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HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 32

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO TRASH CONTAINERS ON HIGHWAYS.

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

1 Section 1. Amend § 1709, Title 16 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 § 1709. Trash containers on highways; penalty.

4 (a)(1) A person, by agent or otherwise, may not cause a trash container having a capacity of 2 cubic yards or  
5 greater to be placed ~~in this State anywhere upon a highway, which means the entire width between the boundary lines,~~  
6 ~~including parking spaces, berms, and shoulders, of any way or place of whatever nature open to the use of the public as a~~  
7 ~~matter of right for purposes of vehicular travel, but not including a road or driveway upon grounds owned by private~~  
8 ~~persons, colleges, universities, or other private institutions, unless: on a highway, unless the container has all of the~~  
9 following:

10 (1) ~~The container, at a minimum, has a~~ a. A strip of 4-inch, red and white, high-intensity, reflective  
11 conspicuity adhesive tape that is no less than 4 inches wide and wrapped fully around it at its midpoint, the midpoint of  
12 the container. The midpoint of the container is between the bottom of the container and the opening at the top; and top.

13 (2) ~~The container clearly displays in letters and numbers at least 3 inches high the~~ b. The name and phone  
14 number of the owner of the container, or the owner's agent; agent, in font that is no less than 3 inches high.

15 (2) For purposes of this section, "highway" means a way or place open to the use of the public as a matter of  
16 right for purposes of vehicular travel and includes the entire width between the boundary lines of the way or place,  
17 including parking spaces, berms, and shoulders. "Highway" does not mean a road or driveway on grounds owned by  
18 private persons, colleges, universities, or other private institutions.

19 (b) ~~A violation of this section is punishable by a fine of~~ (1) A person who refuses, fails, or neglects to comply with  
20 this section is subject to a civil penalty in an amount that is not less than \$50 ~~nor~~ or more than \$500.

21 (2) Any law-enforcement officer, as defined under § 9702 of this title, may enforce this section.

22 (3) Justice of the Peace Court has jurisdiction over violations of this section.

## SYNOPSIS

This Act provides all law-enforcement officers the authority to enforce the existing labeling requirements for dumpsters that are in a public road or parking lot.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.