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MAYOR

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SB 135

January 21, 2021

TO: Members of the Finance Committee

FROM: Natasha Mehu, Director of Government Relations

RE: SENATE BILL 135 – Business Regulation – Battery-Charged Fence Security Systems – Regulation

POSITION: OPPOSE

Chair Kelley, Vice Chair Feldman, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** Senate Bill (SB) 135.

If this legislation passes, it would bar a local government from prohibiting the installation of an electric shock fence abutting a residential property in a Baltimore City rowhome neighborhood. Electric shock fences are not appropriate in proximity to residential neighborhoods. However, they may be appropriate in certain commercial, industrial or rural districts for the preservation of property or as a theft deterrent. Local jurisdictions are the best decision makers when it comes to determining where and what types of fences are permitted in that jurisdiction.

In accepting a permit for the construction of any fence, a local government must review and apply building code requirements and zoning regulations for the protection of public health and safety. Routinely, a local government will deny a fence permit because it is not made of the appropriate materials or the height does not meet the zoning code requirements. Each jurisdiction in Maryland is unique and the State has delegated to local jurisdictions the ability to make their own decisions regarding zoning and building laws. This discretion granted to the local government to apply its own laws is crucial in determining whether or not a fence of any type is appropriately constructed or installed. In addition, existing zoning code requirements or historical regulations may prohibit certain fence types and sizes based on existing conditions of the surrounding area.

In following the current rule of law that local jurisdictions make their own decisions regarding zoning and building laws, with Baltimore City's adoption of the 2018 International Building Codes, the City specifically added amendments to make it easier

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for companies to apply for and obtain permits for electric security fences, but still reserved the City's ability to regulate placement keeping the devices away from residentially zoned properties.

We respectfully request an **unfavorable** report on SB 135.