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AB-358 Electrified security fences: permitted use. (2021-2022)

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Assembly Bill No. 358

CHAPTER 148

An act to amend Section 835 of the Civil Code, relating to electrified security fences.

[Approved by Governor August 31, 2021. Filed with Secretary of State August 31, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 358, Flora. Electrified security fences: permitted use.

Existing law authorizes an owner of real property to install and operate on their property an electrified security fence that meets specified requirements, including that the fence is used to protect and secure commercial or industrial property. Existing law also requires that the height of the fence not exceed 10 feet and be located behind a perimeter fence that is not less than 6 feet high.

This bill would recast those provisions to, instead, authorize the installation and operation of an electrified security fence 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. The bill would authorize the fence to 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 bill would require an electrified security fence to be located behind a perimeter fence that is not less than 5 feet in height and establish a height maximum of either 10 feet or up to 2 feet higher than an existing perimeter fence, whichever is greater.

Existing law prohibits an owner of real property from installing and operating an electrified security fence where a local ordinance prohibits that installation and operation. If a local ordinance allows the installation and operation of an electrified security fence, existing law requires the installation and operation of the fence to meet both those specified requirements and the requirements of that ordinance.

This bill would make conforming changes in these provisions, and would specify that a local ordinance that prohibits or regulates only specified animal control fencing does not apply to an electrified security fence.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 835 of the Civil Code is amended to read:

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 $10/10000$ 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).