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**ENGROSSED SUBSTITUTE HOUSE BILL 1304**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** House Local Government (originally sponsored by Representatives Hackney and Walen)

AN ACT Relating to electric security alarm systems; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 19.27 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that recent changes in alarm system technology can be beneficial for protecting property owners from ongoing theft, and help to minimize the demand on local government policing and judicial resources. The legislature further finds that state and local building codes related to electric security alarm systems vary widely from jurisdiction to jurisdiction and that a uniform definition and application of a statewide standard for installation of such systems would be beneficial to industrial and commercial property owners statewide. It is, therefore, the intent of the legislature to establish a statewide standard for the installation and operation of electric security alarm systems to streamline adoption and provide certainty for installation of such systems.

NEW SECTION. **Sec.**  A new section is added to chapter 35.21 RCW to read as follows:

(1) Cities and towns may not adopt or enforce any ordinance, land use regulation, or building code for manufacturing, industrial, or outdoor storage property that:

(a) Prohibits the installation or use of an electric security alarm system;

(b) Imposes installation or operational requirements inconsistent with IEC standards or this section for an electric security alarm system fence energizers and electric fences;

(c) Requires a property setback for an electric security alarm system or its ancillary components beyond the distance required by IEC standards for separation from an external fence that surrounds the perimeter of the outdoor storage property, including any existing nonconforming or grandfathered fence; or

(d) Requires a permit of any type other than a security alarm permit for the installation or use of an electric security alarm system or imposes a fee for such a permit of more than $1,000. Nothing in this section precludes a city or town from regulating or requiring a permit for a nonelectric perimeter fence or wall.

(2) A city or town that has, prior to January 1, 2024, adopted an ordinance, land use regulation, or building code that permits electric security alarm systems in accordance with IEC standards in commercial and industrial zones within the city or town is not subject to the requirements of this section.

(3) For the purposes of this section:

(a) "Electric security alarm system" means an outdoor alarm system and ancillary components, including a fence-like wiring structure, placed behind an existing nonelectric fence that:

(i) Interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to detect and alert the property owner of an intrusion or burglary;

(ii) Has an energizer that is driven by battery of no more than 12 volts of direct current and that does not produce an electric charge on contact that exceeds energizer characteristics set for electric fence energizers by IEC standards;

(iii) Is surrounded by a nonelectric perimeter fence or wall that is at least five feet in height;

(iv) Is 10 feet in height or two feet higher than the height of the nonelectric perimeter fence or wall, whichever is greater; and

(v) Is marked with conspicuous warning signs that are located on the fence at not more than 30-foot intervals and that read: "WARNING: ELECTRIC FENCE."

(b) "IEC standards" means the international electrotechnical commission standard 60335-2-76, as most recently published on or before January 1, 2021.

(c) "Outdoor storage property" means a commercial property, regardless of zoning designation, that is legally authorized to store, park, service, sell, or rent vehicles, vessels, equipment, materials, freight, or utility infrastructure within an outdoor lot or yard that is surrounded by a nonelectric perimeter fence or wall.

NEW SECTION. **Sec.**  A new section is added to chapter 35A.21 RCW to read as follows:

(1) Code cities may not adopt or enforce any ordinance, land use regulation, or building code for manufacturing, industrial, or outdoor storage property that:

(a) Prohibits the installation or use of an electric security alarm system;

(b) Imposes installation or operational requirements inconsistent with IEC standards or this section for an electric security alarm system fence energizers and electric fences;

(c) Requires a property setback for an electric security alarm system or its ancillary components beyond the distance required by IEC standards for separation from an external fence that surrounds the perimeter of the outdoor storage property, including any existing nonconforming or grandfathered fence; or

(d) Requires a permit of any type other than a security alarm permit for the installation or use of an electric security alarm system or imposes a fee for such a permit of more than $1,000. Nothing in this section precludes a code city from regulating or requiring a permit for a nonelectric perimeter fence or wall.

(2) A code city that has, prior to January 1, 2024, adopted an ordinance, land use regulation, or building code that permits electric security alarm systems in accordance with IEC standards in commercial and industrial zones within the code city is not subject to the requirements of this section.

(3) For the purposes of this section:

(a) "Electric security alarm system" means an outdoor alarm system and ancillary components, including a fence-like wiring structure, placed behind an existing nonelectric fence that:

(i) Interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to detect and alert the property owner of an intrusion or burglary;

(ii) Has an energizer that is driven by battery of no more than 12 volts of direct current and that does not produce an electric charge on contact that exceeds energizer characteristics set for electric fence energizers by IEC standards;

(iii) Is surrounded by a nonelectric perimeter fence or wall that is at least five feet in height;

(iv) Is 10 feet in height or two feet higher than the height of the nonelectric perimeter fence or wall, whichever is greater; and

(v) Is marked with conspicuous warning signs that are located on the fence at not more than 30-foot intervals and that read: "WARNING: ELECTRIC FENCE."

(b) "IEC standards" means the international electrotechnical commission standard 60335-2-76, as most recently published on or before January 1, 2021.

(c) "Outdoor storage property" means a commercial property, regardless of zoning designation, that is legally authorized to store, park, service, sell, or rent vehicles, vessels, equipment, materials, freight, or utility infrastructure within an outdoor lot or yard that is surrounded by a nonelectric perimeter fence or wall.

NEW SECTION. **Sec.**  A new section is added to chapter 36.01 RCW to read as follows:

(1) Counties may not adopt or enforce any ordinance, land use regulation, or building code for manufacturing, industrial, or outdoor storage property that:

(a) Prohibits the installation or use of an electric security alarm system;

(b) Imposes installation or operational requirements inconsistent with IEC standards or this section for an electric security alarm system fence energizers and electric fences;

(c) Requires a property setback for an electric security alarm system or its ancillary components beyond the distance required by IEC standards for separation from an external fence that surrounds the perimeter of the outdoor storage property, including any existing nonconforming or grandfathered fence; or

(d) Requires a permit of any type other than a security alarm permit for the installation or use of an electric security alarm system or imposes a fee for such a permit of more than $1,000. Nothing in this section precludes a county from regulating or requiring a permit for a nonelectric perimeter fence or wall.

(2) A county that has, prior to January 1, 2024, adopted an ordinance, land use regulation, or building code that permits electric security alarm systems in accordance with IEC standards in commercial and industrial zones within the county is not subject to the requirements of this section.

(3) For the purposes of this section:

(a) "Electric security alarm system" means an outdoor alarm system and ancillary components, including a fence-like wiring structure, placed behind an existing nonelectric fence that:

(i) Interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to detect and alert the property owner of an intrusion or burglary;

(ii) Has an energizer that is driven by battery of no more than 12 volts of direct current and that does not produce an electric charge on contact that exceeds energizer characteristics set for electric fence energizers by IEC standards;

(iii) Is surrounded by a nonelectric perimeter fence or wall that is at least five feet in height;

(iv) Is 10 feet in height or two feet higher than the height of the nonelectric perimeter fence or wall, whichever is greater; and

(v) Is marked with conspicuous warning signs that are located on the fence at not more than 30-foot intervals and that read: "WARNING: ELECTRIC FENCE."

(b) "IEC standards" means the international electrotechnical commission standard 60335-2-76, as most recently published on or before January 1, 2021.

(c) "Outdoor storage property" means a commercial property, regardless of zoning designation, that is legally authorized to store, park, service, sell, or rent vehicles, vessels, equipment, materials, freight, or utility infrastructure within an outdoor lot or yard that is surrounded by a nonelectric perimeter fence or wall.

NEW SECTION. **Sec.**  A new section is added to chapter 19.27 RCW to read as follows:

(1) By July 1, 2025, the state building code council shall adopt or amend rules as necessary to provide that electric security alarm systems are not considered structures under the state building code when placed behind an existing perimeter fence in compliance with sections 2, 3, and 4 of this act.

(2) For the purposes of this section, "electric security alarm system" has the same meaning as in section 2 of this act.

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