



SPONSOR: Rep. Oberle & Sen. McBride  
Reps. Kovach, Kowalko, Sen. McDowell

HOUSE OF REPRESENTATIVES  
145th GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1

FOR

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. Restrictions.

3 (a) No county or municipal government, homeowner association, or association formed for the management  
4 of commonly-owned elements and facilities or for regulating use of private property shall adopt any covenant, restriction,  
5 deed restriction, zoning restriction, or subdivision restriction which prohibits or restricts the owner of a property from using  
6 a system for obtaining wind energy for a residential single family dwelling unit. Any such restriction adopted after the  
7 effective date of this section shall be void and unenforceable.

8 (b) A county or municipal government, homeowner association, or an association formed for the  
9 management of commonly-owned elements and facilities or for regulating use of private property may place restrictions on  
10 wind energy system installations subject to subsection (a) of this section, provided such restrictions shall not be more  
11 restrictive than the following:

12 1. Wind turbines shall be setback 1.0 times the turbine height from adjoining property line.

13 Turbine height means the height of the tower plus the length of one blade.

14 2. The aggregate noise or audible sound of a wind system shall not exceed five (5) decibels above  
15 the existing average noise level of the surrounding area and shall be restricted to a maximum of 60 decibels  
16 measured at any location along the property line to the parcel where the wind system is located.

17 3. Wind systems shall be free from signage, advertising, flags, streamers, any decorative items or  
18 any item not related to the operation of the wind turbine. Electric wiring for the turbines shall be placed  
19 underground for non-building integrated systems.

20 (c) The provisions of this section shall apply to wind energy systems and wind facilities that qualify for  
21 support from the Green Energy Fund, as authorized under § 8057 of this Title, or other such similar programs administered  
22 by the State Energy Office.”.

23           Section 2. This Act shall become effective 30 days after enactment and shall not be applicable to any restriction  
24   adopted prior to the effective date.

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.