

VIRGINIA ACTS OF ASSEMBLY -- 2022 SESSION

CHAPTER 43

An Act to amend and reenact § 15.2-911 of the Code of Virginia, relating to regulation of alarm systems; battery-charged fence security systems.

[S 526]

Approved April 1, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-911 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-911. Regulation of alarm company operators.

A. Any locality may by ordinance regulate the installation and maintenance of alarm systems operated by alarm company operators.

B. As used in this section, ~~an "alarm:~~

"Alarm company operator" means and includes any business operated for profit, engaged in the installation, maintenance, alteration, or servicing of alarm systems or which responds to such alarm systems. Such term, however, shall not include alarm systems maintained by governmental agencies or departments, nor shall it include a business which merely sells from a fixed location or manufactures alarm systems unless such business services, installs, monitors or responds to alarm systems at the protected premises.

~~C. As used in this section, the term "alarm~~ "Alarm system" means an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention and to which police or firefighters are expected to respond. Such system may be installed, maintained, altered or serviced by an alarm company operator in both commercial and residential premises.

"Battery-charged fence security system" means a system intended for security that includes a fence, a battery-operated energizer connected to the fence and designed to periodically deliver voltage impulses to the fence, a battery-charging device used exclusively to charge the battery, and any other ancillary components and attached equipment. "Battery-charged fence security system" does not include fencing engineered to exclude or contain deer or livestock.

C. 1. Any battery-charged fence security system shall (i) interface with a monitored alarm device in a manner that enables the system to transmit a signal intended to alert the owner or law enforcement; (ii) have an energizer powered by a commercial storage battery that provides not more than 12 volts of direct current and meets the standards set forth in the International Electrotechnical Commission Standard 60335-2-76; (iii) be located behind a nonelectric perimeter fence or wall that is at least five feet tall; (iv) be on property not zoned for residential use; (v) not be taller than 10 feet or two feet taller than the height of the perimeter fence or wall, whichever is taller; (vi) be marked with warning signs posted conspicuously on the fence at 30-foot intervals that state "Warning - Electric Fence"; and (vii) include a mechanism that allows first responders to deactivate the system during an emergency.

2. A locality may require: (i) a person who provides or operates a battery-charged fence security system to comply with this subsection; (ii) a person who provides or operates a battery-charged fence security system to comply with the ministerial requirements of an alarm company operator, including a permit or registration and payment of any accompanying fee, prior to providing or operating such battery-charged fence security system; and (iii) an installer, on completion of a newly installed battery-charged fence security system, to submit to the locality an affidavit that includes the address of the installation, name of the installer, date of the installation, and an affirmation that the criteria in this subsection are satisfied.

3. A locality may inspect a newly installed battery-charged fence security system after receipt of an affidavit to ensure the system meets the requirements of this subsection. If the battery-charged fence security system fails to comply with the criteria set forth in this subsection, the locality may issue a citation describing the specific noncompliance and requiring the battery-charged fence security system to come into compliance within a reasonable period of time. The locality may also impose a penalty not to exceed \$500 for the first instance if the battery-charged fence security system is not made compliant within the specified period of time.

4. If a battery-charged fence security system meets the requirements of subdivision 1, then a locality shall not establish or otherwise impose any product, installation, or operational requirements, fees, or approvals for a battery-charged fence security system nor prohibit the use of such a system.