



2023-2024 General Assembly

HOUSE BILL 600: Regulatory Reform Act of 2023, Sec. 44: Prohibit Counties and Cities from Adopting Certain Ordinances, Rules, and Regulations Related to Battery-Charged Security Fences and to Define and Establish Requirements for Those Battery-Charged Security Fences

Committee:
Introduced by:
Analysis of: Sec. 44 of S.L. 2023-137

Date: December 11, 2023
Prepared by: Kyle Evans
Staff Attorney

OVERVIEW: *Section 44 prohibits counties and cities 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 the State law concerning the regulation of alarm system businesses.*

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

CURRENT LAW & BILL ANALYSIS:

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.

For both sections, "battery-charged security fence" is 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 are 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 44(a) prohibits 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 are prohibited from imposing installation or operational requirements inconsistent with requirements set forth in this act, and from prohibiting the installation and operation of battery-charged security fences on property zoned for nonresidential use.

Section 44(b) prohibits the same for cities.

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Aaron McGlothlin, LAD, substantially contributed to this summary.