AN ACT concerning anemometer towers; relating to required markings; penalties.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) As used in this section:

(1) "Anemometer" means an instrument for measuring and recording the speed of the wind; and

(2) "anemometer tower" means a structure, including all guy wires and accessory facilities, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

(b) Any anemometer tower that is 50 feet in height above the ground or higher, located outside the exterior boundaries of any municipality, and whose appearance is not otherwise mandated by state or federal law, shall be marked, painted, flagged or otherwise constructed to be recognizable in clear air during daylight hours. Any anemometer tower that was erected before July 1, 2011, shall be marked as required by this section on or before July 1, 2013. Any anemometer tower that is erected on or after July 1, 2011, shall be marked as required by this section at the time such tower is erected. Marking required by this section includes marking the anemometer tower, guy wires and accessory facilities as follows:

(1) The top \(\frac{1}{3}\) of the anemometer tower shall be painted in equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the marked portion of the tower;

(2) two marker balls shall be attached to and evenly spaced on each of the outside guy wires;

(3) the area surrounding each point where a guy wire is anchored to the ground shall have a contrasting appearance with any surrounding vegetation. If the adjacent land is grazed, the area surrounding the anchor point shall be fenced. For purposes of this subsection, the term "area surrounding the anchor point" means an area not less than 64 square feet whose outer boundary is at least four feet from the anchor point; and

(4) one or more seven-foot safety sleeves shall be placed at each anchor point and shall extend from the anchor point along each guy wire
attached to the anchor point.

(c) Failure to properly mark an anemometer tower is failing to mark an anemometer tower as required by subsection (b). An owner of an anemometer tower who fails to properly mark an anemometer tower shall be guilty of a class C misdemeanor.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.