

**ORDINANCE NO. NS-300.982**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CLARA  
AMENDING SECTIONS B30-1 THROUGH B30-4 OF CHAPTER I OF DIVISION  
B30 OF THE COUNTY OF SANTA CLARA ORDINANCE CODE RELATING  
TO FEES FOR WEIGHING AND MEASURING DEVICES**

**Summary**

This Ordinance amends Sections B30-1 through B30-4 of Chapter I of Division B30 of the County of Santa Clara Ordinance Code relating to fees for weighing and measuring devices to reflect recent changes in Business & Professions Code section 12240, et seq.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA  
ORDAINS AS FOLLOWS:**

SECTION 1. Section B30-1 of Chapter I of Division B30 of the Ordinance Code of the County of Santa Clara relating to Annual registration fees is hereby amended to read as follows:

**Sec. B30-1. Annual registration fees.**

For commercial weighing and measuring devices in the county required to be inspected or tested by the Agricultural Commissioner/Sealer under Section 12210 of the California Business and Professions Code, both the initial registration fee and the annual renewal registration fee shall be assessed at the maximum amount authorized in Section 12240 of the California Business and Professions Code. If the registration or renewal payment is late, there shall, subject to the County's sole discretion, also be assessed the late registration penalty set forth in Sec. B30-3. The current fees for devices subject to this section shall be posted to the website of the County of Santa Clara Division of Weights and Measures.

SECTION 2. Section B30-2 of Chapter I of Division B30 of the Ordinance Code of the County of Santa Clara relating to Registration fee payment and use is hereby amended to read as follows:

**Sec. B30-2. Registration fee payment and use.**

The fees imposed by Section B30-1 are due and payable at the commencement of each fiscal year which begins July 1. For businesses commencing operations during the

fiscal year, the fees are due and payable as of the date of commencement. There will be no proration of the annual device fee. For businesses adding devices into service after the start of the fiscal year, the fees for those additional devices are due and payable as of the date those additional devices are put into service. The fees collected will be used to recover the costs of inspection and testing of devices required of the Agricultural Commissioner/Sealer pursuant to Business and Professions Code Sections 12210 and 12211.

SECTION 3. Section B30-3 of Chapter I of Division B30 of the Ordinance Code of the County of Santa Clara relating to Late payment penalty is hereby amended to read as follows:

**Sec. B30-3. Late payment penalty.**

Beginning July 1, 2006, any registration fee not paid within 90 days of when due shall, subject to the County's sole discretion, be subject to a late penalty of 100 percent of the original amount due.

SECTION 4. Section B30-4 of Chapter I of Division B30 of the Ordinance Code of the County of Santa Clara relating to Fees for testing weighing and measuring devices upon request is hereby amended to read as follows:

**Sec. B30-4. Fees for testing weighing and measuring devices upon request.**

- (a) For purposes of this section, the term "commercial purposes" is as defined in Section 12500 of the California Business and Professions Code.
- (b) Pursuant to the California Business and Professions Code Sections 12210(b) and 12210.5, the Board of Supervisors hereby directs the Agricultural Commissioner/Sealer to calibrate, test, weigh, and measure, and certify to the accuracy of weights and measures and weighing and measuring devices and instruments, tools, and accessories connected therewith, whether or not used for commercial purposes, upon written request of any person. Pursuant to Section 12210.5 of the California Business and Professions Code, the fee schedule established for testing of weighing and measuring devices initiated by written request will be in accordance with those fees established by the Secretary of the California Department of Food and Agriculture. The fee schedule will be established by resolution of the Board of Supervisors.
- (c) After any commercial weighing or measuring instrument or device has been tested as prescribed by Section 12210(a) of the Business and Professions Code and found to be outside the tolerances or specifications set by the California Department of Food and Agriculture, the Agricultural Commissioner/Sealer may re-inspect, re-

test, and re-certify the instrument or device in order to determine if it is within those tolerances and specifications. Owners or operators of commercial weighing or measuring devices that fail an initial test will be charged for any required re-testing at the same fee established for tests conducted upon written request.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Clara, State of California, on \_\_\_\_\_ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
SUSAN ELLENBERG, President  
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.  
ATTEST:

\_\_\_\_\_  
CURTIS BOONE  
Acting Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
WILLIE NGUYEN  
Deputy County Counsel

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