

Introduced by

Senators Miller, Olafson, Murphy

Representatives Belter, Boe, Schmidt

1 A BILL for an Act to create and enact a new section to chapter 49-02 of the North Dakota
2 Century Code, relating to anemometer towers; to provide a penalty; and to provide for
3 application.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 49-02 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Anemometer towers - Definitions - Penalty.**

8 1. As used in this section, unless the context otherwise requires:

9 a. "Anemometer" means an instrument for measuring and recording the speed of
10 wind.

11 b. "Anemometer tower" means a structure, including all guy wires and accessory
12 facilities, on which an anemometer is mounted for the purposes of documenting
13 wind resources for the operation of a wind turbine generator.

14 2. An anemometer tower that is fifty feet [15.24 meters] in height above the ground or
15 higher, is located outside the zoning jurisdiction of a city, and the appearance of which
16 is not otherwise regulated by state or federal law must be marked, painted, flagged, or
17 otherwise constructed to be recognizable in clear air during daylight hours and:

18 a. The anemometer tower must be painted in equal, alternating bands of orange
19 and white, beginning with orange at the top of the tower and ending with orange
20 at the bottom of the tower;

21 b. Two marker balls must be attached to and evenly spaced on each of the outside
22 guy wires;

23 c. The area surrounding each point where a guy wire is anchored to the ground
24 must have a contrasting appearance with any surrounding vegetation, and if the

1 adjacent land is grazed, the area surrounding the anchor point must be fenced
2 for an area not less than sixty-four square feet [5.95 square meters] with the
3 outer boundary at least four feet [1.22 meters] from the anchor point; and

4 d. One or more seven-foot [2.13-meter] safety sleeves must be placed at each
5 anchor point and must extend from the anchor point along each guy wire
6 attached to the anchor point.

7 e. A red flashing light must be placed at the top of the tower that is visible in clear
8 atmospheric conditions from 2.33 miles [3.75 kilometers] and must be displayed
9 from sunset to sunrise.

10 3. The commission may enforce this section and a violation of this section is a class B
11 misdemeanor.

12 **SECTION 2. APPLICATION.** Any anemometer tower that was erected before August 1,
13 2011, must be marked as required in this section before August 1, 2012. Any anemometer tower
14 that is erected after July 31, 2011, must be marked as required in this section at the time it is
15 erected.