



SPONSOR: Rep. Matthews & Sen. Sokola
Reps. Baumbach, Brady, Q. Johnson, Osienski, Ramone,
Michael Smith

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 25

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO GARBAGE COLLECTION IN NEW CASTLE COUNTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

CHAPTER 34. CIVIC ASSOCIATIONS AND GARBAGE COLLECTION IN UNINCORPORATED AREAS
OF NEW CASTLE COUNTY

§ 3401. Definitions.

(a) “Civic Association” means an incorporated association with duly adopted bylaws, membership in which requires real property ownership or residency in a defined geographic area and whose purpose is to generally represent the interest of residents in that defined area. Such an association may be referred to as a homeowners association, neighborhood association, maintenance organization, or similar entity.

(b) “Garbage” means residential garbage and trash to the exclusion of commercial and industrial refuse.

(c) “Garbage Collection Unit” or “Unit” means each improved parcel of real estate located within the boundaries of a garbage collection district and either used or intended for residential purposes.

(d) “Garbage Collection District” means an area in New Castle County outside of the limits of any incorporated municipality, within ascertainable boundaries, and in which each garbage collection unit is part of the same subdivision or housing development that is eligible to be part of a civic association and said district is susceptible of efficient and economical garbage collection pursuant to the procedures of this chapter.

§ 3402. Association Meeting.

The Civic Association upon its own initiative or upon written petition of at least 25 unit owners shall hold a meeting, notice that shall be given in its usual and customary manner and shall contain a description of the boundaries of the proposed garbage collection district and a statement that the Civic Association will hold a meeting to consider whether or not to create the proposed garbage collection district and a statement that the Civil Association will hold a meeting to consider whether or not to create the proposed garbage collection district. The notice shall also state that in the event 80

percent of all unit owners of the subdivision or housing development petition to create a garbage collection district, the Civic Association shall pass a resolution to that effect and the Civic Association will contract for garbage collection and each unit of real property used or intended for residential purposes within the garbage collection district shall be billed its unit cost of garbage collection.

§ 3403. Creation of garbage collection district.

If 80 percent of all unit owners of the subdivision or housing development petition to create a garbage collection district, the Civic Association shall pass a resolution to that effect. Upon creation of a garbage collection district, the officers of the Civic Association shall become the officers of the garbage collection district and shall remain so until such time as they may be replaced. The officers of the garbage collection district shall select an agent, who may, but is not required to be the Civic Association, for the purpose of advertising, negotiating, receiving, reviewing and awarding service contracts as contemplated by this chapter. Agents may be removed or selected at the discretion of the officers of the garbage collection district.

§ 3404. Contracts for garbage collection authorized.

The Civic Association may enter into a contract with any private or public garbage collector to collect the garbage of each garbage collection unit located within the garbage collection district. The mere creation of a garbage collection district pursuant to § 3403 of this chapter shall not obligate the Civic Association to enter into a contract hereunder if in its opinion the bids received pursuant to § 3405 of this chapter are too costly.

The Delaware Solid Waste Authority shall create model bid forms and model contracts for use by garbage collection districts. Each contract shall contain a base bid for curbside or street-side service, a separate bid for side of back of house pick-up service, and may contain options for other special collections.

§ 3405. Award of contracts.

No contract for garbage collection shall be awarded unless the Civic Association publicly invites sealed bids by at least 14 days' notice in a newspaper published within the County. Bids so obtained shall be publically opened and awarded to the lowest responsible bidder except that the Civic Association may reject any or all bids. The Civic Association may in its specifications include reasonable qualifications for bidders in respect to equipment. The Civic Association may provide for contracts in excess of 1 year, but no contract shall extend longer than 2 years without being rebid, and may impose such provisions, conditions and limitations as deemed desirable.

§ 3406. Collection of garbage collection cost.

In order to pay the costs for any garbage collection contract entered into pursuant to § 3404 of this chapter, the contractor supplying the service to the Civic Association shall divide the annual contract cost by the number of garbage

53 collection units within the garbage collection district to arrive at the annual unit cost. The annual unit cost shall then in a
54 manner so agreed to by the contractor and unit owner be billed by the contractor to each garbage collection unit located
55 within the boundaries of the garbage collection district. No parcel of real estate shall be exempt from paying its unit cost so
56 long as it is improved and intended for residential use, unless the owner gives written notification to the contractor that the
57 owner does not want the contractors services and the owner agrees to personally dispose of their unit's own garbage.

58 § 3407. Exclusive Franchise.

59 Upon awarding a contract based upon a bid as contemplated in § 3405, garbage shall legally be collected within
60 the district by only that company to whom the contract is awarded. The company awarded such contract shall be granted an
61 exclusive franchise to collect garbage within the district for the duration of the contract period.

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SYNOPSIS

This Act allows Civic Associations in unincorporated areas of New Castle County to create garbage collection districts for units in their subdivision or housing development and contract for garbage collection.