

HOUSE BILL 261

C2

1lr1044

(PRE-FILED)

By: **Delegate T. Branch**

Requested: October 20, 2020

Introduced and read first time: January 13, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Battery-Charged Fence Security Systems – Regulation**

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

14 BY adding to

15 Article – Business Regulation

16 Section 19-902

17 Annotated Code of Maryland

18 (2015 Replacement Volume and 2020 Supplement)

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

21 **Article – Business Regulation**

22 **19-902.**

23 **(A) (1) IN THIS SECTION, “BATTERY-CHARGED FENCE SECURITY**
24 **SYSTEM” MEANS AN ALARM SECURITY SYSTEM THAT INCLUDES A FENCE, A**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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) "BATTERY-CHARGED FENCE SECURITY SYSTEM" DOES NOT INCLUDE A WIRELESS SECURITY SYSTEM AS DEFINED IN § 19-901 OF THIS SUBTITLE.

(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

1 AN ALARM BUSINESS REGISTRATION OR PERMIT;

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

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

9 1. THE ADDRESS OF THE INSTALLATION;

10 2. THE NAME OF THE INSTALLER;

11 3. THE DATE OF THE INSTALLATION; AND

12 4. AN AFFIRMATION THAT THE CRITERIA IN SUBSECTION
13 (B) OF THIS SECTION ARE SATISFIED; AND

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

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

22 (I) ISSUE A CITATION:

23 1. DESCRIBING THE SPECIFIC NONCOMPLIANCE; AND

24 2. REQUIRING THAT THE BATTERY-CHARGED FENCE
25 SECURITY SYSTEM BE MADE COMPLIANT WITHIN A TIME PERIOD REQUIRED BY THE
26 LOCAL GOVERNMENT; AND

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

29 (3) A LOCAL GOVERNMENT MAY NOT:

1 **(I) IMPOSE ADDITIONAL INSTALLATION OR OPERATIONAL**
2 **REQUIREMENTS;**

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

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

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

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

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