

Amendment No. 626

Assembly Amendment to Senate Bill No. 208 First Reprint (BDR 20-853)

Proposed by: Assembly Committee on Government Affairs

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 208 R1 (§§ 1, 2).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red-strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

SMH/HAC



Date: 5/20/2023

S.B. No. 208—Requires counties and cities to enact certain ordinances relating to battery-charged fences. (BDR 20-853)





SENATE BILL NO. 208—SENATORS FLORES, STONE, GOICOECHEA; DALY, KRASNER  
AND OHRENSCHALL

MARCH 2, 2023

Referred to Committee on Government Affairs

SUMMARY—Requires counties and cities to enact certain ordinances relating to battery-charged fences. (BDR 20-853)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.CONTAINS UNFUNDED MANDATE (§§ 1, 2)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to local governments; requiring the governing body of a county or city to enact ordinances relating to battery-charged fences; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the governing body of a county or city to enact ordinances that regulate certain health and safety issues. (NRS 244.355-244.369, 268.409-268.427) **Sections 1 and 2** of this bill require the governing body of a county or city to enact an ordinance that regulates battery-charged fences. **Sections 1 and 2** require that such an ordinance require that a battery-charged fence: (1) be located on property not ~~zoned exclusively~~ **designated for residential use or be located on property designated for residential use that is also located in a rural zoning area or governed by certain provisions of law relating to Lake Tahoe**; (2) use a battery that is not more than 12 volts of direct current; (3) have an energizer that meets the most current standards set forth by the International Electrotechnical Commission; (4) be surrounded by a nonelectric perimeter fence or wall; (5) be not more than a certain height; and (6) be marked with certain conspicuous warning signs located on the battery-charged fence. **Sections 1 and 2** prohibit such an ordinance from: (1) requiring a permit for the installation or use of a battery-charged fence that is in addition to an alarm system permit issued by the county or city; (2) imposing installation or operational requirements for a battery-charged fence that are inconsistent with the standards set forth by the International Electrotechnical Commission; or (3) prohibiting the installation or use of a battery-charged fence.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 3, a board of county commissioners shall enact ordinances regulating battery-charged fences.*

*2. An ordinance enacted pursuant to this section must, without limitation, require that a battery-charged fence:*

*(a) Be located on property that ~~is not zoned exclusively~~ ;*

*(1) Is not designated for residential use; or*

*(2) Is designated for residential use and the property:*

*(I) Is located in a rural zoning area; or*

*(II) Is governed by the provisions of NRS 278.780 to 278.828, inclusive;*

*(b) Use a battery that is not more than 12 volts of direct current;*

*(c) Have an energizer that meets the most current standards set forth by the International Electrotechnical Commission;*

*(d) Be surrounded by a nonelectric perimeter fence or wall that is at least 5 feet in height;*

*(e) Not be higher than 10 feet in height or 2 feet higher than the height of the nonelectric perimeter fence or wall described in paragraph (d), whichever is greater; and*

*(f) Be marked with conspicuous warning signs that are located on the battery-charged fence at intervals of not more than 40 feet and that read: "WARNING: ELECTRIC FENCE."*

*3. A board of county commissioners, in enacting an ordinance pursuant to this section, may not enact an ordinance that:*

*(a) Requires a permit for the installation or use of a battery-charged fence that is in addition to any permit that is required to install an alarm system;*

*(b) Imposes any installation or operational requirement for a battery-charged fence that is inconsistent with the most current standards set forth by the International Electrotechnical Commission; or*

*(c) Prohibits the installation or use of a battery-charged fence.*

*4. As used in this section:*

*(a) "Alarm system" means a device or system that transmits an audible, visual or electronic signal intended to summon or alert law enforcement. The term does not include a system which does not transmit a signal from outside of a building or residence and is intended to alert only occupants of a building or residence.*

*(b) "Battery-charged fence" means a fence that interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to an intrusion and has an energizer that is driven by a battery.*

**Sec. 2.** Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 3, a city council or other governing body of an incorporated city shall enact ordinances regulating battery-charged fences.*

*2. An ordinance enacted pursuant to this section must, without limitation, require that a battery-charged fence:*

*(a) Be located on property that ~~is not zoned exclusively~~ ;*

(1) Is not designated for residential use; or  
(2) Is designated for residential use and:  
(I) Is located in a rural zoning area; or  
(II) Is governed by the provisions of NRS 278.780 to 278.828,  
inclusive;

*(b) Use a battery that is not more than 12 volts of direct current;*

*(c) Have an energizer that meets the most current standards set forth by the International Electrotechnical Commission;*

*(d) Be surrounded by a nonelectric perimeter fence or wall that is at least 5 feet in height;*

*(e) Not be higher than 10 feet in height or 2 feet higher than the height of the nonelectric perimeter fence or wall described in paragraph (d), whichever is greater; and*

*(f) Be marked with conspicuous warning signs that are located on the battery-charged fence at intervals of not more than 40 feet and that read: "WARNING: ELECTRIC FENCE."*

*3. A city council or other governing body of an incorporated city, in enacting an ordinance pursuant to this section, may not enact an ordinance that:*

*(a) Requires a permit for the installation or use of a battery-charged fence that is in addition to any permit that is required to install an alarm system;*

*(b) Imposes any installation or operational requirement for a battery-charged fence that is inconsistent with the most current standards set forth by the International Electrotechnical Commission; or*

*(c) Prohibits the installation or use of a battery-charged fence.*

*4. As used in this section:*

*(a) "Alarm system" means a device or system that transmits an audible, visual or electronic signal intended to summon or alert law enforcement. The term does not include a system which does not transmit a signal from outside of a building or residence and is intended to alert only occupants of a building or residence.*

*(b) "Battery-charged fence" means a fence that interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to an intrusion and has an energizer that is driven by a battery.*

**Sec. 2.5.** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

**Sec. 3.** Any ordinance, regulation or rule enacted by a county or city before, on or after July 1, 2023, which conflicts with the provisions of this act is void and unenforceable.

**Sec. 4.** This act becomes effective on July 1, 2023.