

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.

~~(a) Pursuant to the authority contained in Business and Professions Code Sections 12240 through 12246, there is hereby imposed an annual registration fee on all weighing and measuring devices in the County required to be inspected or tested by the Agricultural Commissioner/Sealer pursuant to Business and Professions Code Section 12210. The annual fees may also be used to cover the cost incurred by the Agricultural Commissioner/Sealer in carrying out the provisions of~~

~~Business and Professions Code Section 12211.~~

- ~~(b) For purposes of this section, the annual registration fee for a business that uses a commercial weighing or measuring device or devices shall consist of a business location fee, a device fee, and a State of California Department of Food and Agriculture administrative fee, as specified in Business and Professions Code Section 12241.~~
- ~~(c) Beginning July 1, 2013, the business location fee shall be \$100.00 per location.~~
- ~~(d) Beginning July 1, 2013, for marinas, mobile home parks, recreational vehicle parks, and apartment complexes, where the owner of the marina, park or complex owns and is responsible for the utility meters, the device fee shall be the following:~~
 - ~~(A) For water submeters, \$2.00 per device per space or apartment.~~
 - ~~(B) For electric submeters, \$3.00 per device per space or apartment.~~
 - ~~(C) For vapor submeters, \$4.00 per device per space or apartment.~~
- ~~(e) Beginning July 1, 2013, for weighing devices, other than livestock scales, with capacities of 10,000 pounds or greater, the device fee shall be \$250.00 per device; for weighing devices, other than livestock scales, with capacities of at least 2,000 pounds but less than 10,000 pounds, the device fee shall be \$150.00 per device.~~
- ~~(f) This section does not apply to farm milk tanks.~~
- ~~(g) A scale or device used in a certified farmers' market, as defined by Health and Safety Code Section 113742, is not required to be registered in the county where the market is conducted, if the scale or device has an unexpired seal for the current year, issued by a licensed California county sealer.~~
- ~~(h) Beginning July 1, 2013, for livestock scales, with capacities of 10,000 pounds or greater, the device fee shall be \$150.00 per device; for livestock scales with capacities of at least 2,000 pounds but less than 10,000 pounds, the device fee shall be \$100.00 per device.~~
- ~~(i) Beginning July 1, 2013, for liquefied petroleum gas (LPG) meters, stationary or truck mounted, the device fee shall be \$185.00 per device.~~
- ~~(j) Beginning July 1, 2013, for wholesale and vehicle meters, the device fee shall be \$75.00 per device.~~

- ~~(k) Beginning July 1, 2013, for computing scales, the device fee shall be \$20.00 per device. For purposes of this subdivision, a computing scale shall be a weighing device with a capacity of less than 100 pounds that indicates the money value of any commodity weighed, at predetermined unit prices, throughout all or part of the weighing range of the scale. For the purposes of this subdivision, the portion of the annual registration fee consisting of the business location fee and the device fees authorized by this subdivision shall not exceed the sum of \$1,000.00 for each business location.~~
- ~~(l) Beginning July 1, 2013, for jewelry and prescription scales, the device fee shall be \$80.00 per device. For purposes of this subdivision, a jewelry or prescription scale shall be a scale that meets the specifications, tolerances, and sensitivity requirements established or adopted by the Secretary of Food and Agriculture applicable to those devices in accordance with Business and Professions Code Section 12107.~~
- ~~(m) Beginning July 1, 2013, for weighing devices, other than computing, jewelry, and prescription scales as defined in subdivisions (k) and (l), with capacities of at least 100 pounds but less than 2,000 pounds, the device fee shall be \$50.00 per device.~~
- ~~(n) Beginning July 1, 2013, for vehicle odometers utilized to charge mileage usage fees in vehicle rental transactions or in computing other charges for service, including, but not limited to, ambulance, towing, or limousine services, the device fee shall be \$20.00 per device.~~
- ~~(o) This section does not apply to odometers in rental passenger vehicles, as defined in Section 465 of the Vehicle Code, that are subject to Section 1936 of the Civil Code. If a person files a complaint with the county sealer regarding the accuracy of a rental passenger vehicle odometer, the county sealer may charge a fee to the operator of the vehicle rental business sufficient to recover, but not to exceed, the reasonable cost of testing the device in investigation of the complaint.~~
- ~~(p) Beginning July 1, 2013, for vehicle odometers utilized to charge mileage usage fees in vehicle rental transactions involving non-passenger vehicles that are not subject to Section 1936 of the Civil Code, the portion of the annual registration fee consisting of the business location fee and the device fee authorized pursuant to subdivision (n) shall not exceed the sum of \$340.00 for each business location.~~
- ~~(q) Beginning July 1, 2013, for all other commercial weighing or measuring devices not listed in subsections (d) to (o), inclusive, the device fee shall be \$20.00 per device. For the purposes of this subdivision, the total portion of the annual registration fee consisting of the business location fee and the device fees authorized by this subdivision shall not to exceed the sum of \$1,000.00 for each~~

~~business location.~~

~~(r) For the purposes of this section, a single business location is defined as:~~

~~(1) Each vehicle, except for those vehicles that are employed in vehicle rental transactions, in which one or more commercial devices is installed and used.~~

~~(2) Each business location that uses different categories or types of commercial devices that require the use of specialized testing equipment and that necessitates not more than one inspection trip by a weights and measures official.~~

~~(3) (A) For vehicles that are employed in vehicle rental transactions and that are not subject to Section 1936 of the Civil Code, each business location at which vehicles are stored or maintained by a vehicle rental company for the purposes of renting vehicles to customers.~~

~~(B) A facility that meets all of the following criteria shall not be considered a business location for the purposes of this paragraph:~~

~~(i) The facility is not wholly, or in any part, owned, leased, or operated by the vehicle rental company.~~

~~(ii) The facility is not operated or staffed by an employee of the vehicle rental company.~~

~~(iii) The facility stores or maintains, on a temporary basis, vehicles at the location for customer convenience.~~

~~(C) If a person files a complaint with the county sealer regarding the accuracy of an odometer in a vehicle found or located at a facility described in subparagraph (B), the county sealer may charge a fee to the operator of the vehicle rental company sufficient to recover, but not to exceed, the reasonable cost of testing the device in investigation of the complaint.~~

~~(s) The Secretary of Food and Agriculture shall establish by regulation the State of California Department of Food and Agriculture administrative fee.~~

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 ~~30~~ days of when due ~~is shall, subject to the County's sole discretion, be~~ subject to a late penalty ~~fee~~ 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 ~~Director of Food and Agriculture of the State of California.~~ The fee schedule will be established by resolution of the Board of Supervisors.

- (c) After any commercial weighing or measuring instrument ~~of 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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