

The Senate Committee on State and Local Governmental Operations offered the following substitute to HB 130:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to
2 general provisions applicable to counties and municipal corporations, so as to define the term
3 "fence detection system"; to limit the ability of counties, consolidated governments, and
4 municipalities to regulate or prohibit such systems; to amend Chapter 71 of Title 36 of the
5 Official Code of Georgia Annotated, relating to development impact fees, so as to change
6 applicability to water authorities; to provide for related matters; to repeal conflicting laws;
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
11 provisions applicable to counties and municipal corporations, is amended by adding a new
12 Code section to read as follows:

13 "36-60-12.1.

14 (a) As used in this Code section, the term 'fence detection system' means a new or existing
15 alarm system or electronic security system that interfaces with a monitored alarm device
16 in a manner that enables the alarm system or electronic security system to transmit a signal

17 intended to summon law enforcement or the property owner in response to an intrusion or
 18 burglary and has ancillary components or equipment attached to such system that include:

19 (1) A fence that is:

20 (A) Located on nonresidentially zoned property;

21 (B)(i) No more than ten feet in height; or

22 (ii) Two feet higher than a nonelectric perimeter fence or wall, whichever is taller;

23 and

24 (C) Surrounded by a nonelectric perimeter fence or wall that is at least five feet in
 25 height upon which are placed conspicuous warning signs that are in no more than 30
 26 foot intervals that read: 'WARNING- ELECTRIC FENCE';

27 (2) An energizer powered by a commercial storage battery not exceeding 12 volts that
 28 produces a short electric pulsed charge upon contact with the fence and that does not
 29 exceed energizer characteristics set for electric fence energizers by the International
 30 Electrotechnical Commission Standard 60335-2-76:2018; and

31 (3) A battery charging device used exclusively to charge the battery.

32 (b) Each county, consolidated government, and municipal corporation shall:

33 (1) Treat fence detection systems in all zoning and permitting matters exclusively as
 34 alarm systems as such term is defined in paragraph (.1) of Code Section 43-14-2; and

35 (2) Not, by ordinance or other regulation, prohibit the installation or use of fence
 36 detection systems that are consistent with requirements and standards described in
 37 subsection (a) of this Code section."

38 **SECTION 2.**

39 Chapter 71 of Title 36 of the Official Code of Georgia Annotated, relating to development
 40 impact fees, is amended by revising subsection (d) of Code Section 36-71-13, relating to
 41 construction of reasonable project improvements, private agreements between property
 42 owners and developers, and application of chapter to water authorities, as follows:

43 "(d) Nothing in this chapter shall apply to a water authority created by Act of the General
44 Assembly, as long as such authority:
45 (1) Is is not established as a political subdivision of the State of Georgia; or
46 (2) Acts ~~but instead acts~~ subject to the approval of a county governing authority."

47

SECTION 3.

48 All laws and parts of laws in conflict with this Act are repealed.