H-0411.1

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**HOUSE BILL 1304**

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

**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; 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 have beneficial effects on protecting industrial and commercial property owners from ongoing theft, as well as minimize the demand on local government policing and judicial resources. The legislature further finds that state and local building codes related to battery-charged electric security fences 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 battery-charged electric security fencing systems, in order 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 property not zoned or used exclusively for residential use that:

(a) Prohibits the installation or use of a battery-charged fence;

(b) Imposes installation or operational requirements inconsistent with IEC standards or this section for an alarm system or battery-charged fence;

(c) Requires a permit for the installation or use of a battery-charged fence that is additional to an alarm system permit issued by the local government.

(2) A battery-charged fence:

(a) Must not use a battery that is more than 12 volts of direct current;

(b) Must not produce an electric charge on contact that exceeds energizer characteristics set for electric fence energizers by IEC standards;

(c) Must be surrounded by a nonelectric perimeter fence or wall that is at least five feet in height;

(d) Must not be higher than the greater of 10 feet in height or two feet higher than the height of the nonelectric perimeter fence or wall; and

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

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise:

(a) "Alarm system" means any electrical, mechanical, or electronic device or sensor used to prevent, detect, or alert law enforcement or occupants of burglary, theft, or intrusion of a structure or a vehicle used as a commercial structure.

(b) "Battery-charged fence" means a fence that interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to an intrusion and has an energizer that is driven by battery.

(c) "IEC standards" means the standards set by the international electrotechnical commission as most recently published on or before January 1, 2021.

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 property not zoned or used exclusively for residential use that:

(a) Prohibits the installation or use of a battery-charged fence;

(b) Imposes installation or operational requirements inconsistent with IEC standards or this section for an alarm system or battery-charged fence;

(c) Requires a permit for the installation or use of a battery-charged fence that is additional to an alarm system permit issued by the local government.

(2) A battery-charged fence:

(a) Must not use a battery that is more than 12 volts of direct current;

(b) Must not produce an electric charge on contact that exceeds energizer characteristics set for electric fence energizers by IEC standards;

(c) Must be surrounded by a nonelectric perimeter fence or wall that is at least five feet in height;

(d) Must not be higher than the greater of 10 feet in height or two feet higher than the height of the nonelectric perimeter fence or wall; and

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

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise:

(a) "Alarm system" means any electrical, mechanical, or electronic device or sensor used to prevent, detect, or alert law enforcement or occupants of burglary, theft, or intrusion of a structure or a vehicle used as a commercial structure.

(b) "Battery-charged fence" means a fence that interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to an intrusion and has an energizer that is driven by battery.

(c) "IEC standards" means the standards set by the international electrotechnical commission as most recently published on or before January 1, 2021.

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 property not zoned or used exclusively for residential use that:

(a) Prohibits the installation or use of a battery-charged fence;

(b) Imposes installation or operational requirements inconsistent with IEC standards or this section for an alarm system or battery-charged fence;

(c) Requires a permit for the installation or use of a battery-charged fence that is additional to an alarm system permit issued by the local government.

(2) A battery-charged fence:

(a) Must not use a battery that is more than 12 volts of direct current;

(b) Must not produce an electric charge on contact that exceeds energizer characteristics set for electric fence energizers by IEC standards;

(c) Must be surrounded by a nonelectric perimeter fence or wall that is at least five feet in height;

(d) Must not be higher than the greater of 10 feet in height or two feet higher than the height of the nonelectric perimeter fence or wall; and

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

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise:

(a) "Alarm system" means any electrical, mechanical, or electronic device or sensor used to prevent, detect, or alert law enforcement or occupants of burglary, theft, or intrusion of a structure or a vehicle used as a commercial structure.

(b) "Battery-charged fence" means a fence that interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to an intrusion and has an energizer that is driven by battery.

(c) "IEC standards" means the standards set by the international electrotechnical commission as most recently published on or before January 1, 2021.

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