

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 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:

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

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

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

8 (a) *Be located on property that:*

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

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

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

12 (II) *Is governed by the provisions of NRS 278.780 to*
13 *278.828, inclusive;*

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

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

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

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

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

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

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

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

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

37 4. *As used in this section:*

38 (a) *"Alarm system" means a device or system that transmits an*
39 *audible, visual or electronic signal intended to summon or alert*
40 *law enforcement. The term does not include a system which does*
41 *not transmit a signal from outside of a building or residence and is*
42 *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:

(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



1 *not transmit a signal from outside of a building or residence and is*
2 *intended to alert only occupants of a building or residence.*

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

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

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

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

