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ENGROSSED SUBSTITUTE HOUSE BILL 1304

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State of Washington

68th Legislature

2023 Regular Session

By House Local Government (originally sponsored by Representatives Hackney and Walen)

READ FIRST TIME 02/14/23.

1 AN ACT Relating to electric security alarm systems; adding a new  
2 section to chapter 35.21 RCW; adding a new section to chapter 35A.21  
3 RCW; adding a new section to chapter 36.01 RCW; adding a new section  
4 to chapter 19.27 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that recent changes  
7 in alarm system technology can be beneficial for protecting property  
8 owners from ongoing theft, and help to minimize the demand on local  
9 government policing and judicial resources. The legislature further  
10 finds that state and local building codes related to electric  
11 security alarm systems vary widely from jurisdiction to jurisdiction  
12 and that a uniform definition and application of a statewide standard  
13 for installation of such systems would be beneficial to industrial  
14 and commercial property owners statewide. It is, therefore, the  
15 intent of the legislature to establish a statewide standard for the  
16 installation and operation of electric security alarm systems to  
17 streamline adoption and provide certainty for installation of such  
18 systems.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.21  
20 RCW to read as follows:

1 (1) Cities and towns may not adopt or enforce any ordinance, land  
2 use regulation, or building code for manufacturing, industrial, or  
3 outdoor storage property that:

4 (a) Prohibits the installation or use of an electric security  
5 alarm system;

6 (b) Imposes installation or operational requirements inconsistent  
7 with IEC standards or this section for an electric security alarm  
8 system fence energizers and electric fences;

9 (c) Requires a property setback for an electric security alarm  
10 system or its ancillary components beyond the distance required by  
11 IEC standards for separation from an external fence that surrounds  
12 the perimeter of the outdoor storage property, including any existing  
13 nonconforming or grandfathered fence; or

14 (d) Requires a permit of any type other than a security alarm  
15 permit for the installation or use of an electric security alarm  
16 system or imposes a fee for such a permit of more than \$1,000.  
17 Nothing in this section precludes a city or town from regulating or  
18 requiring a permit for a nonelectric perimeter fence or wall.

19 (2) A city or town that has, prior to January 1, 2024, adopted an  
20 ordinance, land use regulation, or building code that permits  
21 electric security alarm systems in accordance with IEC standards in  
22 commercial and industrial zones within the city or town is not  
23 subject to the requirements of this section.

24 (3) For the purposes of this section:

25 (a) "Electric security alarm system" means an outdoor alarm  
26 system and ancillary components, including a fence-like wiring  
27 structure, placed behind an existing nonelectric fence that:

28 (i) Interfaces with an alarm system in a manner that enables the  
29 fence to cause the connected alarm system to transmit a signal  
30 intended to detect and alert the property owner of an intrusion or  
31 burglary;

32 (ii) Has an energizer that is driven by battery of no more than  
33 12 volts of direct current and that does not produce an electric  
34 charge on contact that exceeds energizer characteristics set for  
35 electric fence energizers by IEC standards;

36 (iii) Is surrounded by a nonelectric perimeter fence or wall that  
37 is at least five feet in height;

38 (iv) Is 10 feet in height or two feet higher than the height of  
39 the nonelectric perimeter fence or wall, whichever is greater; and

1 (v) Is marked with conspicuous warning signs that are located on  
2 the fence at not more than 30-foot intervals and that read: "WARNING:  
3 ELECTRIC FENCE."

4 (b) "IEC standards" means the international electrotechnical  
5 commission standard 60335-2-76, as most recently published on or  
6 before January 1, 2021.

7 (c) "Outdoor storage property" means a commercial property,  
8 regardless of zoning designation, that is legally authorized to  
9 store, park, service, sell, or rent vehicles, vessels, equipment,  
10 materials, freight, or utility infrastructure within an outdoor lot  
11 or yard that is surrounded by a nonelectric perimeter fence or wall.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.21  
13 RCW to read as follows:

14 (1) Code cities may not adopt or enforce any ordinance, land use  
15 regulation, or building code for manufacturing, industrial, or  
16 outdoor storage property that:

17 (a) Prohibits the installation or use of an electric security  
18 alarm system;

19 (b) Imposes installation or operational requirements inconsistent  
20 with IEC standards or this section for an electric security alarm  
21 system fence energizers and electric fences;

22 (c) Requires a property setback for an electric security alarm  
23 system or its ancillary components beyond the distance required by  
24 IEC standards for separation from an external fence that surrounds  
25 the perimeter of the outdoor storage property, including any existing  
26 nonconforming or grandfathered fence; or

27 (d) Requires a permit of any type other than a security alarm  
28 permit for the installation or use of an electric security alarm  
29 system or imposes a fee for such a permit of more than \$1,000.  
30 Nothing in this section precludes a code city from regulating or  
31 requiring a permit for a nonelectric perimeter fence or wall.

32 (2) A code city that has, prior to January 1, 2024, adopted an  
33 ordinance, land use regulation, or building code that permits  
34 electric security alarm systems in accordance with IEC standards in  
35 commercial and industrial zones within the code city is not subject  
36 to the requirements of this section.

37 (3) For the purposes of this section:

1 (a) "Electric security alarm system" means an outdoor alarm  
2 system and ancillary components, including a fence-like wiring  
3 structure, placed behind an existing nonelectric fence that:

4 (i) Interfaces with an alarm system in a manner that enables the  
5 fence to cause the connected alarm system to transmit a signal  
6 intended to detect and alert the property owner of an intrusion or  
7 burglary;

8 (ii) Has an energizer that is driven by battery of no more than  
9 12 volts of direct current and that does not produce an electric  
10 charge on contact that exceeds energizer characteristics set for  
11 electric fence energizers by IEC standards;

12 (iii) Is surrounded by a nonelectric perimeter fence or wall that  
13 is at least five feet in height;

14 (iv) Is 10 feet in height or two feet higher than the height of  
15 the nonelectric perimeter fence or wall, whichever is greater; and

16 (v) Is marked with conspicuous warning signs that are located on  
17 the fence at not more than 30-foot intervals and that read: "WARNING:  
18 ELECTRIC FENCE."

19 (b) "IEC standards" means the international electrotechnical  
20 commission standard 60335-2-76, as most recently published on or  
21 before January 1, 2021.

22 (c) "Outdoor storage property" means a commercial property,  
23 regardless of zoning designation, that is legally authorized to  
24 store, park, service, sell, or rent vehicles, vessels, equipment,  
25 materials, freight, or utility infrastructure within an outdoor lot  
26 or yard that is surrounded by a nonelectric perimeter fence or wall.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.01  
28 RCW to read as follows:

29 (1) Counties may not adopt or enforce any ordinance, land use  
30 regulation, or building code for manufacturing, industrial, or  
31 outdoor storage property that:

32 (a) Prohibits the installation or use of an electric security  
33 alarm system;

34 (b) Imposes installation or operational requirements inconsistent  
35 with IEC standards or this section for an electric security alarm  
36 system fence energizers and electric fences;

37 (c) Requires a property setback for an electric security alarm  
38 system or its ancillary components beyond the distance required by  
39 IEC standards for separation from an external fence that surrounds

1 the perimeter of the outdoor storage property, including any existing  
2 nonconforming or grandfathered fence; or

3 (d) Requires a permit of any type other than a security alarm  
4 permit for the installation or use of an electric security alarm  
5 system or imposes a fee for such a permit of more than \$1,000.  
6 Nothing in this section precludes a county from regulating or  
7 requiring a permit for a nonelectric perimeter fence or wall.

8 (2) A county that has, prior to January 1, 2024, adopted an  
9 ordinance, land use regulation, or building code that permits  
10 electric security alarm systems in accordance with IEC standards in  
11 commercial and industrial zones within the county is not subject to  
12 the requirements of this section.

13 (3) For the purposes of this section:

14 (a) "Electric security alarm system" means an outdoor alarm  
15 system and ancillary components, including a fence-like wiring  
16 structure, placed behind an existing nonelectric fence that:

17 (i) Interfaces with an alarm system in a manner that enables the  
18 fence to cause the connected alarm system to transmit a signal  
19 intended to detect and alert the property owner of an intrusion or  
20 burglary;

21 (ii) Has an energizer that is driven by battery of no more than  
22 12 volts of direct current and that does not produce an electric  
23 charge on contact that exceeds energizer characteristics set for  
24 electric fence energizers by IEC standards;

25 (iii) Is surrounded by a nonelectric perimeter fence or wall that  
26 is at least five feet in height;

27 (iv) Is 10 feet in height or two feet higher than the height of  
28 the nonelectric perimeter fence or wall, whichever is greater; and

29 (v) Is marked with conspicuous warning signs that are located on  
30 the fence at not more than 30-foot intervals and that read: "WARNING:  
31 ELECTRIC FENCE."

32 (b) "IEC standards" means the international electrotechnical  
33 commission standard 60335-2-76, as most recently published on or  
34 before January 1, 2021.

35 (c) "Outdoor storage property" means a commercial property,  
36 regardless of zoning designation, that is legally authorized to  
37 store, park, service, sell, or rent vehicles, vessels, equipment,  
38 materials, freight, or utility infrastructure within an outdoor lot  
39 or yard that is surrounded by a nonelectric perimeter fence or wall.

1        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 19.27  
2    RCW to read as follows:

3        (1) By July 1, 2025, the state building code council shall adopt  
4    or amend rules as necessary to provide that electric security alarm  
5    systems are not considered structures under the state building code  
6    when placed behind an existing perimeter fence in compliance with  
7    sections 2, 3, and 4 of this act.

8        (2) For the purposes of this section, "electric security alarm  
9    system" has the same meaning as in section 2 of this act.

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