



NEW CASTLE COUNTY COUNCIL LAND USE COMMITTEE MEETING

Co-Chair: David Tackett, Eleventh District
Co-Chair: Janet Kilpatrick, Third District

**April 16, 2024
3:15 PM**

VIRTUAL ZOOM WEBINAR MEETING &
LOUIS L. REDDING CITY/COUNTY BUILDING
1ST FLOOR COUNCIL CHAMBERS
800 N. FRENCH STREET, WILMINGTON, DE 19801**

AGENDA

- A. Meeting Call to Order**
- B. Approval of Minutes**
- C. Review/Discussion of Resolution(s)**
- D. Review/Discussion of Ordinance(s)**
 - °24-048: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 22 ("OFFENSES AND MISCELLANEOUS PROVISIONS"), SECTION 22.02.008 ("NOISE CONTROL") RELATING TO REFUSE Introduced by: Ms. Kilpatrick
- E. Presentations**
- F. Other**
- G. Public Comment**
- H. Adjournment**

AGENDA POSTED: April 9, 2024

*The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 *Del. C.* Section 10004(e)(2). The meeting may go into Executive Session to address issues that arise at the time of the meeting.

**Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a telephone and video conference, utilizing  Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : <https://zoom.us/j/377322142> You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: <https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars>

Meeting materials, including a meeting agenda, legislation to be addressed during the meeting, and other materials related to the meeting are electronically accessible at <https://www.nccde.org/2351/Agendas-and-Minutes> Members of the public joining the meeting may be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone may have an opportunity to comment.

If permitted to comment, you will not be able to speak until called upon by the moderator. For those appearing virtually, there are functions in the program that allow you to do this. Please see the link in the previous paragraph.

ORDINANCE NO. 24-048

TO AMEND NEW CASTLE COUNTY CODE CHAPTER 22 (“OFFENSES AND MISCELLANEOUS PROVISIONS”), SECTION 22.02.008 (“NOISE CONTROL”) RELATING TO REFUSE

1 **WHEREAS**, limiting noise disturbances within New Castle County is vitally
2 important to maintaining a high quality of life in our neighborhoods; and
3

4 **WHEREAS**, it is important that New Castle County adopt and robustly enforce
5 noise regulations in residential areas in the County to ensure the safety and welfare of its
6 residents; and
7

8 **WHEREAS**, given the noise that is produced when garbage and rubbish (*i.e.*,
9 refuse) are collected, it is important that regulations related thereto are thoughtful and
10 consistent; and
11

12 **WHEREAS**, the permissible time frame for garbage and rubbish collection in
13 residential neighborhoods currently allowed under *County Code* is inconsistent with the
14 time frame established under State law; and
15

16 **WHEREAS**, it is important that the provisions of *County Code* be consistent with,
17 and not conflict with, the *Delaware Code* and related regulations which govern garbage
18 and rubbish collection; and
19

20 **WHEREAS**, it is in the best interests of New Castle County and its residents that
21 the County consistently regulate noise disturbances in residential areas in a manner that
22 preserves the welfare, safety, and integrity of neighborhoods in New Castle County.
23

24 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
25

26 Section 1. *New Castle County Code* Chapter 22 (“Offenses and Miscellaneous
27 Provisions”), Section 22.02.008 (“Noise Control”) is hereby amended by adding the
28 material that is underlined and deleting the material with strikethroughs, as set forth below.
29

30 **Sec. 22.02.008. - Noise Control.**
31

32 ...

33 B. *Noise disturbances prohibited.*

34 2. *Specific prohibitions.* It shall be unlawful for any person to make, continue or
35 cause to be made or continued any noise disturbances in the County in any of
36 the following manners:

- 37 i. Refuse *compacting vehicles*. Operating or permitting to be operated any
38 motor vehicle which can compact refuse and which creates, during the
39 compacting cycle, a sound pressure level in excess of ~~ninety-four (94)~~ 94
40 dB(A) when measured at ~~fifty (50) feet~~ 50' from any point of the vehicle or
41 operating such a vehicle between the hours of ~~8:30~~ 10:00 p.m. and ~~6:00~~
42 7:00 a.m. the following day in residential districts.

43
44 Section 2. This Ordinance shall become effective immediately upon its adoption by
45 County Council and approval by the County Executive, or as otherwise provided in 9 *Del.*
46 C. § 1156.

Adopted by County Council of
New Castle County on:

Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

Matthew Meyer
County Executive
of New Castle County

SYNOPSIS: This Ordinance amends *New Castle County Code* Section 22.02.008, Noise Control, regarding refuse collection and the permissible time period for such collection to ensure that the provisions in the *New Castle County Code* are consistent with the provisions mandated in the *Delaware Code* and related regulations.

FISCAL NOTE: There is no discernible fiscal impact with the adoption of this Ordinance.