

February 14, 2022

Olympia City Hall  
601 4th Ave E  
Olympia, WA 98507

**Statement justifying or explaining reasons for the amendment**

To whom it concerns:

AMAROK, LLC is the nation's industry leader in non-residential perimeter security systems. Since the onset of Covid, crime has been spiraling out of control across the country. Countless businesses are struggling to survive. In an effort to help protect and save your local businesses we find it necessary to amend your existing codes in order to allow them to have the most effective crime deterrent system on the market. Presently, Olympia Municipal Code Chapter 18.40.060(C)(10) strictly prohibits electric fences.

The amendment we are requesting is in line with many other municipalities, providing industry safety standards and that allow these safe and effective systems. The benefits of these systems are myriad and include some of the following:

- These systems are a known and proven commodity; we have been in business for thirty years doing these systems, with thousands installed across the United States.
- These systems deter crime not only from the subject property where installed but also from the surrounding area.
- Lower crime means safer communities.
- Lower crime results in higher property values.
- Higher property values result in increased revenue for the City.
- City can portray a business-friendly, tough on crime image.
- The systems are completely green/environmentally friendly, battery powered and low voltage. No AC power whatsoever.

We look forward to working with the City of Olympia to provide a win-win solution for the City, local businesses, and the community at large. Thank you for your assistance.

Thank you,  
Donald McLellan  
AMAROK, LLC  
550 Assembly St., 5th Floor, Columbia, SC 29201  
Direct Phone: 803-404-6186 | Main Phone: 803-786-6333 | Fax: 803-404-5378



ULTIMATE PERIMETER SECURITY

March 8, 2022

Nicole Floyd  
Principal Planner  
City of Olympia  
601 Fourth Avenue E  
Olympia, WA. 98501

Dear Ms. Floyd,

Thank you for your further questions regarding AMAROK's request for a modification of Olympia Municipal Code. Per your questions provided via email on February 23, 2022, attached are the responses to your inquiry.

- 1) Statement of need for amendment/ specific linkage to the goals and policies of the comprehensive plan.

We would refer you to the section titled "Police Services Promote Public Safety." The security system provided by AMAROK would support several stated goals within the City's comprehensive plan:

*GS 16*

*PS16.2 Develop alternative ways to respond to calls for service when sworn officers are not required. This will free-up more time for our officers to develop strategies for preventing crime in our community.*

*PS16.7 Regularly track how police workloads are generated and find ways to reduce them, or allocate work more efficiently, both in and outside the Police Department. External entities which generate police workload should share responsibility for providing ways to manage it.*

*GS19*

*PS19.6 Look for creative ways to build relationships with private security firms, Animal Control, and other organizations, so they can help extend the capability of our Police Department.*

A properly installed and maintained electric fencing system similar to those installed by AMAROK will support the stated goals of the comprehensive plan. The fencing system will act as a deterrent reducing law enforcement workload. Under PS 19.6 it would directly build a relationship with a private security firm to extend the capability of the police department by securing property without the need for law enforcement to be present. Under PS 16.7, these fencing systems reduce law enforcement workload outside the police department, allowing them to work more efficiently in the reduction of property crimes.

- 2) There is no SEPA Environmental Checklist provided.  
The exemption for the SEPA checklist is under WAC 197-11-800:

*(19) **Procedural actions.** The proposal, amendment or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program shall be exempt if they are:*

*(a) Relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment.*

*(b) Text amendments resulting in no substantive changes respecting use or modification of the environment.*

The proposed changes to the city code do not make substantive changes respecting use or modification of the environment.

### 3) Supplemental information that would be useful

Clarify what zones are included in “commercial and industrial”. Does this include or exclude industrial park, PO/RM, Other?

- Information about electric pet fencing is included in the code which implies this section also applies to residential zones? Or just pet fencing in the commercial zones?
- Is the intent for this to be applicable in downtown Downtown has specific design criteria related to fencing and identifies fencing type and height based on street classification etc. Chainlink and other metal fencing is generally prohibited. If the intent is to change the standards for the downtown region, those code changes should be addressed.
- Olympia has several design districts that establish various design criteria for buildings and fencing. They essentially aim to ensure pedestrian circulation between adjacent sites, between parking areas and public Rights of Way etc. Similarly there are criteria about how the fence looks from the street and adjacent properties – such as asking for the fence to be made of materials that are similar to or accentuate the existing building etc. Emphasis is typically placed on the building frontage and areas visible from the ROW. Careful consideration of these design criteria and how your proposal might impact them would be useful.
  - Consider revising your proposal to allow electric fencing (limited voltage) around storage yards/storage areas not visible from the public ROW. This would alleviate most conflicts with the design criteria (except downtown).

The intention is for these devices to only be installed in commercial areas – not for residential use. The fencing is installed behind existing, permanent fencing materials. It is not the intention for this fencing to be placed behind low fencing, residential fencing, or fencing that is decorative or is not permanent. We would need this product to be allowed beyond just storage facilities and other, similar businesses. There is strong interest in installing this device around auto repair and car lots to prevent catalytic converter theft and security properties. We would consider working with the City on finding reasonable accommodation for concerns with aesthetics and visibility but need to ensure that this product is available to effectively secure commercial sites from theft.

There are businesses where the installation of this product would not be appropriate, and there-by not installed. For the pet fencing question, for example, this product would not be appropriate for use as secondary security measure for a pet. Even though installation of the product may be an option for a business doesn't mean they would actually pay for the product to be installed. This product is specifically designed for the security of property to keep individuals from entering private, commercial property. It does not have an application for securing other items like pets.

- 4) Height: The fence height section is specified in code directly above this code revision. Consider revising that text if additional height is being proposed. Proposed language indicates a 10' height for electric fences, but also limits height to 2' above perimeter fence. The only time perimeter fence is allowed to be 8' is if 2' of barbed wire is attached or for small portions where architectural features are permitted. Is the intent to allow electric fence on top of barbed wire? Consider clarifying this section.
  - a. Fence height is limited to 4' within the front 10' of the property. The revisions proposed would not modify this requirement therefore the electric fence would be limited to 6' (2' above the 4' fence) in the front yard setback.

Industry standard is a minimum of 5' barrier. 4' is too low to the ground which would not prevent pedestrians from coming into contact with the system which is what we want to avoid. We ordinarily like to be 10' in height but can live with 2' above perimeter (minimum of 8' system).

- 5) Electric charge limits of IEC are cited as the new municipal code standard. This is sometimes problematic as IEC codes change more frequently than OMC standards. For example, other municipal code sections cite the UBC, which has not been in effect for decades. Can you propose language that provides the intent/meaning of what you are citing in the IEC? That way a layman could understand what types of voltage you are suggesting the code allow. For example – could you use language such as: electricity in the fence shall not be detectable by human touch, rather the current shall be limited so that its sole purpose is to provide notification to the alarm system. If that is the intent?

The intention of the alarm system is to provide both notification and a regulated, brief contact charge that is regulated by the IEC. The IEC 60335-2-76 is regarding the characteristics of the energizer components, and this would be appropriate to draft the ordinance towards for property regulation.

- 6) Proposed code indicates the fence will be regulated by burglar alarm code section of municipal code – please provide specific code section reference. I am unsure where this section is in our code nor what it says. If this is a reference to IBC or other non-municipal code, please consider providing language that identifies the intent/requirement being addressed.

The code section we recommend be amended is under Article II. Theft Detection and Holdup Alarm Systems 16.44 both in .040 (Generally) and within .045 (Definitions)

- 7) Locking gates and the fire department: is this a reference to fire code? Is this already required? If so, does it need to be repeated here?

Gate openings are existing and our system is not adding new gates. Any Fire Department access requirements should already be existing. If the Fire Department wishes us to additionally add a Fire Department device to deactivate our system we can certainly do that. Typically, we use the Knox Company, key switch (model 3502) which we locate by the main gate/entrance. The Fire Department uses their key to disarm our system and then they would enter the property as they ordinarily would.

General Info:

- 8) photos of the fencing anticipated to be installed based on code amendments proposed.  
9) Locations where similar fences have been installed within the Puget Sound region. Name of those jurisdictions and similar code language if applicable.

Happy to provide photos as necessary. There are already municipalities that allow this device to be installed including Auburn. In unincorporated areas, WA Labor and Industries has approved 60 to 70 locations for installation.

Thank you,



Donald McLellan

AMAROK, LLC

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ULTIMATE PERIMETER SECURITY

## **EXISTING CODE**

### **Olympia Municipal Code Chapter 18.40.060(C)(10)**

10. Electric fences. It is unlawful to erect or install or maintain any electric fence within the city limits except for low-voltage, solar fences installed atop a 6-foot non-electric fence for the purposes of protecting farms or agricultural animals. "Electric fence" means any fence with above-ground electric conductors carrying electric current supplied by batteries, commercial power or any other source of electricity, erected for the purpose of retaining or excluding any animals, livestock, or persons.

## **REQUESTED REVISION**

### **Olympia Municipal Code Chapter 18.40.060(C)(10)**

10. Electric fences. Other than in the commercial and industrial zones, electrically charged fences are not permitted. Electrically charged fences within the commercial and industrial zones shall adhere to the following standards. These standards shall not apply to underground pet fences, invisible fences and wireless pet collar fences that are used to contain household pets.

1. Within the commercial and industrial zones the electrical charge of an electric fence must be noncontinuous and the electric fence controller shall be approved by a Nationally Recognized Testing Laboratory (NRTL) or meet the testing standards of the NRTL. It is further provided that electric fences in the commercial and industrial zones that abut any public street or right-of-way shall include signs of not less than 30 square inches in size posted at least every 50 feet on the fence, stating that the fence is charged with electricity.

2. Within the commercial and industrial zones the construction and use of electric fences shall be allowed in the city only as provided in this section and subject to the following:

a. *Electrification.*

i. The energy source (energizer) for electric fences must be provided by a storage battery not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However, the solar panel may be augmented by a trickle charger.

ii. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission (IEC) Standard No. 60335-2-76.

b. Permit Fence or Wall. No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than five feet.

c. Location. Electric fences shall be permitted on any nonresidential outdoor storage areas.

d. *Height.* Electric fences shall not exceed the higher of 10 feet in height or 2 feet higher than the perimeter fence.

e. Warning Signs. Electric fences shall be clearly identified with warning signs that read "Warning – Electric Fence" at intervals less than 50 feet. Signs shall also contain imagery or symbols that allows non-English speaking individuals to understand that the fence is electrically charged, e.g., lightning bolts.

f. The permitting process for electric fences shall be governed and regulated in accordance with the regulations for burglar alarms under city code.

g. Any fence located within a front setback that features a locking gate or similar security device shall provide emergency access in a manner acceptable to the fire marshal.



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