

Chapter 407

(House Bill 261)

AN ACT concerning

Business Regulation – Battery–Charged Fence Security Systems – Regulation

FOR the purpose of authorizing a local government to require that certain persons who provide battery–charged fence security systems comply with certain laws, require certain persons who operate or install certain security systems to obtain certain registrations or permits, require a certain installer to submit a certain affidavit, and conduct a certain inspection; authorizing a local government to issue a citation under certain circumstances; prohibiting a local government from imposing certain additional requirements on certain persons, requiring a certain person to obtain certain permits or pay certain fees, or prohibiting the use of a battery–charged fence security system for a certain purpose; providing for the applicability of certain provisions of law; defining ~~a~~ certain ~~term~~ terms; and generally relating to battery–charged fence security systems.

BY adding to

Article – Business Regulation

Section 19–902

Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Business Regulation**19–902.**

(A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) ~~“BATTERY–CHARGED~~ “BATTERY–CHARGED FENCE SECURITY SYSTEM” MEANS AN ALARM SECURITY SYSTEM THAT INCLUDES A FENCE, A BATTERY–OPERATED ENERGIZER CONNECTED TO THE FENCE AND INTENDED TO PERIODICALLY DELIVER VOLTAGE IMPULSES TO THE FENCE, A BATTERY–CHARGING DEVICE USED EXCLUSIVELY TO CHARGE THE BATTERY, AND ANY OTHER ANCILLARY COMPONENTS AND ATTACHED EQUIPMENT.

~~(2)~~ (II) “BATTERY–CHARGED FENCE SECURITY SYSTEM” DOES NOT INCLUDE:

- 1. DEER FENCING;**
- 2. LIVESTOCK FENCING; OR**
- 3. A WIRELESS SECURITY SYSTEM AS DEFINED IN § 19-901 OF THIS SUBTITLE.**

(3) “DEER FENCING” MEANS FENCING THAT IS ENGINEERED TO EXCLUDE OR CONTAIN DEER OR ELK.

(B) THIS SECTION APPLIES ONLY TO A BATTERY-CHARGED FENCE SECURITY SYSTEM THAT:

(1) INTERFACES WITH A MONITORED ALARM DEVICE IN A MANNER THAT ENABLES THE ALARM SYSTEM TO TRANSMIT A SIGNAL INTENDED TO ALERT THE OWNER OF THE BATTERY-CHARGED FENCE SECURITY SYSTEM OR LAW ENFORCEMENT;

(2) HAS AN ENERGIZER THAT:

(I) IS POWERED BY A COMMERCIAL STORAGE BATTERY THAT PROVIDES NOT MORE THAN 12 VOLTS OF DIRECT CURRENT; AND

(II) MEETS THE STANDARDS SET FORTH IN THE INTERNATIONAL ELECTROTECHNICAL COMMISSION STANDARD 60335-2-76, CURRENT EDITION;

(3) IS LOCATED:

(I) BEHIND A NONELECTRIC PERIMETER FENCE OR WALL THAT IS AT LEAST 5 FEET TALL; AND

(II) ON PROPERTY THAT IS NOT ZONED AS RESIDENTIAL USE ONLY;

(4) IS NOT TALLER THAN 10 FEET OR 2 FEET TALLER THAN THE HEIGHT OF THE PERIMETER FENCE OR WALL, WHICHEVER IS TALLER; AND

(5) IS MARKED WITH WARNING SIGNS POSTED CONSPICUOUSLY ON THE FENCE AT 30 FOOT INTERVALS THAT STATE: “WARNING – ELECTRIC FENCE”.

(C) (1) A LOCAL GOVERNMENT MAY:

(I) REQUIRE A PERSON WHO PROVIDES A BATTERY-CHARGED FENCE SECURITY SYSTEM TO COMPLY WITH A LOCAL ALARM ORDINANCE OR OBTAIN AN ALARM BUSINESS REGISTRATION OR PERMIT;

(II) REQUIRE A PERSON WHO OPERATES OR CAUSES TO BE OPERATED A BATTERY-CHARGED FENCE SECURITY SYSTEM TO COMPLY WITH A LOCAL ALARM ORDINANCE OR OBTAIN AN ALARM SYSTEM REGISTRATION OR PERMIT;

(III) REQUIRE AN INSTALLER, ON COMPLETION OF A NEWLY INSTALLED BATTERY-CHARGED FENCE SECURITY SYSTEM, TO SUBMIT TO THE LOCAL GOVERNMENT AN AFFIDAVIT THAT INCLUDES:

- 1. THE ADDRESS OF THE INSTALLATION;**
- 2. THE NAME OF THE INSTALLER;**
- 3. THE DATE OF THE INSTALLATION; AND**
- 4. AN AFFIRMATION THAT THE CRITERIA IN SUBSECTION (B) OF THIS SECTION ARE SATISFIED; AND**

(IV) INSPECT THE NEWLY-INSTALLED BATTERY-CHARGED FENCE SECURITY SYSTEM AFTER RECEIPT OF AN AFFIDAVIT UNDER ITEM (III) OF THIS PARAGRAPH, IF REQUIRED.

(2) IF, FOLLOWING AN INSPECTION CONDUCTED BY A LOCAL GOVERNMENT UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION, A BATTERY-CHARGED FENCE SECURITY SYSTEM FAILS TO COMPLY WITH THE CRITERIA REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, A LOCAL GOVERNMENT MAY:

(I) ISSUE A CITATION:

- 1. DESCRIBING THE SPECIFIC NONCOMPLIANCE; AND**
- 2. REQUIRING THAT THE BATTERY-CHARGED FENCE SECURITY SYSTEM BE MADE COMPLIANT WITHIN A TIME PERIOD REQUIRED BY THE LOCAL GOVERNMENT; AND**

(II) IMPOSE, IF A BATTERY-CHARGED FENCE SECURITY SYSTEM IS NOT MADE COMPLIANT, A FINE NOT EXCEEDING \$500.

(3) A LOCAL GOVERNMENT MAY NOT:

(I) IMPOSE ADDITIONAL INSTALLATION OR OPERATIONAL REQUIREMENTS;

(II) REQUIRE A PERSON DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION TO OBTAIN AN ELECTRICAL PERMIT;

(III) PROHIBIT THE USE OF A BATTERY-CHARGED FENCE SECURITY SYSTEM THAT IS INTENDED TO BE USED FOR SECURITY; OR

(IV) REQUIRE ADDITIONAL PERMITS OR FEES OTHER THAN THOSE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

(D) BATTERY-CHARGED FENCE SECURITY SYSTEMS ARE NOT EXEMPT FROM TITLE 18 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.