



SPONSOR: Rep. Smith & Sen. McBride;  
Reps. Cathcart, B. Ennis, Hudson,  
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HOUSE OF REPRESENTATIVES

141st GENERAL ASSEMBLY

HOUSE BILL NO. 404

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

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

- 1           Section 1. Amend Title 9 of the Delaware Code by adding thereto a new chapter to read:
- 2           "Chapter 33. GARBAGE COLLECTION SERVICE FOR AREAS INCLUDED IN A CIVIC ASSOCIATION
- 3                           LOCATED IN AN UNINCORPORATED AREA OF NEW CASTLE COUNTY
- 4   §3301. Definitions.
- 5           As used in this chapter:
- 6                   (1) 'Civic association' means an organization, membership in which requires real property ownership
- 7           or residency in a defined geographic area, and whose purpose is generally to represent the interests of the owners and/or
- 8           residents of the defined geographic area. A civic association may be referred to as a civic association, neighborhood
- 9           alliance, neighborhood association, homeowners maintenance corporation, homeowners maintenance association, or
- 10          similar term.
- 11                   (2) 'Garbage' means residential garbage and trash, and excludes commercial and industrial refuse.
- 12                   (3) 'Garbage collection unit' or 'unit' means an improved parcel of residential real estate located within
- 13          the boundaries of a civic association.
- 14                   (4) 'Garbage collection district' means an unincorporated area in New Castle County within a defined
- 15          geographic area in which each garbage collection unit is a part of the same civic association and is susceptible of efficient
- 16          and economical garbage collection pursuant to the procedures of this chapter.

§3302. Creation of a garbage collection district; assistance from the Delaware Solid Waste Authority.

(a) If at least 2/3 of the voting members of a civic association vote to create a garbage collection district, the civic association may contract with a public or private garbage collector to collect the garbage of each garbage collection unit located within the garbage collection district.

(b) The Delaware Solid Waste Authority shall create model bid forms and model contracts for use by civic associations and shall, upon request, assist a civic association in determining what constitutes efficient and economical garbage collection.

§3303. Award of contracts; billing for garbage collection.

(a) A civic association shall invite sealed bids before entering into a garbage collection contract under this chapter.

(b) A contract for garbage collection awarded under this chapter may be for no longer than 3 years.

(c) The method and frequency of billing for garbage collection under this chapter must be included in the contract between the civic association and the garbage collector. The contract must also include a provision that the garbage collector must bill each garbage collection unit, not the civic association. If payment is not made, the garbage collector may sue the owner or resident of the unit, not the civic association. The owner or resident of a unit must pay its unit cost to the garbage collector unless the owner or resident gives written notification to the civic association and garbage collector (1) that he or she does not want to use the contracted garbage collection services and (2) that he or she agrees to personally dispose of the unit's garbage.

§3304. Exclusive franchise.

Upon the award of a contract for garbage collection under this chapter, no one other than the person to whom the contract is awarded may collect garbage in the garbage collection district for the duration of the contract period."

Section 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and, to that end, the provisions of this Act are declared to be severable.

### SYNOPSIS

This bill allows a civic association located in an unincorporated area of New Castle County to contract for residential garbage collection if at least 2/3 of the voting members of the association vote to create a garbage collection district. The contract may be for no longer than 3 years and must provide for billing directly between the collector and the resident.

A resident may opt out of the garbage collection service, but must agree to personally dispose of his or her garbage because a contract awarded pursuant to this Act is an exclusive franchise to collect garbage in the garbage collection district.

The Delaware Solid Waste Authority will create model bid and contract forms and be available to help a civic association determine if the terms of a bid constitute efficient and economical garbage collection.