

AMENDED IN ASSEMBLY AUGUST 17, 2015

AMENDED IN SENATE MAY 19, 2015

AMENDED IN SENATE APRIL 7, 2015

SENATE BILL

No. 582

Introduced by Senator Hall

February 26, 2015

An act to add Section 835 to the Civil Code, *and to amend Sections 17151 and 17152 of the Food and Agricultural Code*, relating to electrified fences.

LEGISLATIVE COUNSEL'S DIGEST

SB 582, as amended, Hall. Electrified fences.

Existing law prohibits an electrified fence to be offered for sale, sold, installed, or used in the state, or otherwise connected to a source of electrical current, unless the electrical current is limited and regulated by an electrical controller that meets or exceeds specified standards or specifications. Existing law also provides that the owner of land in fee has the right to the surface and to everything permanently situated beneath or above it.

This bill would *amend the list of institutes and associations that may set the standards according to which the lawfulness of an electrified fence is measured and exclude from the definition of electrified fence used in that provision an electrified security fence, as defined. The bill would authorize an owner of real property to install and operate an electrified security fence on his or her property if the property is not in a residential zone, the fence is identified by prominently placed warning signs, the height of the fence does not exceed 10 feet, the fence is located*

behind a perimeter fence that is not less than 6 feet in height, and the fence meets specified electrotechnical and local requirements.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 835 is added to the Civil Code, to read:
2 835. ~~(a) Subject to subdivision (b), an~~
3 *(a) As used in this chapter, “electrified security fence” means*
4 *any fence, other than an electrified fence described in Section*
5 *17151 of the Food and Agricultural Code, that meets the following*
6 *requirements:*
7 *(1) The fence is powered by an electrical energizer with both*
8 *of the following output characteristics:*
9 *(A) The impulse repetition rate does not exceed 1 hertz (hz).*
10 *(B) The impulse duration does not exceed 10 milliseconds, or*
11 *¹⁰/₁₀₀₀₀ of a second.*
12 *(2) The fence is used to protect and secure commercial or*
13 *industrial property.*
14 *(b) An owner of real property may install and operate an*
15 *electrified security fence on his or her property—consistent with*
16 *subject to all of the following:*
17 *(1) The property is not located in a residential zone.*
18 *(2) The fence meets the—requirements—specified by 2006*
19 *international standards and specifications of the International*
20 *Electrotechnical Commission for electric fence energizers in*
21 *“International Standard IEC-60335-2-76.” 60335, Part 2-76.”*
22 *(3) The fence is identified by prominently placed warning signs*
23 *that are legible from both sides of the fence. At a minimum, the*
24 *warning signs shall meet all of the following criteria:—be*
25 *(A) The warning signs are placed at each gate and access point,*
26 *and at intervals along the fence not exceeding—10 meters, and*
27 *adjacent 30 feet. —to*
28 *(B) The warning signs are adjacent to any other signs relating*
29 *to chemical, radiological, or biological hazards.*
30 *(C) The warning signs are marked with a written warning or a*
31 *commonly recognized symbol for shock, a written warning or a*
32 *commonly recognized symbol to warn people with pacemakers,*

1 and a written warning or commonly recognized symbol about the
2 danger of touching the fence in wet conditions.

3 (4) The height of the fence does not exceed 10 feet and is located
4 behind a perimeter fence that is not less than 6 feet in height.

5 (b)

6 (c) An owner of real property shall not install and operate an
7 electric electrified security fence where a local ordinance prohibits
8 that installation and operation. If a local ordinance allows the
9 installation and operation of an electric electrified security fence,
10 the installation and operation of the fence shall meet the
11 requirements of that ordinance and the requirements of paragraphs
12 (1) to (3), inclusive, of subdivision (a). subdivision (b).

13 SEC. 2. Section 17151 of the Food and Agricultural Code is
14 amended to read:

15 17151. (a) As used in this chapter, “electrified fence” means
16 any fence and appurtenant devices, including, but not limited to,
17 fences and devices used in animal control, and including, but not
18 limited to, a fence consisting of a single strand of wire supported
19 by posts or other fixtures, which has an electrical charge or is
20 connected to a source of electrical current and which is so designed
21 or placed that a person or animal coming into contact with the
22 conductive element of the fence receives an electrical shock.

23 (b) For purposes of this chapter, “electrified fence” does not
24 include an electrified security fence as described in Section 835
25 of the Civil Code.

26 SEC. 3. Section 17152 of the Food and Agricultural Code is
27 amended to read:

28 17152. No electrified fences shall be offered for sale, sold,
29 installed, or used in this state, or otherwise connected to a source
30 of electrical current, unless the electrical current is limited and
31 regulated by an electrical controller which meets or exceeds the
32 standards or specifications of the National Electrical Code of the
33 National Fire Protection Association, the New Zealand Standards
34 Institute, the Standards Association of Australia, international
35 standards of the International Electrotechnical Commission, or
36 the Underwriters Laboratories for intermittent type electric fence
37 or electrified fence controllers.

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