Second Regular Session Seventy-second General Assembly STATE OF COLORADO

INTRODUCED

LLS NO. 20-0625.01 Jason Gelender x4330

HOUSE BILL 20-1129

HOUSE SPONSORSHIP

Van Winkle and Froelich,

(None),

SENATE SPONSORSHIP

House Committees Transportation & Local Government **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING BATTERY-CHARGED FENCES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <u>http://leg.colorado.gov</u>.)

The bill defines what a battery-charged fence is and limits the extent to which a local government can impose requirements relating to the installation or use of a battery-charged fence.

1 Be it enacted by the General Assembly of the State of Colorado:

1	SECTION 1. In Colorado Revised Statutes, add article 5.7 to title
2	9 as follows:
3	ARTICLE 5.7
4	Battery-charged Fences
5	9-5.7-101. Definitions. As used in this article 5.7, unless the
6	CONTEXT OTHERWISE REQUIRES:
7	(1) "Alarm system" means a new or existing system that
8	INCLUDES ONE OR MORE MONITORED DEVICES THAT CAN, IN THE EVENT OF
9	AN INTRUSION ON PROPERTY, TRANSMIT A SIGNAL TO THE PROPERTY
10	OWNER, A MONITORING COMPANY AUTHORIZED BY THE PROPERTY OWNER,
11	OR LAW ENFORCEMENT SO THAT THE OWNER OR LAW ENFORCEMENT CAN
12	RESPOND TO THE INTRUSION.
13	(2) "BATTERY-CHARGED FENCE" MEANS A FENCE THAT IS
14	CONNECTED TO AN ALARM SYSTEM AND TO ANCILLARY COMPONENTS OR
15	EQUIPMENT, INCLUDING BUT NOT LIMITED TO A BATTERY-OPERATED
16	ENERGIZER THAT PERIODICALLY DELIVERS VOLTAGE IMPULSES TO THE
17	FENCE AND A BATTERY-CHARGING DEVICE USED SOLELY TO CHARGE THE
18	BATTERY THAT OPERATES THE ENERGIZER, AND THAT:
19	(a) IS LOCATED ON PROPERTY THAT IS NOT ZONED EXCLUSIVELY
20	FOR RESIDENTIAL USE BY A MUNICIPALITY OR A COUNTY;
21	(b) HAS AN ENERGIZER POWERED BY A COMMERCIAL STORAGE
22	BATTERY THAT PROVIDES NO MORE THAN TWELVE VOLTS OF DIRECT
23	CURRENT AND THAT MEETS THE STANDARDS SET FORTH BY THE
24	INTERNATIONAL ELECTROTECHNICAL COMMISSION STANDARD
25	60335-2-76, CURRENT EDITION;
26	(c) IS SURROUNDED BY A NONELECTRIC PERIMETER FENCE OR WALL
27	THAT IS NOT LESS THAN FIVE FEET IN HEIGHT;

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(d) IS NOT MORE THAN THE HIGHER OF:

2 (I) TEN FEET IN HEIGHT; OR

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3 (II) TWO FEET HIGHER THAN THE HEIGHT OF THE NONELECTRIC
4 PERIMETER FENCE OR WALL; AND

5 (e) IS MARKED WITH CONSPICUOUS WARNING SIGNS THAT ARE
6 LOCATED ON THE FENCE AT NOT MORE THAN FORTY FOOT INTERVALS AND
7 THAT READ: "WARNING-ELECTRIC FENCE".

8 9-5.7-102. Local regulation - limitations. (1) IF A PERSON
9 WISHES TO INSTALL OR USE A BATTERY-CHARGED FENCE WITHIN THE
10 UNINCORPORATED AREA OF A COUNTY OR WITHIN A CITY AND COUNTY OR
11 MUNICIPALITY, THE COUNTY, CITY AND COUNTY, OR MUNICIPALITY:

12 (a) SHALL, IF DEEMED NECESSARY BY THE COUNTY, CITY AND
13 COUNTY, OR MUNICIPALITY, PERFORM AN INSPECTION OF THE FENCE TO
14 VERIFY THAT IT MEETS THE DEFINITION OF A BATTERY-CHARGED FENCE,
15 AND, IF IT DOES, ALLOW USE OF THE BATTERY-CHARGED FENCE;

16 (b) SHALL NOT CHARGE ANY PERMIT OR INSPECTION FEE FOR THE
17 INSTALLATION OR USE OTHER THAN ANY ALARM SYSTEM PERMIT FEE THAT
18 THE COUNTY OR MUNICIPALITY CHARGES FOR OTHER ALARM SYSTEM
19 PERMITS; AND

(c) SHALL NOT PROHIBIT USE FOR SECURITY PURPOSES OR IMPOSE
ANY INSTALLATION OR OPERATIONAL REQUIREMENTS FOR THE
BATTERY-CHARGED FENCE THAT EXCEED OR ARE INCONSISTENT WITH THE
REQUIREMENTS SPECIFIED IN SECTION 9-5.7-101 (2).

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.