

# HOUSE BILL REPORT

## HB 1304

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**As Reported by House Committee On:**  
Local Government

**Title:** An act relating to electric security alarm systems.

**Brief Description:** Regulating electric security alarm systems.

**Sponsors:** Representatives Hackney and Walen.

**Brief History:**

**Committee Activity:**

Local Government: 1/24/23, 2/10/23 [DPS].

**Brief Summary of Substitute Bill**

- Requires local government to process permits for certain battery-charged electric fences using the permitting process for nonstructural alarm systems.
- Requires local government to process permits for battery-charged electric fences within 120 days of receiving the application, unless the local government makes written findings that additional time is required for a specific permit.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Duerr, Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg, Griffey and Riccelli.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Alvarado, Vice Chair.

**Staff:** Kellen Wright (786-7134).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Background:**

Local governments can promulgate zoning and other development regulations that limit the use of land within their jurisdictions. Such regulations can restrict the number or type of structures that can be built on a lot, or provide that some uses of property can occur only under specific conditions. Other uses may be generally allowed, but may require a permit or other approval.

Building codes provide standards for the construction and occupancy of buildings and structures.

Generally, an electric fence is a fence that deters people or animals from crossing a boundary by means of an electric shock. An electric fence can also connect to an alarm system that detects when the fence has been touched and triggers an alarm. Local governments can regulate fencing in general, and local government development regulations may also specifically limit, or prohibit, the use of electric fences within the local government's jurisdiction. The City of Tacoma, for example, prohibits electrified fences outside of industrial zones.

Local governments can often regulate alarm systems. Often, this is done by requiring a permit before an alarm system may be installed or used.

The International Electrotechnical Commission (IEC) is a global standards commission that adopts and publishes technical standards for electrical and electronic technologies.

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**Summary of Substitute Bill:**

Local governments must process permits for battery-charged electric fences that possess certain characteristics using the same permitting process that is used for nonstructural alarm systems. In order to qualify, a battery-charged electric fence:

- must interface with an alarm system that allows the fence to trigger an alarm to summon law enforcement;
- must have an energizer driven by a battery;
- cannot use a battery of more than 12 volts of direct current;
- cannot produce a charge on contact that exceeds energizer characteristics set by the IEC;
- must be surrounded by a nonelectric fence or wall at least 5 feet high;
- cannot be higher than the greater of 10 feet in height or 2 feet higher than the surrounding nonelectric fence or wall; and
- must be marked with signs warning that it is an electric fence at no more than 30-foot intervals.

Local governments must process permits for qualifying battery-charged electric fences

within 120 days of receipt of the application, unless the local government makes written findings that additional time is needed for a specific permit application. The time that a permit has been in process is determined by counting five days each week, and excluding holidays and any days in which the local government had requested additional information from the applicant and the applicant had yet to provide it.

### **Substitute Bill Compared to Original Bill:**

The substitute bill:

- removes the general prohibition on local governments' ability to prohibit or require a permit for the installation or use of a battery-powered electric fence;
- requires local governments to process permits for battery-charged electric fences using the permitting process that is used for nonstructural alarm systems;
- requires local governments to process permits for battery-charged electric fences within 120 days of the application, unless the local government makes written findings that a specified amount of additional time is needed for a specific application; and
- provides a method for calculating the time that an application is in process.

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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 10, 2023.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

### **Staff Summary of Public Testimony:**

(In support) This bill helps to address the surge in property crimes, such as catalytic converter theft and vandalism of buses and cars. This bill says that, if a fence meets certain characteristics, the fence can't be prohibited or required to have a permit from local jurisdictions. These fences help keep property safe. The required characteristics would be those that make the fence safe and are those relevant to all communities. The bill would require that the fences couldn't be in exclusively residential zones, must interface with an alarm system that summons police, cannot have a charger of more than 12 volts of electric current, cannot have a greater charge than that allowed by the IEC, must be surrounded by a nonelectric fence, cannot be too high, and must have warning signs at least every 30 feet. This is a safe but necessary security device that is applicable to all areas of the state. The bill is trying to get these electric fences defined as alarms, because that is what they are. To require multiple permits and hearings for these systems, which can take years, is not fair to property owners. These devices are already regulated by Labor and Industries. The devices are tested and labeled to IEC standards, which means they are safe. These devices are always placed inside of existing fence lines, and the bill is not meant to interfere with local

control of fencing. Permitting processes are different for these devices across the state; some places have no requirements, some require permitting to go through Labor and Industries; and some require permitting to go through planning commissions. One city would require 11 separate variances, while another would try and apply regulations applicable to agricultural animals. There needs to be a better path than taking up docket space for years while those who want the extra security cannot get it.

(Opposed) Burien's Municipal Code addresses fence height but not electrical components. The reason why permits are required for fences above 6 feet is to ensure that the fence doesn't fall and to consider the wind load that the fence can bear. There's no need to have a prohibition in state law when a city does not prohibit these devices. While clarity about what cities can consider could be useful, this bill goes into discretionary policy decisions that cities should be able to make for themselves. The bill would allow for fences higher than many cities currently allow. The devices would be allowed in mixed-use areas. There should be a different approach to address the concerns.

(Other) This bill would preempt cities from determining what is best for the local community. If the bill is intended to remove local control over setbacks, there are serious concerns about that, especially if it would allow these devices near pedestrians. There should be a requirement for an alarm immediately adjacent to the fences. Electric fences are required to get permits under the building code. The permit requirements for electric fences and alarm systems are different, and they shouldn't be conflated.

**Persons Testifying:** (In support) Representative David Hackney, prime sponsor; and Michael Pate and Holly Chisa, AMAROK.

(Opposed) Lyset Cadena, City of Burien; and Carl Schroeder, Association of Washington Cities.

(Other) Michael Transue, City of Fife.

**Persons Signed In To Testify But Not Testifying:** None.