

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 205**

Introduced by Schilz, 47.

Read first time January 13, 2015

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to towers; to regulate certain towers as

2 prescribed.

3 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) For purposes of this section:

2           (a) Height means the distance from the original grade at the base of  
3 a tower to the highest point of the tower; and

4           (b) Tower means a structure over fifty feet in height that is either  
5 self-standing or supported by guy wires and ground anchors, is smaller  
6 than six feet in diameter at the base, and has accessory facilities on  
7 which an antenna, sensor, camera, meteorological instrument, or other  
8 equipment is mounted. Tower does not include a structure that is located  
9 adjacent to a building, house, barn, or electric utility substation or in  
10 the curtilage of a farmstead.

11           (2) Any tower that is located outside the boundaries of a city or  
12 village on land that is primarily rural or undeveloped or used for  
13 agricultural purposes shall be marked and painted or otherwise  
14 constructed to be visible in clear air during daylight hours from a  
15 distance of not less than two thousand feet. All such towers shall also:

16           (a) Be painted in equal alternating bands of aviation orange and  
17 white, beginning with orange at the top of the tower;

18           (b) Have one marker ball attached to the top one-third of each  
19 outside guy wire; and

20           (c) Have a seven-foot long safety sleeve on each guy wire at each  
21 anchor point that extends from the anchor point along each guy wire  
22 attached to the anchor point.

23           (3) Any tower subject to this section that was erected prior to the  
24 effective date of this act shall be marked as required by this section  
25 within one year after the effective date of this act. Any tower subject  
26 to this section that is erected on or after the effective date of this  
27 act shall be marked as required by this section at the time it is  
28 erected.

29           (4) This section does not apply to:

30           (a) Towers or poles that support electric utility transmission lines  
31 or distribution lines;

1        (b) Facilities licensed by the federal communications commission or  
2 any structure with the primary purpose of supporting telecommunications  
3 equipment, including microwave relay facilities and towers erected for  
4 the purpose of providing commercial mobile radio service or commercial  
5 mobile data service as defined in 47 C.F.R. 20.3, but does include towers  
6 or poles with a primary purpose of providing private mobile radio  
7 services other than commercial mobile data service as defined in 47  
8 C.F.R. 20.3;

9        (c) Towers within a ski area boundary;

10       (d) Wind-powered electrical generators with a rotor blade radius  
11 greater than six feet;

12       (e) Street lights erected or maintained by the Department of  
13 Transportation; or

14       (f) Structures subject to and in compliance with sections 3-401 to  
15 3-409.