

# House Bill 2135

Sponsored by Representative WALLAN; Representatives HELM, OWENS (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act amends where battery-charged fences are allowed. (Flesch Readability Score: 61.2).

Allows battery-charged fences on properties not used as residences.

## A BILL FOR AN ACT

1  
2 Relating to battery-charged fences; amending ORS 195.870.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 195.870 is amended to read:

5 195.870. (1) As used in this section:

6 (a) "Alarm system" means any electrical, mechanical or electronic device or sensor used to  
7 prevent, detect or alert law enforcement or occupants of burglary, theft, or intrusion of a structure  
8 or a vehicle used as a commercial structure.

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

12 (c) "IEC standards" means the standards set by the International Electrotechnical Commission  
13 as most recently published on or before January 1, 2021.

14 (2) A battery-charged fence:

15 (a) Must use a battery that is not more than 12 volts of direct current;

16 (b) Must produce an electric charge on contact that does not exceed energizer characteristics  
17 set for electric fence energizers by IEC standards;

18 (c) Must be surrounded by a nonelectric perimeter fence or wall that is not less than five feet  
19 in height;

20 (d) May not be higher than the greater of 10 feet in height or two feet higher than the height  
21 of the nonelectric perimeter fence or wall; and

22 (e) Must be marked with conspicuous warning signs that are located on the fence at not more  
23 than 30-foot intervals and that read: "WARNING: ELECTRIC FENCE."

24 (3) Except as required by state building code, a local government, as defined in ORS 197.015,  
25 may not adopt or enforce any ordinance, land use regulation or building code for property [*not zoned*  
26 *or used*] **zoned to allow for commercial or industrial use and not used** for residential use that:

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

28 (b) Imposes installation or operational requirements inconsistent with IEC standards or this  
29 section for an alarm system or battery-charged fence.

30 (c) Requires a permit for the installation or use of a battery-charged fence that is additional to

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 an alarm system permit issued by the local government.

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