Travis County; and
- (3) Whereas, the Court desires that Travis County be reimbursed for any costs expended in removing and disposing of said litter.

(b) The Travis County Commissioners Court orders that, if the County Attorney becomes aware of a situation it determines to be covered under Texas Health and Safety Code Annotated Section 365.011 et seq., the County Attorney has the authority to:

- (1) Determine the owner of the property on which litter has accumulated within 50 feet of a public highway; and
- (2) Send notice to the owners that the property has litter which has accumulated within 50 feet of a public highway; and

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<sup>1</sup> Chapter 60 was amended by Travis County Commissioners Court on May 2, 1995 (Item 7). Chapter 60 was renumbered as Chapter 360 on June 1, 2018 (approved May 15, 2018, Item 7). Chapter retitled May 29, 2018, Item 8.

- (3) That the litter must be removed within 30 days of the notice being sent;  
and
  - (4) If 30 days after the notice is sent, the litter has not been removed or disposed of then the County, acting through County Attorney has the authority to remove and dispose of the litter; and
  - (5) If the County, acting through the County Attorney, removes and disposes of the litter and the costs are not paid within 60 days of the owners being notified of the assessment of such costs, then the County may place a lien on the said property to secure the payment of the costs assessed; and
  - (6) Interest may be assessed, accruing from the date of the notice of said cost at an annual rate of 10 percent on any unpaid portion of the costs;  
and
  - (7) The County will file a record of the lien in the Office of the County Clerk on behalf of the Travis County Commissioners Court.
- (c) This amendment shall be effective immediately upon the adoption of this order.