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**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; 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 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 processing of permits for 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 must process permit applications for battery-charged fences using the same permitting process that is used for nonstructural alarm systems.

(2)(a) Cities and towns must process permits for battery-charged fences within 120 days of the receipt of the application, unless a city or town makes written findings that a specified amount of additional time is needed to process a specific permit application.

(b) The time that a permit has been in process shall be determined by counting five days each week, excluding holidays and any days in which the city or town had requested additional information from the applicant which the applicant had yet to provide.

(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:

(i) Has an energizer driven by a battery;

(ii) Uses a battery that is not more than 12 volts of direct current;

(iii) Produces an electric charge on contact that does not exceed energizer characteristics set for electric fence energizers by IEC standards;

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

(v) Is no higher than the greater of 10 feet in height or two feet higher than the height of the nonelectric perimeter fence or wall;

(vi) 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"; and

(vii) 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.

(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 must process permit applications for battery-charged fences using the same permitting process that is used for nonstructural alarm systems.

(2)(a) Code cities must process permits for battery-charged fences within 120 days of the receipt of the application, unless a code city makes written findings that a specified amount of additional time is needed to process a specific permit application.

(b) The time that a permit has been in process shall be determined by counting five days each week, excluding holidays and any days in which the code city had requested additional information from the applicant which the applicant had yet to provide.

(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:

(i) Has an energizer driven by a battery;

(ii) Uses a battery that is not more than 12 volts of direct current;

(iii) Produces an electric charge on contact that does not exceed energizer characteristics set for electric fence energizers by IEC standards;

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

(v) Is no higher than the greater of 10 feet in height or two feet higher than the height of the nonelectric perimeter fence or wall;

(vi) 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"; and

(vii) 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.

(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 must process permit applications for battery-charged fences using the same permitting process that is used for nonstructural alarm systems.

(2)(a) Counties must process permits for battery-charged fences within 120 days of the receipt of the application, unless a county makes written findings that a specified amount of additional time is needed to process a specific permit application.

(b) The time that a permit has been in process shall be determined by counting five days each week, excluding holidays and any days in which the county had requested additional information from the applicant which the applicant had yet to provide.

(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:

(i) Has an energizer driven by a battery;

(ii) Uses a battery that is not more than 12 volts of direct current;

(iii) Produces an electric charge on contact that does not exceed energizer characteristics set for electric fence energizers by IEC standards;

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

(v) Is no higher than the greater of 10 feet in height or two feet higher than the height of the nonelectric perimeter fence or wall;

(vi) 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"; and

(vii) 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.

(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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