



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

June 24, 1975

The Honorable Tom Hanna
Criminal District Attorney
Jefferson County
P. O. Box 2553
Beaumont, Texas 77704

Opinion No. H-632
Re: Authority of a municipal utility
district to contract with a private
party to haul garbage and to charge
the party therefor

Dear Mr. Hanna:

You have requested our opinion regarding the authority of a municipal utility district to contract with a private party to haul garbage and to charge the party therefor. We assume, of course that this service will be offered to all persons similarly situated.

A municipal utility district is empowered by section 54.201(b) of the Texas Water Code:

to purchase, construct, acquire, own, operate, maintain, repair, improve, or extend inside and outside its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary to accomplish the purposes of its creation, including all works, improvements, facilities, plants, equipment, and appliances incident, helpful, or necessary to:

. . . .

(2) collect, transport, process, dispose of, and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state . . .

In section 54.203, a district is authorized to:

purchase, construct, acquire, own, operate, maintain, repair, improve, and extend a solid waste collection and disposal system inside and outside the district and make proper charges for it.

Finally, section 54.204(a) provides that:

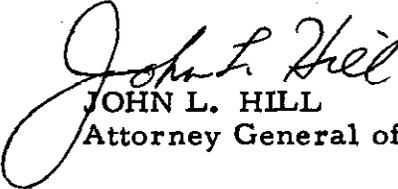
[a] district may adopt and enforce all necessary charges, fees, or rentals, in addition to taxes, for providing any district facilities or service.

The hauling and disposal of garbage is a permissible function of a municipal utility district by virtue of sections 54.201(b) and 54.203. The district may make necessary charges for this service pursuant to sections 54.203 and 54.204(a). It is thus our opinion that a municipal utility district may contract with a private party to haul garbage and may charge the party therefor.

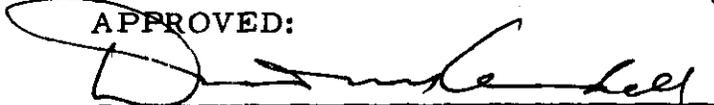
SUMMARY

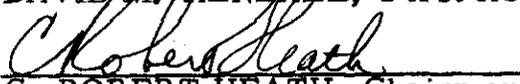
A municipal utility district is authorized to contract with a private party to haul garbage and to charge the party therefor.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant


C. ROBERT HEATH, Chairman
Opinion Committee

jad