

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,

SENATE SPONSORSHIP

(None),

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

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:*

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

- 1 (d) IS NOT MORE THAN THE HIGHER OF:
2 (I) TEN FEET IN HEIGHT; OR
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

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

24 **SECTION 2. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2020 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.