

HOUSE BILL REPORT

ESHB 1304

As Passed House:
February 12, 2024

Title: An act relating to electric security alarm systems.

Brief Description: Regulating electric security alarm systems.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Hackney and Walen).

Brief History:

Committee Activity:

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

Floor Activity:

Passed House: 2/12/24, 89-8.

Brief Summary of Engrossed Substitute Bill

- Prohibits local governments from adopting or enforcing regulations that would prohibit the installation or use of an electrified security alarm system on manufacturing, industrial, or outdoor storage property that would impose certain installation or operation requirements on such systems, or that would require a permit for such a system other than a security alarm permit or require a permit fee of more than \$1,000.
- Exempts a local government that has, prior to January 1, 2024, adopted regulations permitting electric security alarm systems in accordance with International Electrotechnical Commission standards in commercial and industrial zones from the requirements of the bill.
- Requires the State Building Code Council to adopt or amend rules by July 1, 2025, to provide that electric security alarm systems are not considered structures under the State Building Code when placed behind a perimeter fence in compliance with the bill.

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.

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).

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. The State Building Code Council is responsible for the adoption of the State Building Code, which establishes the minimum standards and requirements for buildings constructed in the state.

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.

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

Summary of Engrossed Substitute Bill:

An electric security alarm system is an outdoor alarm system and related components, including fence-like wiring, that is placed behind an existing fence and:

- interfaces with an alarm system that allows the system to trigger an alarm notifying the property owner of an intrusion;
- must have an energizer driven by a battery of no 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;
- must be 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 may not adopt or enforce any regulation for manufacturing, industrial, or outdoor storage property that would:

- prohibit the installation or use of an electric security alarm system;
- impose requirements inconsistent with the mandated requirements for electric security alarm system fence energizers or electric fences, or with IEC standards for the energizers and fences;
- require a property setback for an electric security alarm system or its components from an external fence greater than that required by IEC standards for separation; or
- require a permit of any kind for an electric security alarm system other than a security alarm permit or impose a fee for such a permit of more than \$1,000.

Requirements related to electric security alarm systems do not apply to a local government that permitted electric security alarm systems in compliance with IEC standards in commercial industrial zones prior to January 1, 2024.

By July 1, 2025, the state building code council must adopt or amend rules that exempt electric security alarm systems from requirements imposed on structures if the electric security alarm systems are used in compliance with the requirements for such systems.

An outdoor storage property is a commercial property that is legally authorized to store, park, service, sell, or rent vehicles, boats, equipment, materials, freight, or utility infrastructure within an outdoor lot that is surrounded by a perimeter fence or wall.

Appropriation: None.

Fiscal Note: Available.

Effective Date: 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.