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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2489 Session of  
2022

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INTRODUCED BY MAJOR, BERNSTINE, HENNESSEY, PICKETT AND SMITH,  
APRIL 6, 2022

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REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 6, 2022

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AN ACT

1 Providing for standards of highway, safety and battery-charged  
2 security fences; and making a related repeal.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Highway and  
7 Safety Fence Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Battery-charged security fence." An alarm system and  
13 ancillary components, or equipment attached to the system,  
14 including, but not limited to, a fence, a battery-operated  
15 energizer which is intended to periodically deliver voltage  
16 impulses to the fence connected to it and a battery charging  
17 device used exclusively to charge the battery. The term does not  
18 include a fence used primarily for the containment of livestock

1 or other animals.

2 "Municipality." A county, city, township, borough,  
3 incorporated town, home rule municipality, municipal authority  
4 or other general purpose unit of government established by an  
5 act of the General Assembly.

6 Section 3. Highway wire fences.

7 It is lawful for a land owner within this Commonwealth to  
8 construct, build and maintain, along any of the highways of this  
9 Commonwealth, fences made in whole or in part of wire, with or  
10 without barbs, subject at all times to restrictions and  
11 prohibitions imposed by municipalities relating to fences.

12 Section 4. Line wire fences.

13 A fence, made in whole or in part of wire, with or without  
14 barbs, is a lawful fence, within the meaning and provisions of  
15 any act of this Commonwealth relating to the building,  
16 constructing and maintaining of line fences, provided that the  
17 wire fence complies with the height required by that act.

18 Section 5. Battery-charged security fences.

19 (a) General rule.--The construction, use and maintenance of  
20 a battery-charged security fence is lawful, provided that the  
21 battery-charged security fence complies with the requirements of  
22 this section.

23 (b) Requirements for compliance.--A battery-charged security  
24 fence must:

25 (1) Interface with a monitored alarm device in a manner  
26 that enables the alarm system to transmit a signal intended  
27 to summon the business or law enforcement, or both, in  
28 response to an intrusion or burglary.

29 (2) Be located on property that is not designated by a  
30 municipality exclusively for residential use.

1 (3) Have an energizer that is powered by a commercial  
2 storage battery that is not more than 12 volts of direct  
3 current.

4 (4) Has an energizer that meets the standards specified  
5 by the International Electrotechnical Commission Standard  
6 60335-2-76.

7 (5) Is surrounded by a nonelectric perimeter fence or  
8 wall that is not less than five feet in height.

9 (6) Not exceed 10 feet in height or two feet higher than  
10 the nonelectric perimeter fence or wall described in  
11 paragraph (5), whichever is higher.

12 (7) Be marked with conspicuous warning signs that are  
13 located on the battery-charged security fence at not more  
14 than 30-foot intervals and that read: "WARNING-ELECTRIC  
15 FENCE".

16 (c) Limitation on power of municipalities.--Notwithstanding  
17 section 3 or any other provision of law, a municipality may not  
18 adopt or enforce an ordinance, order or regulation that:

19 (1) requires a permit or fee for the installation or use  
20 of a battery-charged security fence to which this section  
21 applies, that is in addition to an alarm system permit issued  
22 by the municipality;

23 (2) imposes installation or operational requirements for  
24 a battery-charged security fence that are inconsistent with  
25 or in addition to the requirements and standards enumerated  
26 in subsection (b); or

27 (3) prohibits the installation or use of a battery-  
28 charged security fence.

29 Section 6. Repeal.

30 (a) Legislative finding.--The General Assembly finds that

1 the repeal under subsection (b) is necessary to effectuate this  
2 act.

3 (b) Specific repeal.--The act of May 2, 1899 (P.L.163,  
4 No.111), entitled "An act legalizing and making it lawful to  
5 build fences constructed in whole or in part of wire along the  
6 public highways, and as division fences," is repealed.

7 Section 7. Effective date.

8 This act shall take effect in 60 days.