



SPONSOR: Rep. Oberle & Sen. McBride

HOUSE OF REPRESENTATIVES
145th GENERAL ASSEMBLY

HOUSE BILL NO. 70

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO WIND ENERGY SYSTEMS.

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

- 1 Section 1. Amend Chapter 80, Title 29 of the Delaware Code by adding a new “§ 8060” to read as follows:
2 “§ 8060. Restrictive Covenants.
3 (a) Any local or county government or home owner association covenant or restriction which prohibits or
4 restricts the owner of a property from using a system for obtaining wind energy for a residential single family dwelling unit
5 is void and unenforceable if the installation location has a parcel minimum size of one (1) acre. Roof mounted wind
6 systems that are integrated into an existing or new home or structure shall have no minimum parcel size.
7 (b) Local or county governments or home owner associations may opt to place further restrictions on wind
8 energy system installations; however, they must meet the following minimum requirements:
9 1. Wind turbines must be ‘setback’ 1.5 times the turbine height (the height of the tower plus the
10 length of one blade) from adjacent property lines.
11 2. The aggregate noise or audible sound of a wind system must not exceed five (5) decibels above
12 the existing average noise level of the surrounding area and is restricted to a maximum of 60 decibels measured
13 outside the closest property line that contains the wind system.
14 3. Visual Appearance and Safety: Wind systems must remain free from signage, advertising, flags,
15 streamers and other decorative items. Electric wiring for the turbines must be placed underground for non-
16 building integrated systems.
17 (c) The provisions of this Section shall apply to wind energy systems and wind facilities that qualify for
18 support from the Green Energy Fund, as authorized under § 8057 of this Title, or other such similar programs administered
19 by the State Energy Office.”.

SYNOPSIS

This Bill bans the use of covenants or other restrictions to prohibit the installation of wind systems in Delaware and sets minimum requirements for such operations.