



Senate Bill 135

Business Regulation – Battery-Charged Fence Security Systems – Regulation

MACo Position: **OPPOSE**

To: Finance Committee

Date: January 21, 2021

From: Michael Sanderson and Alex Butler

The Maryland Association of Counties **OPPOSES** SB 135 as the bill restricts local permitting authority and oversight over security fences. In Maryland, zoning regulations, permitting requirements, and code enforcement are long standing, central components of local authority. These local functions and rules are in place to ensure that structures are safe and adhere to community needs, standards, and practices.

SB 135 would regulate battery-charged fence security systems under the existing regulatory structure for wireless security systems. The bill establishes particular parameters for defining these fences, including that they are located only in commercial zones and meet certain height and power requirements. Of most concern to counties, it prohibits a local government from imposing any additional permits, installation, or operational requirements on these fences, including a prohibition against banning the fences all together.

Counties understand battery-charged fences are intended to serve as security systems to safeguard property and to serve as a deterrent to theft. The fences deliver an electric shock to those who attempt to breach the fence and send a notification to the property owner who may then call the police. Despite providing these novel security functions, they are still fence structures which typically require permits to ensure that the fence design, size, scale, and material, are built to county approved codes. These codes help protect sight lines and setback requirements, right of way and easement rights, along with other important location and community-based building matters. It is important to maintain some level of oversight for the integrity of these structures.

Local governments object to statewide changes that completely usurp local authority and preempt local decision-making meant to protect the safety and interests of their communities. For these reasons, MACo urges an **UNFAVORABLE** report on SB 135.