

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON PUBLIC SAFETY

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday June 13, 2012
1:15 p.m.

PRESENT:

COUNCILMAN CURTIS JONES, JR., CHAIR
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN BOBBY HENON
COUNCILMAN KENYATTA JOHNSON

BILL 120328 - An ordinance amending Title 9 of
The Philadelphia Code, entitled "Regulation of
Businesses, Trades and Professions," and
related provisions of The Philadelphia Code
pertinent to electric fences, to provide for
the operation and regulation of electric
fences...

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COUNCILMAN JONES: Thank you very much. The Committee on Public Safety is called to order.

I recognize that a quorum is present in the form of Councilwoman Blackwell, Councilman Henon, myself and Councilman Johnson.

Will the Clerk please read the title of the bill.

THE CLERK: Bill No. 120328, an ordinance amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," and related provisions of The Philadelphia Code pertinent to electric fences, to provide for the operation and regulation of electric fences, all under certain terms and conditions.

COUNCILMAN JONES: Before we call on the witnesses, I'd like to recognize Councilman Henon, who is the author of the legislation, for some remarks.

COUNCILMAN HENON: Thank you,

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2 Mr. Chairman.

3 This legislation -- I just want
4 to simply say that this legislation will
5 allow businesses to install security
6 fences under certain conditions.
7 Currently, there are a handful of those
8 fences in the City, some are in my
9 district, and they are unregulated. This
10 bill simply provides standards and
11 regulations for these fences, and I ask
12 for the support of this Committee.

13 Thank you.

14 COUNCILMAN JONES: Thank you,
15 Councilman.

16 The witnesses, welcome to City
17 Council, and we'd like you to state your
18 name and please submit your testimony.
19 We'll refrain from questions until all
20 panel members are heard from and their
21 testimony submitted.

22 Thank you and welcome.

23 MR. DeMARCO: Thank you,
24 Councilman Jones. I am Richard DeMarco
25 of the law firm Elliott Greenleaf &

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2 Siedzikowski. I'm here with Randy

3 Mullis, who is from Sentry Security

4 Systems, and I'm here with Gabriel

5 Piorko, who is an individual that

6 utilizes an electric security fence. So

7 I'm prepared to testify. These gentlemen

8 are available for questions, if you have

9 any. So with your permission, I'll

10 begin.

11 COUNCILMAN JONES: Please

12 proceed.

13 MR. DeMARCO: I was hoping not

14 to show you that I needed reading glasses

15 because --

16 COUNCILMAN JONES: That's all

17 right. Listen --

18 MR. DeMARCO: But

19 unfortunately, you know how it is.

20 COUNCILMAN JONES: Only the

21 freshmen don't need them.

22 MR. DeMARCO: Once you hit 40,

23 you start needing this stuff.

24 Members of the Committee, thank

25 you for having us. I've already

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2 introduced myself. My firm represents
3 Sentry Security, Mr. Piorko, who is here
4 today, and we all have an interest in
5 seeing that this bill be moved out of
6 Committee with a favorable
7 recommendation.

8 I have a packet of relevant
9 information that I've already circulated
10 to you all last week, and I provided
11 extra copies here today.

12 This bill, as Councilman Henon
13 just said -- and thank you for his
14 testimony -- will regulate what we call
15 electric security fences in the City of
16 Philadelphia. They're actually battery
17 operated. They're charged by solar
18 panels, so they do not actually plug into
19 the electrical grid. And I think that's
20 part of why there's been a lack of
21 regulation of them. They are a unique
22 product that doesn't fall into a ready
23 category.

24 Mr. Piorko operates a business
25 that utilizes one of these fences, and

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2 Sentry Security installs and operates
3 these fences across the country,
4 thousands of them.

5 The reason why we requested the
6 legislation, as Councilman Henon said, is
7 that there's no regulatory structure for
8 them currently, and they are not
9 addressed in the National Electrical
10 Code. They are also unable to get a
11 review process from what we call ULs, or
12 Underwriters Laboratories, which are
13 companies that typically review
14 electrical products and appliances. The
15 problem is that they don't regulate and
16 don't review these types of products
17 because they are intended to deliver a
18 shock and not -- they're not a household
19 appliance, which is the ULs are typically
20 required to review. So they refuse to
21 review them.

22 The way that the Department of
23 Licenses and Inspections has interpreted
24 the existing regulations is to require
25 this review. So we have a problem where

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2 we have been unable to produce this
3 review, such that they are actually
4 prohibited throughout the City under the
5 current structure, and that's why the
6 legislation is needed, and it also
7 absolutely provides a safety framework
8 for that in the bill.

9 The fences are a demonstrably
10 safe product. What I want the Committee
11 to know is that they're never installed
12 in a solo manner. They're always
13 existing behind another existing fence.
14 So the only way you can access them is if
15 you are a trespasser and tending to climb
16 an already existing fence.

17 While they are intended to
18 deliver a shock to a trespasser, it's not
19 a dangerous shock. It's not a health
20 issue. This has been verified by a
21 licensed biomedical engineer. It's Tab 6
22 of the packet that I provided, Dr. John
23 Webster. In fact, we have videos online
24 and we can provide a disk, if you desire
25 it, of company officials actually

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2 grabbing the electric fence and receiving
3 the charge without harm. I mean, we
4 don't want that getting out. That does
5 reduce the deterrent factor. You really
6 can't be hurt by this, but at the same
7 time, we also want you to know that this
8 is not a dangerous product.

9 One of the greatest testimonies
10 towards their safety is that Sentry
11 operates over a thousand of these
12 products nationally and they haven't had
13 a single health incident. They haven't
14 had a single lawsuit related to the
15 operation of the fences. They're that
16 safe.

17 Not only are they safe, they
18 deter crime, and they obviate the need
19 for more dangerous safety measures, such
20 as guard dogs or armed security guard,
21 which you can probably imagine have risks
22 associated with them. And in this
23 economy, there is a need for safe and
24 efficient security systems, because the
25 products that these fences provide are

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2 desired by thieves. And what Mr. Piorko
3 and other customers of Sentry have told
4 us is that before the installation of the
5 fences, they had a significant amount of
6 problems with theft and even assault on
7 their employees, and after the fences are
8 installed, there has not been a single
9 problem. And Mr. Piorko, who is here
10 with me, can actually verify that. His
11 testimony, by the way, is Tab 9 of the
12 packet that I gave you.

13 Because of the utility provided
14 by these fences, other municipalities
15 have acted to allow their use. There's a
16 short list of those municipalities at Tab
17 3 of your materials. Also, many other
18 municipalities actually have interpreted
19 their codes in a way to allow for the
20 fences, and that list is at Tab 4. And
21 obviously since we're operating thousands
22 of these fences nationwide, many
23 municipalities have acted to make sure
24 that they are permitted.

25 There are restrictions built

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2 into the ordinance. We're not going to
3 permit fences in residential areas or
4 properties that include residential uses.
5 There's already -- each fence will
6 include a disable switch for emergency
7 responders. That's consistent across the
8 board. No such fence -- no fence doesn't
9 have that. Obviously that's something
10 that's necessary, and we do provide that.

11 The fences need to be marked
12 with warning signs. That's in the
13 ordinance. Obviously that's an important
14 part of this. And there's also
15 limitations on the voltage of the shock.
16 And just relaying a conversation we had
17 earlier before we started this hearing,
18 the shock is of such a short duration
19 that it does not pose a health risk at
20 all. Matter of fact, as I said, we have
21 videos of company employees touching the
22 fences and not being harmed.

23 So accordingly, obviously we're
24 here to answer your questions. We ask
25 that you report the legislation out of

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2 the Committee with a favorable
3 recommendation. I can answer any
4 specific questions, as can Mr. Mullis or
5 Mr. Piorko. And I really appreciate your
6 time, and Councilman Henon, thanks for
7 your office's help and support.

8 COUNCILMAN JONES: Are there
9 any other panelists that wish to offer
10 testimony or are you just going to
11 respond to Q and A, questions and
12 answers?

13 (We'll respond to questions.)

14 COUNCILMAN JONES: The Chair
15 recognizes Councilwoman Blackwell.

16 COUNCILWOMAN BLACKWELL: Thank
17 you very much. Thanks.

18 Good afternoon. A special
19 greeting to Rich DeMarco. We were next
20 door for many years. He was in the
21 office that you now have next door to me.

22 COUNCILMAN JONES: And a fine
23 office it is.

24 MR. DeMARCO: I didn't need
25 reading glasses back then, did I?

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2 COUNCILWOMAN BLACKWELL:

3 Listen...

4 I just want to confirm. My
5 colleague, Councilman Henon, already told
6 me that this fence, if it were a shock,
7 it would be like people play with these
8 buzzers. It wouldn't be any stronger
9 than that. I mean, what if -- am I
10 correct -- I want to ask this. And what
11 if a cat, for example, approached? He
12 said dogs and cats. What if an animal
13 were walking across the fence or what
14 would happen? Just reiterate for me.

15 MR. MULLIS: You are correct.
16 The voltage is similar to the pen shock
17 or something like that. Actually, the
18 voltage produced from a solar panel
19 charge is a 12 volt battery, and the
20 whole system works off of that 12 volt
21 battery. Again, we're not hooked into
22 any type of fuse panel or no mains power
23 at all.

24 And as far as an animal or even
25 a person touching it, the safety actually

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2 comes from the pulse sensation of the
3 voltage. It's a capacitor discharge. So
4 the voltage is stored up in that
5 capacitor and then it dumps that voltage
6 out. The voltage is on the fence for
7 one-ten-thousandths of a second and then
8 the voltage is off for 1.3 seconds. So
9 if an animal or a person or something
10 like that touches the fence, they get
11 that pulse, but it's like the voltage is
12 on and then it's off for 1.3 seconds,
13 which is plenty of time. Unfortunately
14 I've had to touch it myself, and 1.3
15 seconds is plenty of time to let go.
16 Just like when you touch the pen, the
17 first thing you do is move your finger
18 off of it, but if it were a continuous
19 voltage, you would not be able to lift
20 your finger off of it or let go of the
21 fence, and that's why we specifically go
22 with a 12 volt DC system.

23 COUNCILWOMAN BLACKWELL: One
24 last question. Is it the goal -- and
25 maybe my colleague would answer it as

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2 opposed to you all. You decide.

3 Is this to regulate what's
4 already there or is this something new
5 we're trying to advocate for businesses
6 in terms of getting here in the first
7 place?

8 COUNCILMAN JONES: Councilman
9 Henon.

10 COUNCILMAN HENON: Thank you,
11 Mr. Chairman.

12 I think it sort of addresses
13 both. You want to regulate what is
14 currently existing now and that is out
15 there, even if it's on a small scale, and
16 also make sure that future businesses are
17 protected with regulation with this sort
18 of installation and with the proper
19 knowledge of what it actually does as far
20 as the security goes.

21 COUNCILMAN JONES: I would
22 think -- and I know we'll hear from the
23 Administration on this matter, but I
24 would imagine right now without
25 regulations they are prohibited. That's

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2 number one.

3 And then, number two, anybody
4 with a car battery or some kind of
5 generator could just jackleg and put
6 together an electrical fence that is far
7 more dangerous. And so, therefore, we
8 need to provide -- if we are moving in
9 this direction in a post 9/11
10 environment, that we should have
11 regulations on the proper installation
12 procedure and cause for a fence.

13 I don't want my neighbor next
14 door deciding that my grand-kid playing
15 baseball shouldn't step on their grass
16 and, therefore, they put up an electric
17 fence. So I guess --

18 COUNCILWOMAN BLACKWELL: So
19 what happens if somebody or some kid or
20 if somebody touches the fence, is it part
21 of your household insurance or how does
22 that go?

23 COUNCILMAN JONES: No
24 households.

25 COUNCILMAN HENON: I'll have

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2 the attorney -- that question should be,
3 I guess, directed at the attorney, but
4 this is for commercial use. This has
5 nothing to do with residential use or in
6 a residential-zoned restricted area.

7 MR. DeMARCO: It will be
8 prohibited. The wording that we have
9 that we've all worked out I think is that
10 it will be prohibited in a residentially
11 zoned district and any property that
12 includes residential use.

13 COUNCILWOMAN BLACKWELL: Thank
14 you. Thank you.

15 COUNCILMAN JONES: Thank you,
16 Councilwoman.

17 Are there any other questions
18 for this panel?

19 (No response.)

20 COUNCILMAN JONES: Seeing none,
21 thank you for your testimony.

22 MR. DeMARCO: Thank you for
23 your time, Councilman.

24 COUNCILMAN JONES: I believe
25 the Administration is here to testify.

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2 Would you please approach the panel.

3 (Witness approached witness
4 table.)

5 COUNCILMAN JONES: Thank you
6 very much, and state your name and begin
7 your testimony.

8 MS. KENNEDY: Good afternoon,
9 Chairman and members of the Committee.
10 I'm Maura Kennedy for the Department of
11 Licenses and Inspections. Today I'm here
12 to provide testimony on Bill 120328,
13 which, if enacted, will amend Title 9 of
14 The Philadelphia Code, entitled
15 "Regulation of Businesses, Trades and
16 Professions," and related provisions of
17 The Philadelphia Code pertinent to
18 electric fences, to provide for the
19 operation and regulation of electric
20 fences, all under certain terms and
21 conditions.

22 The Department of Licenses and
23 Inspections offers no objection to the
24 enactment of this bill.

25 Thank you for the opportunity

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2 to provide the Department's testimony
3 today, and I'll be happy to answer any
4 questions.

5 Thank you.

6 COUNCILMAN JONES: Thank you.
7 Currently, this will not deal with
8 residential properties. We don't intend
9 to do that. This will just deal with
10 commercial properties. And I see in the
11 diagram that there is a barrier fence
12 that is non-charged that then someone
13 would have to climb over that in order to
14 approach the charged fence; is that
15 correct?

16 MS. KENNEDY: That is correct.
17 There would be a dual fence.

18 COUNCILMAN JONES: Do you
19 require a distance between the two
20 fences?

21 MS. KENNEDY: I do not believe
22 that's determined in the legislation, but
23 that can be determined through
24 legislation.

25 COUNCILMAN JONES: Would there

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2 be suggestions about a barrier, not at
3 all, or is that to be determined later?

4 MS. KENNEDY: Yes.

5 COUNCILMAN JONES: Okay.

6 Any other questions?

7 COUNCILWOMAN BLACKWELL: Is
8 your question -- you're talking about the
9 number of signs per length of fence so
10 that people are warned?

11 COUNCILMAN JONES: Is there a
12 requirement for that?

13 MS. KENNEDY: I apologize. I
14 don't have the bill in front of me, but
15 there is specific language in the bill
16 regarding placement of signs and language
17 of the signs.

18 Oh, thank you.

19 COUNCILMAN JONES: Yeah. I'm
20 familiar with that, but does that conform
21 with what your department would like to
22 see?

23 MS. KENNEDY: Yes.

24 COUNCILMAN JONES: We also are
25 going to bounce this by the first

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2 responders to make sure that -- in
3 municipalities, as I understand it, they
4 comply with what first responders
5 require, so that there's a degree of
6 uniformity so that if a first responder
7 approaches a fence, they know on the
8 left-hand side, there should be X amount
9 of signage and a shutoff switch so that
10 they're not looking all over the place,
11 they know exactly where it should be.

12 COUNCILWOMAN BLACKWELL: And
13 the size as well, size and distance
14 between.

15 COUNCILMAN JONES: Is that
16 affirmative?

17 MR. DeMARCO: Yes.

18 COUNCILMAN JONES: Can you come
19 up and say that for the record, please.

20 (Witness approached witness
21 table.)

22 MR. DeMARCO: Yes. The bill
23 doesn't say it specifically, but I've
24 already been in touch with the Fire
25 Department, and every time this fence is

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2 installed, there is a Knox-Box that they
3 can use to disable the system.

4 COUNCILMAN JONES: And that
5 would be in a standard place where first
6 responders know where it is?

7 MR. DeMARCO: Where they would
8 want it.

9 COUNCILMAN JONES: And then
10 Councilwoman Blackwell's question was
11 that the warning signs be -- so if we're
12 dealing with a 50 foot fence versus 100
13 foot fence, there should be at least
14 signs in a uniform manner along the
15 fence. Is there a standard for that?

16 MR. DeMARCO: That's in the
17 bill, Councilman, where every 30 feet
18 there needs to be a warning sign.

19 COUNCILMAN JONES: So that
20 answers your question, Councilwoman?

21 COUNCILWOMAN BLACKWELL: Yes.

22 COUNCILMAN JONES: All right.
23 Are there any other questions for the
24 Administration?

25 (No response.)

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2 COUNCILMAN JONES: Seeing none,
3 thank you so much for your testimony.

4 MS. KENNEDY: Thank you.

5 COUNCILMAN JONES: Are there
6 any other witnesses to testify on this
7 bill?

8 (No response.)

9 COUNCILMAN JONES: Seeing none,
10 we will move from a public hearing to a
11 public meeting.

12 The Chair will recognize
13 Councilman Henon for a motion to amend
14 Bill No. 120328.

15 COUNCILMAN HENON: Thank you,
16 Mr. Chairman. I make a motion to amend
17 Bill No. 120328 and move with a favorable
18 recommendation -- just to move to amend,
19 as amended.

20 (Duly seconded.)

21 COUNCILMAN JONES: Having been
22 moved and seconded, all in favor?

23 (Aye.)

24 COUNCILMAN JONES: All opposed?

25 (No response.)

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2 COUNCILMAN JONES: The Chair
3 now recognizes Councilman Henon for a
4 motion on the amended bill.

5 COUNCILMAN HENON: I'd like to
6 make a motion on the amended bill, Bill
7 No. 120328, to be voted out with a
8 favorable recommendation, with a
9 suspension of the rules as to be read at
10 the next Council session.

11 (Duly seconded.)

12 COUNCILMAN JONES: It has been
13 moved and seconded.

14 All those in favor will say
15 aye.

16 (Aye.)

17 COUNCILMAN JONES: All those
18 opposed?

19 (No response.)

20 COUNCILMAN JONES: Hearing
21 none, the bill is moved out of Committee
22 with a favorable recommendation and the
23 rules of Council will be suspended to
24 hear at our next scheduled Council
25 session.

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2 This concludes our public
3 meeting.

4 Thank you.

5 (Committee on Public Safety
6 concluded at 1:30 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on June 13, 2012, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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