

Delaware Noise Related Statutes

TITLE 3 Chapter 9 Subchapter II. Agricultural Preservation Districts

§ 910. Agricultural use protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal **noise**, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

TITLE 7 Chapter 71 Subchapter I. Non-vehicle Provisions

§ 7101. Declaration of purpose.

(a) The General Assembly finds and determines that the people of this State are entitled to and should be ensured an environment free from noise which unnecessarily degrades the quality of their life; that the levels of noise often reach such a degree as to endanger the health, safety and welfare, jeopardize the value of property and erode the integrity of the environment of the people of this State.

(b) The General Assembly also finds that a substantial body of science and technology exists by which noise may be substantially abated; and that the dangers of excessive noise can be abated by the adoption and enforcement of noise standards embodied in regulations based upon these scientific and technological findings.

(c) The General Assembly also finds that the problem of combating noise involves a high degree of cooperation on the part of various state agencies and departments; this chapter makes specific provisions for such inter-agency cooperation.

§ 7102. Short title.

This chapter shall be known and may be cited as the Delaware Noise Control Act.

§ 7103. Definitions.

(a) "Committee" shall mean the Noise Advisory Committee created under this chapter.

(b) "Farming operations" shall mean any activity which is involved in the production of agriculture, livestock, dairy or poultry products for sale.

(c) "Farm vehicle" shall mean a wheeled device used for transportation in farming operations.

(d) "Manufacturer" shall mean any person employing 5 or more employees and who is licensed as a manufacturer by the Department of Finance in accordance with Chapter 27 of Title 30.

(e) "Motor vehicle" shall mean any vehicle defined as a motor vehicle in accordance with § 101 of Title 21.

(f) "Noise" shall mean any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans, excluding all aspects of noise regulated by the federal Occupational Safety and Health Act (OSHA).

(g) "Noise disturbance" means any sound which:

- (1) Endangers or injures the safety or health of humans or animals; or
- (2) Annoys or disturbs a reasonable person of normal sensitivities; or
- (3) Jeopardizes the value of property and erodes the integrity of the environment.

(h) "Person" shall mean any corporation, company, association, society, firm, partnership and any joint stock company, as well as individuals, and shall also include the State and all of its political subdivisions, agencies and instrumentalities as well as any department, board or agency of the government of the United States.

(i) "Secretary" shall mean the Secretary of the Department of Natural Resources and Environmental Control.

§ 7104. Noise and noise disturbance prohibited.

(a) No person shall, without first having obtained a variance or a temporary emergency variance from the Department of Natural Resources and Environmental Control, undertake any activity which in any way may cause or contribute to the creation of noise or a noise disturbance.

(b) No person shall, without having first obtained a variance or a temporary emergency variance from the Department of Natural Resources and Environmental Control, construct, install, replace, modify or use any equipment, machinery, motor vehicle, device or other article which in any way may cause or contribute to the creation of noise or a noise disturbance.

§ 7105. Administration of chapter; applicability of subchapter.

(a) The Secretary of the Department of Natural Resources and Environmental Control or the Secretary's duly authorized designee shall exercise general supervision over the administration of this chapter and, in conjunction with the various law-enforcement agencies of this State, the enforcement of this chapter, and shall have jurisdiction over noise emanating from motor vehicles to the extent of approving standards, codes and regulations proposed by the Secretary of the Department of Safety and Homeland Security.

(b) The Secretary of the Department of Safety and Homeland Security shall exercise general supervision over the administration and enforcement of this chapter with regard to noise emanating from motor vehicles.

(c) This subchapter shall not apply to noise caused or created by the work of any public service company incident to the repair or maintenance of its equipment or facilities which may have been damaged or destroyed as the result of any emergency situation including but not limited to acts of God, accidents and explosions.

§ 7106. Powers and duties of Department of Natural Resources and Environmental Control.

The Department of Natural Resources and Environmental Control shall have the power and its duty shall be to:

- (1) Adopt standards, rules and regulations, after public hearing, for the prevention, control, reduction and abatement of noise pollution, applicable throughout the State or to such parts or regions thereof specifically designated in such regulations. The procedure for public hearings shall conform to the procedure described in subdivision (2) of § 6006 of this title;

such rules and regulations, however, shall not purport to exercise jurisdiction over any person or activity not included or affected by this subchapter;

(2) Cooperate with all other state departments, divisions and agencies in the formulation and preparation of rules and regulations for the control of noise;

(3) Enter into agreements with any other state department in order to effectuate this chapter;

(4) Enforce this chapter, and all regulations, codes and rules, promulgated pursuant thereto, except those provisions of this chapter pertaining to motor vehicles;

(5) In conjunction with the various law-enforcement agencies of this State, receive or initiate complaints of noise and institute legal proceedings for the prevention of noise and for the recovery of penalties, in accordance with this chapter;

(6) Keep records of violations cited, enforcement procedures initiated and completed in accordance with this section.

§ 7107. Authority of Department of Natural Resources and Environmental Control.

The Department of Natural Resources and Environmental Control shall have the authority to:

(1) Conduct and supervise research programs for the purpose of determining the causes, effects and hazards of noise;

(2) Conduct and supervise statewide programs of noise control education, including the preparation and distribution of information relating to noise control;

(3) Enter and inspect any building or place, except private residences, for the purpose of investigating an actual or suspected source of noise and ascertaining compliance or noncompliance of any statute, rule or regulation of the Department. Any information relating to secret processes or methods of manufacture or production obtained in the course of such inspection, investigation or determination shall be kept confidential and shall not be admissible in evidence in any court or in any other proceedings except to the extent herein provided. If tests of any type are made for the purpose of determining whether or not a violation has occurred, or for any other purpose in connection with such entry and inspection, a duplicate of the results of the tests shall be furnished promptly to the person suspected of violating the statute, code or regulation;

(4) With the approval of the Governor, cooperate with and receive money from the federal government, the state government or any county or municipal government or from private sources for the study and control of noise; and

(5) Review and approve any plan to construct any highway corridor, the construction or operation of which may in the opinion of the Department cause or contribute to an amount of noise deemed excessive by the Department.

§ 7108. Enforcement; investigations; injunctive relief.

(a) The Department of Natural Resources and Environmental Control shall enforce this chapter and any duly promulgated rules and regulations. All law-enforcement agencies of this State, including but not limited to police forces of the counties and incorporated cities and towns, may also enforce this chapter and any duly promulgated rules and regulations.

(b) Whenever the Department of Natural Resources and Environmental Control or any law-enforcement agency within this State has cause to believe based upon observation or a complaint that any person is violating this chapter, or any rules or regulations promulgated in accordance with this chapter, the Department or law-enforcement agency is authorized to conduct an investigation in connection therewith.

(c) If upon investigation the Department of Natural Resources and Environmental Control or any law-enforcement officer of this State discovers a condition which is in violation of any provision of this chapter or any rule or regulation promulgated pursuant thereto, the Department or law-enforcement officer shall be authorized to order such violation to cease and may take such reasonable steps as are necessary to enforce such an order. The order shall state why a violation exists and shall provide a reasonably specified time within which the violation must cease.

(d) The person responsible for the violation shall make the corrections necessary to comply with the requirements of this chapter or any rule or regulation promulgated pursuant thereto within the time specified in the order.

(e) Nothing herein shall be deemed to prevent the Department of Natural Resources and Environmental Control or any other law-enforcement agency of this State from prosecuting any violation of this chapter or any rule or regulation promulgated pursuant thereto, notwithstanding that such violation is corrected in accordance with the above order.

(f) In his or her discretion, the Secretary of the Department of Natural Resources and Environmental Control may endeavor by conciliation to obtain compliance with all requirements of this chapter or any rule or regulation promulgated pursuant thereto. Conciliation shall be attempted by giving written notice to the responsible party which:

(1) Specifies the violation;

(2) Proposes a reasonable time for its correction; and

(3) Advises that a cease and desist order may be issued or other action taken unless the violation is corrected.

(g) If a violation is threatening to begin, or is continuing, or if there is a substantial likelihood that it will reoccur, or if the Department of Natural Resources and Environmental Control receives information that a noise disturbance presents an imminent or substantial hazard to public health or to the environment, the Secretary of the Department of Natural Resources and Environmental Control may, in addition to or in lieu of any other remedy provided for in this chapter, seek a temporary restraining order or a preliminary or permanent injunction in the Court of Chancery.

(h) Whoever violates this chapter or any rule or regulation duly promulgated thereunder, or any variance or temporary emergency variance issued pursuant to this section or § 7109 of this title or any cease and desist order of the Secretary, shall be punished by a fine of not less than \$25 nor more than \$500 for each violation. Each day of violation shall be considered as a separate violation. Any court of competent jurisdiction shall have jurisdiction of offenses under this subsection.

(i) Any person who willfully or negligently violates this chapter or any rule or regulation duly promulgated thereunder, or any variance or temporary emergency variance or any cease and desist order of the Secretary shall be punished by a penalty of not less than \$500 nor more than \$3,000 for each day of such violation. The Superior Court shall have jurisdiction of offenses under this subsection.

(j) It shall be a misdemeanor for any person to obstruct, hinder, delay or interfere with, by force or otherwise, the performance by personnel of the Department of Natural Resources and Environmental Control or any other enforcement personnel of any duty under this chapter, or any rule or regulation or order or permit or decision promulgated or issued thereunder.

§ 7109. Variance.

(a) Any person who owns or operates any stationary noise source may apply to the Secretary of the Department of Natural Resources and Environmental Control for a variance or a partial variance from 1 or more of the rules or regulations promulgated pursuant to this chapter. Applicants for a variance shall supply information including, but not limited to:

(1) Information on the nature and location of the facility or process for which such application is made.

(2) The reason for which the variance is required, including the economic and technical justifications.

(3) The nature and intensity of noise that will occur during the period of the variance.

(4) A description of interim noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom.

(5) A specific schedule of the best practical noise control measures, if any, which might be taken to bring the source into compliance with those regulations from which a variance is sought, and a statement of the length of time during which it is estimated that it will be necessary for the variance to continue.

(6) Any other relevant information the Department may require in order to make a determination regarding the application.

(b) Failure to supply the information required shall be cause for rejection of the application unless the applicant supplies the needed information within 30 days of the written request by the Department for such information.

(c) No variance shall be approved unless the Secretary finds that:

(1) Noise levels occurring during the period of the variance will not constitute a danger to the public health; and

(2) Compliance with this chapter and any duly promulgated rules or regulations would impose an arbitrary or unreasonable hardship upon the applicant without a commensurate benefit to the public.

(d) In determining whether to grant a variance, the Secretary shall consider:

(1) The character and degree of injury to, or interference with, the health and welfare of people or the reasonable use of property which is caused or threatened to be caused by the noise during the variance period.

(2) The social and economic value of the activity for which the variance is sought.

(3) The ability of the applicant to apply best practical noise control measures, as defined in duly promulgated regulations.

(e) Following receipt and review of an application for a variance, and after publishing notice once a week for 2 weeks in a newspaper of general circulation in the county wherein the variance is proposed, the Department shall, if necessary, fix a date, time and location for a hearing on such application in accordance with § 6004 of this title. Costs of newspaper advertising are to be paid by the applicant.

(f) Within 10 days of the receipt of the record of a hearing on a variance application, or within 10 days of receipt of an application on which no hearing is held, the Department shall issue its determination regarding such application and provide a copy to affected parties. All such decisions shall briefly set forth the reasons for the decision.

(g) The Department may, in its discretion, limit the duration of any variance granted. Any person holding a variance and needing an extension of time may apply for a new variance under this chapter and any duly promulgated rules and regulations for a period not to exceed 1 year. Any

such application shall include a certification of compliance with any condition imposed under the previous variance.

(h) The Department may attach to any variance any reasonable conditions it deems necessary and desirable, including, but not limited to:

(1) Requirements for the best practical noise control measures to be taken by the owner or operator of the source to minimize noise during the period of the variance.

(2) Requirements for periodic reports submitted by the applicant relating to noise, to compliance with any other conditions under which the variance was granted or to any other information the Department deems necessary.

(i) A variance may include a compliance schedule and requirements for periodic reporting of increments of achievement of compliance.

§ 7110. Temporary emergency variance.

(a) A temporary emergency variance may be granted by the Department:

(1) If a severe hardship would be caused by the time period involved in obtaining a full variance.

(2) If the emergency is of an unforeseen nature so as to preclude a full variance because of time limitations.

(3) If all conditions comply with those required for a full variance.

(4) For a period not to exceed 60 days, not to be extended more than once.

(b) The granting of any temporary emergency variance shall be published within 5 days of the granting in a newspaper of general circulation once a week for 2 weeks in the county where the applicant resides.

§ 7111. Testimony at hearings.

Testimony taken at any hearing shall be under oath and recorded stenographically, but the parties shall not be bound by the strict rules of evidence prevailing in the courts of law and equity. True copies of any transcript and of any other record made of or at such hearings shall be furnished to any party thereto upon request, and at such party's expense. Applicants shall pay for any and all stenographer's fees and, if requested, copies of the transcript.

§ 7112. Conduct of hearings.

Any administrative or non-judicial hearings required by this chapter shall be held before the Secretary of the Department of Natural Resources and Environmental Control or before members of the Department designated by the Secretary. The Secretary, or persons designated by the Secretary to hear the case, shall have the power to subpoena witnesses and compel their attendance, administer oaths and require the production for examination of any books or papers relating to any matter under investigation in any such hearing. The respondent to a complaint made by it, or to it, pursuant to this chapter, shall subpoena and compel the attendance of such witnesses as the respondent may designate and require the production for examination of any books or papers relating to any matter under investigation in any such hearing.

§ 7113. Appeals of final orders.

(a) Any person or persons who jointly or severally are substantially affected and aggrieved by any final order or variance of the Department, or any taxpayer, or any officer, department, board or bureau of the State may appeal that order to the State Environmental Appeals Board and to the

Superior Court as provided in §§ 6008 and 6009 of this title except that the word "variance" shall be substituted for the word "permit" in subsections (b) and (e) of § 6008 of this title.

(b) No appeal shall operate to stay automatically any action of the Secretary, but upon application, and for good cause, the Secretary or the Court of Chancery may stay the action pending disposition of the appeal.

TITLE 7 Chapter 71

Subchapter II Motor Vehicles

§7120. Powers and duties of Department of Safety and Homeland Security.

(a) The Department of Safety and Homeland Security, after consideration with the Secretary of the Department of Transportation and upon approval of the Secretary of the Department of Natural Resources and Environmental Control, shall have the power and its duty shall be to:

(1) Adopt regulations, after public hearing, establishing the standards, test procedures and instrumentation to be utilized in the control of noise from motor vehicles;

(2) Adopt regulations, after public hearing, necessary for the inspection of motor vehicles, including noise control and abatement equipment to assure compliance with the noise standards promulgated by the Department.

(b) For any public hearings required by this subchapter, the procedure shall conform to the procedure established in § 6006 of this title.

§ 7121. Motor vehicle noise inspection.

Any motor vehicle which is subject to inspection by the Division of Motor Vehicles or any other duly authorized body shall, as a condition of compliance with said inspection, pass such tests as may be required to demonstrate that the motor vehicle is in compliance with all state and federal standards and requirements for the control of noise which are applicable to such motor vehicles.

§ 7122. Motor vehicle violations; enforcement.

Any person who operates a motor vehicle or owns a motor vehicle which he or she permits to be operated upon public highways of this State which generates noise in excess of standards adopted by the Department of Safety and Homeland Security shall be fined not less than \$25 nor more than \$1,000, which shall be enforced in accordance with Chapter 7 of Title 21.

§ 7123. Liberal interpretation.

The powers, duties and functions vested in any state department under this chapter shall not be construed to limit in any manner the powers, duties and functions vested therein or in any person under any other provision of law, or any civil or criminal remedies now or hereafter available to any person related to community noise control.

§ 7124. Other ordinances or remedies.

(a) No existing civil or criminal remedy now or hereafter available to any person shall be superseded by this chapter or any rule or regulation promulgated pursuant thereto.

(b) No ordinances or resolutions of any governing body of a municipality or county or board of health which establish specific standards for the level or duration of community noise equivalent to or more stringent than those provided by this chapter or any rule or regulation promulgated pursuant thereto shall be superseded. Nothing in this chapter or in any rule or regulation

promulgated pursuant thereto shall preclude the right of any governing body of a municipality or the Department of Health and Social Services to adopt ordinances, resolutions or regulations which establish specific standards for the level or duration of community noise equivalent to or more stringent than this chapter or any rule or regulation promulgated pursuant thereto.

§ 7125. Exemptions.

- (a) All farm vehicles are exempted from this chapter while engaged in farming operations.
- (b) Sirens operated to summon volunteer firefighters to alarms and sirens used to summon ambulance crews to service calls are exempted from this chapter.

TITLE 21 Chapter 43
Subchapter I. Equipment Requirements

§ 4306. Horns and other sound devices; unlawful use.

- (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order capable of emitting **sound** audible under normal conditions from a distance of not less than 200 feet.
- (b) Except as otherwise provided, no vehicle shall be equipped with and no person shall use upon a vehicle any **siren**, exhaust, compression or spark plug **whistle**, and no person at any time shall use a horn otherwise than as a reasonable warning or make any unnecessary or unreasonable loud or harsh sound by means of a horn or other warning device.
- (c) No person operating or occupying a motor vehicle on any street, highway, alley, or parking lot shall operate or permit the operation of any **music amplification system**, including, but not limited to, any radio, tape player, compact disc player, or any other electrical device used for the amplification of music in or on the motor vehicle so that the **sound is plainly audible** at a distance of 50 or more feet from the vehicle. For the purpose of this subsection, "plainly audible" means any sound which clearly can be heard by unaided hearing faculties, however, words or phrases need not be discernible and bass reverberation alone shall be sufficient to so constitute.
- (d) Subsection (c) of this section shall not apply to those in a parade which has been issued a permit nor to commercially licensed vendors in the legitimate operation of their businesses.
- (e) Subsection (c) of this section shall not apply to any municipality of this State with a population in excess of 50,000 which has an ordinance addressing **noise** violations of that type. In the event that any such municipality repeals its ordinance without substituting requirements at least as restrictive as those found in subsection (c) of this section, then the provisions of subsection (c) of this section shall take effect within that municipality.

§ 4307. Warning devices for emergency vehicles.

- (a) Every police, fire department and fire patrol vehicle and every ambulance used for emergency calls, except as provided in subsection (b) of this section, shall be equipped with a bell, **siren** or exhaust **whistle**.
- (b) A vehicle used by a fire chief, deputy fire chief, assistant fire chief, or fire police officer of a duly organized fire department, which is not owned by or the property of the fire department, shall not be equipped with such warning devices.

§ 4308 - § 4310

§ 4311. Mufflers; cutout prohibited.

(a) No person shall drive a motor vehicle, including a motorcycle, on a highway, including residential streets, unless such motor vehicle or motorcycle is equipped with a **muffler** in good working order and in accordance with manufacturer's specifications and in constant operation to prevent excessive or unusual noise.

(b) No person shall use a "muffler cutout" on any motor vehicle upon a highway.

(c) It shall be unlawful to sell or offer for sale any muffler without interior baffle plates or other effective muffling devices or to sell or offer for sale any "guttled muffler," "muffler cutout" or "straight exhaust."

(d) The provisions of this section shall only apply if there is not a violation of § 4311A of this title.

§ 4311A. Muffler requirements for commercial vehicles equipped with engine compression brake devices.

(a) No person shall drive a commercial vehicle equipped with an engine compression brake device on a highway, including residential streets, unless such commercial vehicle is also equipped with a muffler in good working order and in accordance with manufacturer's specifications and in constant operation to prevent excessive noise.

(b) For the purposes of this section, "engine compression brake device" shall mean any device that uses the engine and transmission to impede the forward motion of the motor vehicle by compression of the engine.

§ 4312 - § 4314

§ 4315. Penalties for §§ 4301-4316.

(a) Whoever violates §§ 4301-4305 of this title shall for the first offense be fined not less than \$25 nor more than \$115. For each subsequent like offense, the person shall be fined not less than \$57.50 nor more than \$230, or imprisoned not less than 10 nor more than 30 days, or both.

(b) Whoever violates §§ 4306-4311 of this title, except for § 4306(c) of this title, shall for the first offense be fined not less than \$10 nor more than \$28.75. For each subsequent like offense, the person shall be fined not less than \$28.75 nor more than \$100. Whoever violates § 4306(c) of this title shall be subject to a fine of at least \$50 and not to exceed \$250. For each subsequent offense such person shall be subject to a fine of at least \$125 and not to exceed \$500.

(c) Whoever violates § 4311A of this title shall be fined \$500.

(d) Whoever being the operator, owner or custodian of any motor vehicle which is operated in violation of §§ 4312-4316 of this title shall be fined not less than \$28.75 nor more than \$100.

(e) In case of any violation of §§ 4301-4316 of this title by any common carrier or person operating under a permit or certificate issued by any public authority, in addition to the penalties prescribed in this section, such permit or certificate shall be revoked or, in the discretion of the issuing authority suspended until such sections are satisfactorily complied with.

TITLE 21 Chapter 68

§ 6801. OHV registration -- Required.

(a) Except as hereinafter provided, no person shall operate any off-highway vehicle within the State unless such vehicle has been registered in accordance with this chapter. Such registration

shall not permit the vehicle to be operated on any highway except as hereinafter specifically provided. No person shall sell an OHV without furnishing the buyer a bill of sale.

(b) Proof of such registration shall be available for inspection upon demand by any peace, environmental protection or law-enforcement officer; however, the operator shall be allowed 24 hours to produce the registration card before a conviction can be obtained under this chapter, such registration having been legally issued at a time prior to the operator's arrest.

(c) **Snowmobiles are excluded** from this chapter.

§ 6802 - § 6818

§ 6819. Operation of OHVs -- In a manner causing damage or disturbance.

(a) A person shall not operate an OHV in a manner to cause excessive damages or disturbances of the land, wildlife or vegetative resources, or endanger, disturb or annoy other persons or property. **Disturbance or annoyance of other persons** shall be presumed if the operator has received either verbally or in written form notice of such annoyance or disturbance from the complaining party. However, nothing in this subsection shall be construed as prohibiting the operation of OHV's at a race track designed for the lawful racing of said vehicles.

(b) The operator of the OHV shall be held liable for any damage to private property, including, but not limited to, damage to trees, shrubs or growing crops, injury to living creatures or damage through OHV operation in a manner so as to maliciously create erosive or other ecological damage to private property. However, if the operator is a minor, the parents or legal guardian of the operator shall be held personally liable for any and all damage and/or injuries, including civil or criminal liability, caused by the minor in the operation of the OHV.

(c) The owner of such private property may recover from the person responsible nominal damages of not less than the amount of damage or injury.

§ 6820. Operation of OHVs -- Without spark arrestor type muffler.

(a) A person shall not operate an OHV unless such OHV is equipped with a spark arrestor type muffler, in good working order and in constant operation, from which **noise** emission under 60% of the maximum RPM, measured at 50 feet at right angles from the vehicle path on a constant speed pass, by measurement does not exceed 88 DBA on a sound level meter which meets the requirements of ANSI-514197, using procedure and ancillary equipment therein described. During the test procedure, the ambient sound including wind effects due to sources other than the OHV being measured shall be at least 10 DBA lower than the anticipated level of the test OHV. A vehicle subject to this chapter, manufactured or assembled after January 1, 1978, and used, sold or offered for sale in this State shall conform to the noise emission levels of this chapter unless preempted by federal E.P.A. legislation.

(b) Competition vehicles shall be exempted from this section only while in competition.

TITLE 29 Chapter 50
Subchapter IV. Delaware Economic Development Authority

§ 5051. Findings; declaration of policy.

(a) It is determined and declared as a matter of legislative finding that:

(1) – (6)

(7) Due to increased industrialization and urbanization of many areas of the State, greater dangers to the public health and welfare exist because of pollution of the air, water and soil, and high levels of **noise**. Therefore, it is necessary to protect the public health and welfare by fostering the reduction, abatement or prevention of the pollution of the state's environment and the protection of its natural resources;

(8) – (11)

(b) It is further determined and declared that in order to aid in remedying such conditions and to implement the purposes of this subchapter, there shall be created an Authority which shall be a body politic and corporate having the powers, duties and functions provided in this subchapter; that the creation of the Authority and the powers conferred upon such Authority under this subchapter and the expenditure of moneys pursuant to this subchapter constitute a valid public purpose and the performance of a valid public function; that the enactment of the provisions hereinafter set forth is in the public interest and for the public benefit and welfare and is hereby so declared to be as a matter of express legislative determination.

§ 5052. Definitions.

The following words and terms, unless the context clearly indicates a different meaning, shall have the following respective meaning:

(1) – (10)

(11) "Pollution control project" means any device, equipment, improvement, structure or facility or any land and any building, structure, facility or other improvement thereon, or any combination thereof, whether or not in existence or under construction, or additions thereto or upgrading thereof, and all real and personal property deemed necessary thereto, having to do with, or the end purpose of which is, the control, abatement or prevention of land, water, air or general environmental pollution in or adjacent to the State, whether by solids, liquids, gases, particulates, radiation, heat, **noise** or otherwise, including, but not limited to, any air pollution control facility, noise abatement facility, water management facility, wastewater collection system, wastewater treatment works, sewage treatment system or solid waste disposal or resource recovery facility or site.

TITLE 29 Chapter 79

Subchapter V. Minimum Standards for Congregate Housing Facilities for the Homeless

§ 7960 - § 7963

§ 7964. Standard of conduct.

The sponsor and resident manager of each congregate housing facility shall be responsible for publishing and posting in prominent places a standard of conduct for residents which is not disruptive to others within the facility, to the community, or to the residents of neighboring

residences or businesses. The use of alcohol or illegal drugs in such facilities is prohibited. Loud or boisterous behavior, music or other **noise** in violation of state or local noise laws, rules and regulations that deprives other residents of the quiet enjoyment of the facility shall be prohibited at all times, especially between sunset and sunrise.

§ 7965 - § 7968.

TITLE 29 Chapter 80

§ 8060. Restrictions.

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

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

1.

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

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