



BATTERY-CHARGED ELECTRIC FENCING AND SECURITY DETECTION FENCING SYSTEMS ORDINANCE

Planning Commission June 11, 2025

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Quick Facts

Guiding Legislation
House Bills
HB25-1060

Impact
City-wide

Initiating Entity
City Administration

Applicable Code
UDC provisions affected by
the ordinance include: 7.4.910

Project Summary

The City of Colorado Springs' Battery-Charged Electric Fencing Ordinance (See Attachment 1 – Ordinance) revises the City's Unified Development Code (UDC) to permit a previously allowed use associated with industrial and commercial uses while also complying with recent state legislation concerning the use of electronic fence detection systems. Prior to the June 5, 2023, the ReTool project implementation date, both fencing typologies were permitted in association with commercial and industrial uses under the previous Unified Development Code (Chapter 7). The City's current UDC does not include these uses, impacting properties that rely on these types of fencing systems for security purposes. As such, this ordinance addresses this impact by again allowing these uses when in association with commercial and industrial uses.

File Number	Application Type	Decision Type
CODE-24-0002	UDC Text Amendment	Legislative

History

Between 2009 and 2024 approximately sixteen battery-charged electric fencing systems were approved in association with commercial and industrial land uses throughout the City of Colorado Springs. Prior to the City's UDC Update (ReTool), the previous Unified Development Code (Chapter 7) provided requirements specific to fencing, although was void of language specific to electric fencing. As such, these accessory uses were presumed to be permitted when erected in association with commercial and industrial land uses under the City's previous Unified Development Code (Chapter 7). Following the City's UDC Update (ReTool), which was effective on June 5th of 2023, specific fencing typologies were added including electric shock fencing systems, which were intentionally permitted in association with agricultural uses only. It should be noted that while electric shock fencing systems used for agricultural purposes are reliant on direct current electricity and differ significantly from the battery-charged electric fencing systems that are proposed within this ordinance, the UDC is presently silent on the latter and as such the use is presumed to be non-permitted throughout the city of Colorado Springs presently. This impacted and continues to impact certain commercial and industrial businesses who rely on these types of security systems to protect high-value assets including construction equipment, vehicles, and other high-value consumer goods. Following the implementation of the City's new UDC, a number of businesses have been unable to update, maintain, or obtain new approval for certain types of battery-charged electric fencing systems and have either resorted to a different security detection fencing system or abandoned the proposal altogether. In addition, new state legislation has been passed regarding municipalities' ability to permit specific types of battery-charged electric fencing systems. Considering this quandary, representatives of the industry have requested that the City address this code oversight to permit the use of battery-charged electric fencing systems when in association with commercial and industrial land uses, as was previously permitted under the City's prior Unified Development Code (Chapter 7).

Legislative Guidance

During the 2025 Regular Session, House Bill 25-1060 (See Attachment 2 – HB25-1060) was introduced concerning the use of electronic fence detection systems. Within the legislation, an electronic fence detection system was defined, and direction was provided to allow local governments to impose installation or operational requirements for an electronic fence detection system. The bill is best summarized below:

- Defines electronic fence detection systems as a system that:
 - o Is connected to an alarm system and to integrated components or equipment;
 - o At the time the fence is installed, it has an energizer powered by a twelve-volt commercial storage battery that meets the standards set forth by the International Electrotechnical Commission Standards 60335-2-76;
 - o Includes a battery-charged fence detector that, when contacted, causes the alarm system to transmit a signal to the business, a monitoring company authorized by the business owner, or law enforcement;
 - o Is not located on real property that has been designated by a local government as exclusively for residential use;
 - o Is located behind a nonelectric perimeter fence or wall that is not less than five feet in height;
 - o Is the taller of:
 - Ten feet in height; or
 - Two feet taller than the height of the nonelectric perimeter fence or wall; and
 - o Is marked with conspicuous warning signs that are located on the fence at not more than thirty-foot intervals and that read; "Warning Electric Fence".
- Allows a local government to require a permit for installation or use of an electronic fence detection system if the permit is not in addition to any permit generally required for the installation or use of other alarm systems.

- Allows the local government to impose inspections on electronic fence detection systems.
- Allows the local government to impose less stringent or more stringent requirements for the installation and operation of electronic fence detection systems.

Considering the State issued guidance above, and in conjunction with the industry's request that the City permit the use of battery-charged electronic fencing systems as previously permitted in the prior UDC (Chapter 7), this ordinance promotes best practices and ensures that businesses may reasonably protect their assets in a way that is harmonious to their surrounding context.

Applicable Code

The subject Amendment to UDC Text application was initiated by the City of Colorado Springs Planning Department at the request of the City Administration and City Council after the implementation date (06/05/2023) of the City's Unified Development Code. All subsequent references within this report that are made to "the Code", "UDC" and related sections are references to the Unified Development Code. Per UDC Section 7.5.702 Amendment to UDC Text, this section establishes standards and provides a mechanism for the City to review and decide on an application to amend the text of this UDC.

Project Timeline

Stakeholder Engagement	Ongoing
Open House Meeting	November 20, 2024
City Planning Commission	June 11, 2025
City Council	July 2025
Implementation	July 2025 (<i>tentative</i>)

Stakeholder Involvement

Public Notice

<i>Stakeholder Engagement</i>	A letter was received from an industry representative requesting the City amend the UDC to permit battery-charged electric fencing.
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Agency Coordination

In preparing the proposed Battery-Charged Electric Fencing Ordinance, City Planning staff coordinated with our respective agency partners. Considering that these uses were permitted under the previous Unified Development Code (Chapter 7), agencies had little to no comments, as the intent is to merely reinstate a previously permitted use that was erroneously omitted following the ReTool Project's implementation date of June 5, 2023.

Amendment to UDC Text

Summary of Application

This Amendment to UDC Text application reinstates a previously permitted use, which was removed in error from the City's Unified Development Code following the ReTool project. The proposed code language is reflective of stakeholder suggestions, State legislative guidance, consideration of exemplary jurisdictions in Colorado, and the impact this change

would have on the new UDC and the many communities that make up Colorado Springs. As such, the amendment clearly defines battery-charged electric fencing, permits them in association with commercial and industrial land uses only, and prescribes use specific standards to ensure compatibility with the contexts they are located within (see Attachment 1 – Ordinance).

Ordinance Changes

The proposed Battery-Charged Electric Fencing ordinance adds language to section 7.4.910 of the City's Unified Development Code that allows these types of fencing systems in association with commercial and industrial land uses, as was previously permitted in the City's previous Unified Development Code (Chapter 7). The convention for changes is indicated by the following rules: added language is **BOLD** and language to be removed from city code is indicated by a ~~STRIKETHROUGH~~. It should be noted that no language has been removed, and this update merely includes the addition of code language (see Attachment 1 – Ordinance).

Application Review Criteria

UCD Section 7.5.702 Amendments to UDC Text

An application for an Amendment to UDC Text shall be subject to the following criteria for approval:

1. *The Colorado Springs Comprehensive Plan and other plans adopted by City Council.*

The current Colorado Springs Comprehensive Plan (herein "PlanCOS") places significant emphasis on ensuring a strong local economy. More specifically, a strong local economy requires the preservation of commercial and industrial land uses in a way that is compatible with their surrounding context. Provided that many of these uses require protection of valuable assets that are associated with the primary use, this Amendment to UDC Text complies with the Colorado Springs Comprehensive Plan (herein "PlanCOS") and other plans adopted by City Council.

2. *The current conditions and character of current structures and uses in each zone district.*

These types of security fencing systems are absent from the City's UDC. While electric shock fencing systems are only permitted in association with agricultural uses, it should be noted that battery-charged electronic fencing is uniquely different from the electric shock fencing systems allowed when in association with agricultural uses. Furthermore, under the City's previous UDC (Chapter 7), while these types of fencing systems were absent, the code was silent and as such, they were presumed to be permitted in association with commercial and industrial uses. This Amendment to UDC Text application proposes language that specifically defines this type of fencing system and prescribes use specific standards, to allow for their use in a way that is compatible with current conditions and character of current structures and commercial and industrial uses.

3. *The most desirable use of land in each zone district.*

Given the necessity to protect valuable assets in association with certain commercial and industrial uses, and so as to ensure security of these sites in a way that is compatible with the surrounding context, this Amendment to UDC Text application assists in ensuring the most desirable use of land in each zone district.

4. *The conservation of sensitive environmental features.*

Given the narrow scope of the proposed Battery-Charged Electric Fencing ordinance, City Planning staff's ability to consider the protection of sensitive environmental features remains unchanged. Staff remain able to discuss and implement reasonable restrictions that ensure the conservation of sensitive environmental features.

5. *Promotion of responsible development and growth.*

The allowance of these fencing systems helps to aid commercial and industrial businesses in protecting valuable assets, and in doing so ensures a vibrant economy. By clearly defining these uses in the City's UDC and prescribing use specific standards, the City is ensuring responsible development and growth in a way that is compatible with existing neighborhoods.

CODE-24-0006

After evaluation of the UDC Text Amendment application for the Battery-Charged Electric Fencing Ordinance the application meets the approval criteria as set forth under City Code Section 7.5.702.D *Approval Considerations*.