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**SENATE BILL 5549**

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

**By** Senators Rivers, Hunt, and Lovick

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 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. It is, therefore, the intent of the legislature to establish a statewide standard for the installation and operation of electric security alarm 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 allow the installation of electric security alarm systems for property not zoned or used exclusively for residential use. Cities and towns may adopt and enforce ordinances, land use regulations, or building codes related to electric security alarm systems, but may not:

(a) Prohibit the installation or use of electric security alarm systems;

(b) Impose installation or operational requirements inconsistent with IEC standards or this section for an alarm system or an electric security alarm system;

(c) Require a permit for the installation or use of an electric security alarm system that is additional to an alarm system permit issued by the local government.

(2) An electric security alarm system as covered under this section may not be considered or regulated as a structure or fence under Washington state building codes.

(3) For the purposes of this section, the following definitions apply:

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

(b) "Electric security alarm system" means a battery-charged fence that interfaces with an alarm system in a manner that enables a connected alarm system to transmit a signal intended to notify the property owner or summon law enforcement in response to an intrusion and has an energizer that is driven by battery. An electric security alarm system:

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

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

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

(iv) May 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

(v) 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."

(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 allow the installation of electric security alarm systems for property not zoned or used exclusively for residential use. Code cities may adopt and enforce ordinances, land use regulations, or building codes related to electric security alarm systems, but may not:

(a) Prohibit the installation or use of electric security alarm systems;

(b) Impose installation or operational requirements inconsistent with IEC standards or this section for an alarm system or an electric security alarm system;

(c) Require a permit for the installation or use of an electric security alarm system that is additional to an alarm system permit issued by the local government.

(2) An electric security alarm system as covered under this section may not be considered or regulated as a structure or fence under Washington state building codes.

(3) For the purposes of this section, the following definitions apply:

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

(b) "Electric security alarm system" means a battery-charged fence that interfaces with an alarm system in a manner that enables a connected alarm system to transmit a signal intended to notify the property owner or summon law enforcement in response to an intrusion and has an energizer that is driven by battery. An electric security alarm system:

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

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

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

(iv) May 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

(v) 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."

(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 allow the installation of electric security alarm systems for property not zoned or used exclusively for residential use. Counties may adopt and enforce ordinances, land use regulations, or building codes related to electric security alarm systems, but may not:

(a) Prohibit the installation or use of electric security alarm systems;

(b) Impose installation or operational requirements inconsistent with IEC standards or this section for an alarm system or an electric security alarm system;

(c) Require a permit for the installation or use of an electric security alarm system that is additional to an alarm system permit issued by the local government.

(2) An electric security alarm system as covered under this section may not be considered or regulated as a structure or fence under Washington state building codes.

(3) For the purposes of this section, the following definitions apply:

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

(b) "Electric security alarm system" means a battery-charged fence that interfaces with an alarm system in a manner that enables a connected alarm system to transmit a signal intended to notify the property owner or summon law enforcement in response to an intrusion and has an energizer that is driven by battery. An electric security alarm system:

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

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

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

(iv) May 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

(v) 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."

(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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