



HOUSE BILL 385: Regulation of Battery-Charged Security Fences.

2023-2024 General Assembly

Committee:	House Regulatory Reform. If favorable, re- refer to Rules, Calendar, and Operations of the House	Date:	April 19, 2023
Introduced by:	Reps. McNeely, Moss	Prepared by:	Kyle Evans
Analysis of:	First Edition		Committee Counsel

OVERVIEW: *House Bill 385 would prohibit counties and cities from (i) requiring permits, fees, reviews, or approvals for the installation or use of battery-charged security fences; (ii) imposing installation or operational requirements for such fences above those specified in the bill; or (iii) prohibiting the installation or use of such fence on property zoned for nonresidential use.*

CURRENT LAW & BACKGROUND:

Chapter 74D governs the licensing of alarm system businesses, including minimum qualifications and standards for licensees. G.S. 74D-11(c) authorizes cities and counties to require alarm system businesses operating within their jurisdiction to register with the local government.

BILL ANALYSIS:

For both sections, "battery-charged security fence" would be defined as an alarm system and ancillary components, including a fence, a battery-operated energizer, and a battery charging device used to charge the battery. Battery-charged security fences would be required to meet the following requirements:

- Interfaces with a monitored alarm device enabling the system to summon the business owner or law enforcement in the event of an intrusion.
- Located on property not zoned exclusively for residential use.
- Has an energizer powered by a battery not more than 12 volts of direct current.
- Has an energizer that meets the standards established by the most current version of the International Electrotechnical Commission Standard 60335-2-76.
- Is surrounded by a non-electric perimeter fence or wall at least 5 feet tall.
- Does not exceed 10 feet in height or 2 feet higher than the perimeter fence, whichever is higher.
- Is marked with conspicuous signs that read "WARNING—ELECTRIC FENCE" at least every 30 feet.

Section 1 would prohibit counties from requiring any permit, fee, review, or approval for the installation or use of a battery-charged security fence in excess of any requirements adopted pursuant to G.S. 74D-11(c). Further, counties would be prohibited from imposing installation or operational requirements inconsistent with requirements set forth in the bill, and from prohibiting the installation and operation of battery-charged security fences on property zoned for nonresidential use.

Section 2 would prohibit the same for cities.

EFFECTIVE DATE: This act would be effective when it becomes law.

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