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AB-2371 Electrified security fences. (2023-2024)

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Assembly Bill No. 2371

CHAPTER 235

An act to amend, repeal, and add Section 835 of the Civil Code, relating to electrified security fences, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 2024. Filed with Secretary of State September 14, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2371, Juan Carrillo. Electrified security fences.

Existing law authorizes an owner of real property to install and operate on their property an electrified security fence that has specified technical characteristics and 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.

This bill would, until January 1, 2028, instead authorize an owner of real property to install and operate on their property an electrified security fence that is powered by an electrical energizer, driven by solar-charged batteries of no more than 12 volt of direct current, and 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 and other materials, as specified.

Existing law prohibits an owner of real property from installing and operating an electrified security fence if a local ordinance prohibits that installation and operation. Existing law requires, if a local ordinance allows the installation and operation of an electrified security fence, that the installation and operation of the fence meets both the requirements of that ordinance and other specified requirements.

This bill would, until January 1, 2028, for manufacturing or industrial property, or property that is legally authorized to be used for specified commercial purposes, that meets specified requirements, instead prohibit a city, county, or city and county from prohibiting the installation and operation of an electrified security fence or requiring a permit or approval that is in addition to an alarm system permit issued by the city, county, or city and county. The bill would, however, authorize a city or county to require an administrative permit confirming the fence meets the statute's requirements, as provided. The bill would, until January 1, 2028, prohibit an owner of real property that is not manufacturing or industrial property, or property that is legally authorized to be used for specified commercial purposes, from installing and operating an electrified security fence if a local ordinance prohibits that installation and operation, and would authorize a local ordinance to prohibit the installation of an electrified security fence if that fence fails to meet specified requirements.

Existing law requires an owner of real property who installs and operates an electrified security fence on their property to ensure that, among other things, the fence meets the 2006 international standards and specifications of the International Electrotechnical Commission (IEC), as specified, and the height of the fence does not exceed 10 feet or 2 feet higher than an existing perimeter fence that is not less than 5 feet in height.

This bill would, until January 1, 2028, update the IEC standards and specifications, and provide that the perimeter fence may be a perimeter wall and is nonelectrified. This bill would also require, until January 1, 2028, that the fence include a device that enables first responders to deactivate the fence in response to an emergency, if required by a city, county, or city and county.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 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 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.

SEC. 2. Section 835 is added to the Civil Code, 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 $10/1000$ 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.

SEC. 3. The Legislature finds and declares that the protection of life and property is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act

amending Section 835 of the Civil Code applies to all cities, including charter cities.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

To protect and secure businesses, employees, and other stakeholders from escalating incidences of trespass that have led to theft of valuable assets and risks to employee safety, it is necessary that this act take effect immediately.