

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 24-0668.01 Jason Gelender x4330

SENATE BILL 24-096

SENATE SPONSORSHIP

Van Winkle,

HOUSE SPONSORSHIP

Soper,

Senate Committees
Local Government & Housing

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE USE OF FENCED PERIMETER SECURITY ALARM**
102 **SYSTEMS.**

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 <http://leg.colorado.gov>.)

The bill defines what a fenced perimeter security alarm system is and limits the extent to which a local government is authorized to impose requirements related to the use of a fenced perimeter security alarm system.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 5.8 to title
3 9 as follows:

4 **ARTICLE 5.8**

5 **Fenced Perimeter Security Alarm Systems**

6 **9-5.8-101. Definitions.** AS USED IN THIS ARTICLE 5.8, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "ALARM SYSTEM" MEANS A NEW OR EXISTING SYSTEM THAT
9 INCLUDES ONE OR MORE MONITORED DEVICES THAT CAN, IF THERE IS AN
10 INTRUSION ON PROPERTY, TRANSMIT A SIGNAL TO THE PROPERTY OWNER,
11 A MONITORING COMPANY AUTHORIZED BY THE PROPERTY OWNER, OR LAW
12 ENFORCEMENT SO THAT THE OWNER OR LAW ENFORCEMENT CAN RESPOND
13 TO THE INTRUSION.

14 (2) "BATTERY-CHARGED FENCE" MEANS A FENCE THAT IS
15 CONNECTED TO AN ALARM SYSTEM AND TO ANCILLARY COMPONENTS OR
16 EQUIPMENT AND THAT:

17 (a) HAS AN ENERGIZER POWERED BY A TWELVE-VOLT COMMERCIAL
18 STORAGE BATTERY THAT MEETS THE STANDARDS SET FORTH BY THE
19 INTERNATIONAL ELECTROTECHNICAL COMMISSION STANDARD
20 60335-2-76 AT THE TIME THE FENCE IS INSTALLED;

21 (b) IS ENCLOSED ON THE OUTSIDE ONLY BY A NONELECTRIC
22 PERIMETER FENCE OR WALL THAT IS NOT LESS THAN FIVE FEET IN HEIGHT;

23 (c) IS THE HIGHER OF:

24 (I) TEN FEET IN HEIGHT; OR

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

27 (d) IS MARKED WITH CONSPICUOUS WARNING SIGNS THAT ARE

1 LOCATED ON THE FENCE AT NOT MORE THAN THIRTY-FOOT INTERVALS AND
2 THAT READ: "WARNING-ELECTRIC FENCE".

3 (3) "FENCED PERIMETER SECURITY ALARM SYSTEM" MEANS AN
4 ALARM SYSTEM THAT INCLUDES A BATTERY-CHARGED FENCE THAT WHEN
5 CONTACTED CAUSES THE ALARM SYSTEM TO TRANSMIT A SIGNAL TO THE
6 PROPERTY OWNER, A MONITORING COMPANY AUTHORIZED BY THE
7 PROPERTY OWNER, OR LAW ENFORCEMENT.

8 (4) "LOCAL GOVERNMENT" MEANS A COUNTY, CITY AND COUNTY,
9 OR MUNICIPALITY.

10 **9-5.8-102. Local regulation - limitations.** (1) EXCEPT IN AN
11 AREA THAT IS ZONED EXCLUSIVELY FOR RESIDENTIAL USE, A LOCAL
12 GOVERNMENT SHALL NOT ADOPT OR ENFORCE ANY ORDINANCE,
13 RESOLUTION, OR BUILDING CODE PROVISION THAT:

14 (a) PROHIBITS THE USE OF A FENCED PERIMETER SECURITY ALARM
15 SYSTEM;

16 (b) IMPOSES ANY INSTALLATION OR OPERATIONAL REQUIREMENTS
17 FOR A FENCED PERIMETER SECURITY ALARM SYSTEM THAT EXCEED OR ARE
18 INCONSISTENT WITH THE INSTALLATION OR OPERATIONAL REQUIREMENTS
19 GENERALLY REQUIRED FOR OTHER ALARM SYSTEMS AND THE REQUIRED
20 CHARACTERISTICS OF A BATTERY-CHARGED FENCE SPECIFIED IN SECTION
21 9-5.8-101 (2); OR

22 (c) REQUIRES A PERMIT FOR THE INSTALLATION OR USE OF A
23 FENCED PERIMETER SECURITY ALARM SYSTEM THAT IS IN ADDITION TO
24 ANY PERMIT GENERALLY REQUIRED FOR THE INSTALLATION OR USE OF
25 OTHER ALARM SYSTEMS.

26 (2) A LOCAL GOVERNMENT MAY, AS PART OF OR IN ADDITION TO
27 ANY OTHER INSPECTION THAT IT GENERALLY REQUIRES FOR AN ALARM

1 SYSTEM, INSPECT A BATTERY-CHARGED FENCE TO VERIFY THAT IT HAS THE
2 REQUIRED CHARACTERISTICS OF A BATTERY-CHARGED FENCE SPECIFIED IN
3 SECTION 9-5.8-101 (2).

4 (3) THIS SECTION NEITHER GRANTS NOR IMPLIES THE EXISTENCE OF
5 ANY POWER OF A LOCAL GOVERNMENT TO PROHIBIT OR REGULATE THE USE
6 OF A BATTERY-CHARGED FENCE OR A FENCED PERIMETER SECURITY ALARM
7 SYSTEM IN ANY AREA THAT IS ZONED FOR AGRICULTURAL USE OR WHERE
8 AGRICULTURAL USES ARE ALLOWED OR ANY OTHER AREA OTHER THAN AN
9 AREA THAT IS ZONED EXCLUSIVELY FOR RESIDENTIAL USE.

10 **SECTION 2. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly; except
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V
14 of the state constitution against this act or an item, section, or part of this
15 act within such period, then the act, item, section, or part will not take
16 effect unless approved by the people at the general election to be held in
17 November 2024 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.