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CIVIL CODE - CIV

DIVISION 2. PROPERTY [654 - 1422] (*Heading of Division 2 amended by Stats. 1988, Ch. 160, Sec. 13.*)

PART 2. REAL OR IMMOVABLE PROPERTY [[755.] - 945.5] (*Part 2 enacted 1872.*)

TITLE 3. RIGHTS AND OBLIGATIONS OF OWNERS [818 - 855] (*Title 3 enacted 1872.*)

CHAPTER 1. Rights of Owners [818 - 835] (*Chapter 1 enacted 1872.*)

ARTICLE 2. Boundaries [829 - 835] (*Article 2 enacted 1872.*)

829. The owner of land in fee has the right to the surface and to everything permanently situated beneath or above it.

(Enacted 1872.)

830. Section Eight Hundred and Thirty. Except where the grant under which the land is held indicates a different intent, the owner of the upland, when it borders on tide water, takes to ordinary high-water mark; when it borders upon a navigable lake or stream, where there is no tide, the owner takes to the edge of the lake or stream, at low-water mark; when it borders upon any other water, the owner takes to the middle of the lake or stream.

(Amended by Code Amendments 1873-74, Ch. 612.)

831. An owner of land bounded by a road or street is presumed to own to the center of the way, but the contrary may be shown.

(Enacted 1872.)

832. Each coterminal owner is entitled to the lateral and subjacent support which his land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement, under the following conditions:

1. Any owner of land or his lessee intending to make or to permit an excavation shall give reasonable notice to the owner or owners of adjoining lands and of buildings or other structures, stating the depth to which such excavation is intended to be made, and when the excavating will begin.
2. In making any excavation, ordinary care and skill shall be used, and reasonable precautions taken to sustain the adjoining land as such, without regard to any building or other structure which may be thereon, and there shall be no liability for damage done to any such building or other structure by reason of the excavation, except as otherwise provided or allowed by law.
3. If at any time it appears that the excavation is to be of a greater depth than are the walls or foundations of any adjoining building or other structure, and is to be so close as to endanger the building or other structure in any way, then the owner of the building or other structure must be allowed at least 30 days, if he so desires, in which to take measures to protect the same from any damage, or in which to extend the foundations thereof, and he must be given for the same purposes reasonable license to enter on the land on which the excavation is to be or is being made.
4. If the excavation is intended to be or is deeper than the standard depth of foundations, which depth is defined to be a depth of nine feet below the adjacent curb level, at the point where the joint property line intersects the curb and if on the land of the coterminal owner there is any building or other structure the wall or foundation of which goes to standard depth or deeper then the owner of the land on which the excavation is being made shall, if given the necessary license to enter on the adjoining land, protect the said adjoining land and any such building or other structure thereon without cost to the owner thereof, from any damage by reason of the excavation, and shall be liable to the owner of such property for any such damage, excepting only for minor settlement cracks in buildings or other structures.

(Amended by Stats. 1968, Ch. 835.)

833. Trees whose trunks stand wholly upon the land of one owner belong exclusively to him, although their roots grow into the land of another.

(Enacted 1872.)

834. Trees whose trunks stand partly on the land of two or more coterminous owners, belong to them in common.

(Enacted 1872.)

835. (a) As used in this chapter, "electrified security fence" means any fence, other than an electrified fence as defined in Section 17151 of the Food and Agricultural Code, that meets the following requirements:

(1) The electrified security fence is powered by an electrical energizer, driven by solar-charged batteries of no more than 12 volts of direct current, with both of the following output characteristics:

(A) The impulse repetition rate does not exceed 1 hertz (hz).

(B) The impulse duration does not exceed 10 milliseconds, or $10/1000$ of a second.

(2) The electrified security fence is used to protect and secure manufacturing or industrial property, or property zoned under another designation, but legally authorized to be used for a commercial purpose that stores, parks, services, sells, or rents vehicles, vessels, equipment, materials, freight, or utility infrastructure within an outdoor lot or yard, provided that the secured area does not include any existing residential or hospitality uses.

(b) An owner of real property may install and operate an electrified security fence on their property, subject to all of the following:

(1) The property is not located in a residential zone and falls within the description of property described in paragraph (2) of subdivision (a).

(2) The electrified security fence meets the standards and specifications of the International Electrotechnical Commission for electric security fence energizers in "International Standard IEC 60335, Part 2-76:2018."

(3) The electrified security fence is identified by prominently placed warning signs that are legible from both sides of the fence. At a minimum, the warning signs shall meet all of the following criteria:

(A) The warning signs are placed at each gate and access point, and at intervals along the electrified security fence not exceeding 30 feet.

(B) The warning signs are adjacent to any other signs relating to chemical, radiological, or biological hazards.

(C) The warning signs are marked with a written warning or a commonly recognized symbol for shock, a written warning or a commonly recognized symbol to warn people with pacemakers, and a written warning or commonly recognized symbol about the danger of touching the electrified security fence in wet conditions.

(4) The height of the electrified security fence does not exceed 10 feet or 2 feet higher than an existing nonelectrified perimeter fence or wall, whichever is greater. The electrified security fence shall be located behind a nonelectrified perimeter fence or wall that is not less than five feet in height.

(5) The electrified security fence includes a device that enables first responders to deactivate the electrified security fence in response to an emergency, if utilized by a city, county, or city and county.

(c) The electrified security fence may interface with a monitored alarm device in a manner that enables the alarm system to transmit a signal intended to summon the business, a monitoring service, or both the business and a monitoring service, in response to an intrusion or burglary.

(d) (1) An owner of real property not specified in paragraph (2) of subdivision (a) shall not install or operate an electrified security fence where a local ordinance prohibits the installation or operation of an electrified security fence. A local ordinance may prohibit the installation and operation of an electrified security fence that does not comply with subdivisions (a) to (c), inclusive. A local ordinance that prohibits or regulates only the installation or operation of an electrified fence as defined in Section 17151 of the Food and Agricultural Code shall not be construed to apply to an electrified security fence.

(2) For property specified under paragraph (2) of subdivision (a) and in compliance with subdivisions (a) to (c), inclusive, a city, county, or city and county ordinance, regulation, or code shall not prohibit the installation and operation of an electrified security fence, nor require a permit or approval that is in addition to an alarm system permit issued by the city, county, or city and county. A city, county, or city and county may require an administrative permit confirming the fence meets the requirements of this section if

it is on a property abutting a property in residential use, or within 300 feet of a public park, childcare facility, recreation center, community center, or school facility.

(e) Nothing in this section shall be construed to alter the authority of a jurisdiction to adopt and enforce an ordinance relating to nonelectrified perimeter fences or walls as legally authorized, if applicable.

(f) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

(Amended by Stats. 2024, Ch. 235, Sec. 1. (AB 2371) Effective September 14, 2024. Repealed as of January 1, 2028, by its own provisions. See later operative version added by Sec. 2 of Stats. 2024, Ch. 235.)

835. (a) As used in this chapter, "electrified security fence" means any fence, other than an electrified fence as defined in Section 17151 of the Food and Agricultural Code, that meets the following requirements:

(1) The fence is powered by an electrical energizer with both of the following output characteristics:

(A) The impulse repetition rate does not exceed 1 hertz (hz).

(B) The impulse duration does not exceed 10 milliseconds, or $10/1000$ of a second.

(2) The fence is used to protect and secure commercial, manufacturing, or industrial property, or property zoned under another designation, but legally authorized to be used for a commercial, manufacturing, or industrial purpose.

(b) An owner of real property may install and operate an electrified security fence on their property, subject to all of the following:

(1) The property is not located in a residential zone.

(2) The fence meets the 2006 international standards and specifications of the International Electrotechnical Commission for electric fence energizers in "International Standard IEC 60335, Part 2-76."

(3) The fence is identified by prominently placed warning signs that are legible from both sides of the fence. At a minimum, the warning signs shall meet all of the following criteria:

(A) The warning signs are placed at each gate and access point, and at intervals along the fence not exceeding 30 feet.

(B) The warning signs are adjacent to any other signs relating to chemical, radiological, or biological hazards.

(C) The warning signs are marked with a written warning or a commonly recognized symbol for shock, a written warning or a commonly recognized symbol to warn people with pacemakers, and a written warning or commonly recognized symbol about the danger of touching the fence in wet conditions.

(4) The height of the fence does not exceed 10 feet or 2 feet higher than an existing perimeter fence, whichever is greater. The electrified security fence shall be located behind a perimeter fence that is not less than 5 feet in height.

(c) The electrified security fence may interface with a monitored alarm device in a manner that enables the alarm system to transmit a signal intended to summon the business, a monitoring service, or both the business and a monitoring service, in response to an intrusion or burglary.

(d) (1) An owner of real property shall not install or operate an electrified security fence where a local ordinance prohibits the installation or operation of an electrified security fence. A local ordinance that prohibits or regulates only the installation or operation of an electrified fence as defined in Section 17151 of the Food and Agricultural Code does not apply to an electrified security fence.

(2) If a local ordinance allows the installation and operation of an electrified security fence, the installation and operation of the fence shall meet the requirements of that ordinance and the requirements of subdivision (b).

(e) This section shall become operative on January 1, 2028.

(Repealed (in Sec. 1) and added by Stats. 2024, Ch. 235, Sec. 2. (AB 2371) Effective September 14, 2024. Operative January 1, 2028, by its own provisions.)