

**SENATE BILL NO. 2206**

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 for an Act to create and enact two new sections to chapter 2-05 of the North Dakota~~  
4 ~~Century Code, relating to rules regarding anemometer towers and to an anemometer database;~~  
5 ~~and to declare an emergency.~~

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

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

9 ~~**Anemometer towers - Definitions - Penalty.**~~

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

11 ~~a. "Anemometer" means an instrument for measuring and recording the speed of~~  
12 ~~wind.~~

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

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

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

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

- 1 ~~c. The area surrounding each point where a guy wire is anchored to the ground~~  
2 ~~must have a contrasting appearance with any surrounding vegetation, and if the~~  
3 ~~adjacent land is grazed, the area surrounding the anchor point must be fenced~~  
4 ~~for an area not less than sixty four square feet [5.95 square meters] with the~~  
5 ~~outer boundary at least four feet [1.22 meters] from the anchor point; and~~  
6 ~~d. One or more seven foot [2.13 meter] safety sleeves must be placed at each~~  
7 ~~anchor point and must extend from the anchor point along each guy wire~~  
8 ~~attached to the anchor point.~~  
9 ~~e. A red flashing light must be placed at the top of the tower that is visible in clear~~  
10 ~~atmospheric conditions from 2.33 miles [3.75 kilometers] and must be displayed~~  
11 ~~from sunset to sunrise.~~

12 ~~3. The commission may enforce this section and a violation of this section is a class B~~  
13 ~~misdemeanor.~~

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

18 **SECTION 1.** A new section to chapter 2-05 of the North Dakota Century Code is created  
19 and enacted as follows:

20 **Anemometer tower rules.**

21 The aeronautics commission shall adopt rules to become effective by May 1, 2012, which  
22 require anemometer towers to be marked to be visible to aircraft and require the location of the  
23 towers be reported to the commission in the manner determined by the commission.

24 **SECTION 2.** A new section to chapter 2-05 of the North Dakota Century Code is created  
25 and enacted as follows:

26 **Anemometer database.**

27 By January 1, 2012, the aeronautics commission shall establish and maintain a database to  
28 identify the locations of all existing anemometer towers. Within one hundred eighty days after  
29 the effective date of this Act, each person with an anemometer tower erected in the state shall  
30 provide the commission with the global-positioning coordinates of the center of each  
31 anemometer tower. Each person intending to erect an anemometer tower shall provide to the

1 commission the global-positioning coordinates of the center of the tower at least fifteen days  
2 before the erection of the tower.

3 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.