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## New “Met” Tower Requirements in North Dakota

**Legal Update**

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North Dakota Senate Bill 2206 recently signed into law by the Governor, as North Dakota Century Code Section 2-05-21, changes the requirements for anemometer towers. The law was passed with an emergency clause and is effective August 1, 2011. The law requires that an anemometer tower “fifty feet in height above the ground or higher...located outside the zoning jurisdiction of a city, and the appearance of which is not otherwise regulated by state or federal law must be marked, painted, flagged, or otherwise constructed to be recognizable in clear air during daylight hours.” The towers must meet the following requirements:

1. Must be painted in equal, alternating bands of orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the tower;
2. One or more seven-foot [2.13-meter] safety sleeves must be placed at each anchor point and must extend from the anchor point along each guy wire attached to the anchor point; and
3. At least one marker ball must be attached to each guy wire in the highest set of guy wires which does not affect the stability of the tower and the measurement of wind speed.

This law applies to any anemometer tower erected after July 31, 2011, which must meet these specifications at the time the tower is erected. Any tower erected before August 1, 2011, must meet these specifications before August 1, 2014. An anemometer tower that has been erected in an existing wind energy generating facility on the effective date of this Act is exempt from the marking requirements.

The bill also requires the establishment and maintenance by the North Dakota Aeronautics Commission of a database that contains locations of all existing anemometer towers by January 1, 2012. Within 60 days of August 1, 2011, an owner of any anemometer tower erected in North Dakota must provide the commission with global positioning system coordinates of the center of the anemometer tower. The owner of any tower erected after July 31, 2011, must notify the commission with coordinates at least ten days before the tower is erected. The new law also governs the removal of towers, requiring that any owner, within ten

days after the removal of an anemometer tower, shall notify the commission.

The North Dakota Aeronautics Commission does not have a database established yet. To contact the Commission with questions, or notify them with coordinates, you should contact them by phone at 701.328.9650 or email at [ndaero@nd.gov](mailto:ndaero@nd.gov), and ask to be directed to the person in charge of the anemometer tower database.