

ORDINANCE NO. 2016-06

DEVICE REGISTRATION AND INSPECTION FEES

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance amends Chapter 522-2 of the County Ordinance Code to update the annual device and point-of-sale registration fees to be collected in Contra Costa County and provides for inspections of weighing and measuring devices and point-of-sale systems.

SECTION II. Chapter 522-2 is hereby repealed in its entirety and replaced with a new Chapter 522-2 to read:

Chapter 522-2
DEVICE REGISTRATION AND INSPECTION FEES

Article 522-2.2. General

522-2.202 State Law

This chapter effectuates California Business and Professions Code Sections 12210, 12211, 12240 and following, and 13350. (Ords. 2016-06 § 2, 2006-09 § 2, 83-16).

522-2.204 Basis for Fees.

The fees required by this chapter are to recover the costs incurred by the county sealer for the inspection and testing of weighing and measuring devices and the pricing accuracy of point-of-sale systems. The fees required by this chapter do not exceed the actual inspection costs. (Ords. 2016-06 § 2, 2006-09 § 2, 83-16.)

522-2.205 Definitions.

For purposes of this chapter, the following words and phrases have the following meanings:

- (a) "Annual device registration fee" means the sum of the business location fee and the device fee.
- (b) "Business location" means each of the following:
 - (1) Each vehicle containing one or more commercial devices.
 - (2) Each business establishment operated as a unique entity at a given place or address, and that requires not more than one inspection trip by a weights and measures official.

- (3) Water vending machines and other similar equipment, placed at the address of one business but owned and operated by another, shall be considered a separate business location.
 - (4) Houses. For electric meters, vapor meters, and water sub-meters, each house, apartment complex or mobile home shall be considered a separate business location, except that a mobile home park shall be considered one business location instead of each of the mobile homes in such mobile home park.
 - (5) Point-of-sale systems. A business located at a given place or address that uses electronic point-of-sale systems shall be considered a single business location.
- (c) “Business location fee” means the fee set forth in Table A of Section 522-2.404 of this chapter, for the respective year.
 - (d) “Device” means either of the following:
 - (1) “Measuring instrument,” which means any device, contrivance, apparatus, or instrument used, or designed to be used, for ascertaining measure and includes any tool, appliance, or accessory used or connected therewith.
 - (2) “Weighing instrument,” which means any device, contrivance, apparatus, or instrument used, or designed to be used, for ascertaining weight and includes any tool, appliance, or accessory used or connected therewith.
 - (e) “Device fee” means the fee for each device at a business location as set forth in Table B of Section 522-2.404 of this chapter, next to the respective device.
 - (f) “Director” or “county sealer” means the Contra Costa County agricultural commissioner – director of weights & measures.
 - (g) “Point-of-sale register” means individual and separate equipment that is capable of recovering electronically stored price information that is used to charge consumers for the purchase of commodities.
 - (h) “Point-of-sale system” means any system used by a retail establishment such as, but not limited to, a Universal Product Code (UPC) scanner or an electronic price look-up system as a means for determining the price of the item being purchased by a consumer.
 - (i) “Seasonal vendor” means a produce grower who sells its own produce from a fixed location or farmers market, and who sells that produce for nine months or less in any calendar year. Commercial fishermen who sell their own catch to the public are also considered seasonal vendors. (Ords. 2016-06 § 2, 2006-09 § 2.)

522-2.205 Enforcement. The county sealer enforces the provisions of this chapter and may promulgate regulations to effectuate it. (Ords. 2016-06 § 2, 2006-09 § 2, 83-16.)

Article 522-2.4. Fees.

522-2.402 Annual County Wide Fees.

- (a) Annual. The fees specified in this article are charged to and must be paid by the owner, possessor, or user of the listed devices. The amount of the annual device registration fee is the sum of the business location fee and the device fee.
- (b) County wide. The fees specified in this chapter are annual fees due for all or part of each calendar year during any part of which the device is used for weighing or measuring. (Ords. 2016-06 § 2, 2006-09 § 2, 83-16.)

522-2.404 Amounts.

- (a) Annual device registration fees. The annual device registration fees due under this chapter are adopted pursuant to and under the authority of California Business and Professions Code Sections 12240 and 13350. The annual fee amounts established in this chapter shall remain in effect unless superseded by a change in California Business and Professions Code Section 12240. Annual registration fees are set by business location and the number of commercial devices and/or point-of-sale registers at each business location under common ownership or management, as follows:

Table A (Annual Business Location Fees)

DEVICE	FEE AUTHORITY	FEE
Business Location Fee	California Business and Professions Code (“B&P”) Section 12240(f) and (u)	\$100 per Business Location

Table B (Annual Device Fees)

DEVICE	FEE AUTHORITY	FEE
Water submeters	B&P §12240(g)	\$2 per device per space or apartment
Electric submeters	B&P §12240(g)	\$3 per device per space or apartment
Vapor (Gas) submeters	B&P §12240(g)	\$4 per device per space or apartment
Vehicle mounted & wholesale fuel meters	B&P §12240(m)	\$75 per device
Vehicle odometer used to charge mileage fees, vehicle rentals, or other services	B&P §12240(q) and (s)	\$60 per device (\$340 maximum per location)
Liquefied petroleum gas meters, truck mounted or stationary	B&P §12240(1)	\$185 per device
Livestock scales ≥ 10,000 lbs.	B&P §12240(k)	\$150 per device
Livestock scales 2,000 – 9,999 lbs.	B&P §12240(k)	\$100 per device
Jewelry and prescription scales	B&P §12240(o)	\$80 per device

Weighing devices, other than livestock scales, 2,000 – 9,999 lbs.	B&P §12240(h)	\$150 per device
Weighing devices, other than livestock scales, ≥ 10,000 lbs.	B&P §12240(h)	\$250 per device
Computing scales < 100 lbs.	B&P §12240(n)	\$20 per device (\$1,000 maximum per location)
Weighing devices, other than computing and prescription scales, 100 – 1,999 lbs.	B&P §12240(p)	\$50 per device
All other commercial weighing and measuring devices not listed in B&P §12240(g) to (r)	B&P §12240(t)	\$20 per device (\$1,000 maximum per location)
Point-of-sale systems with 1-3 point-of-sale registers	B&P §13350(d)	\$149
Point-of-sale systems with 4-9 point-of-sale registers	B&P §13350(d)	\$237
Point-of-sale systems with 10 or more point-of-sale registers	B&P §13350(d)	\$427

- (b) Point-of-sale systems fees. The point-of-sale system device fees are based on the number of point-of-sale registers at a single business location as set forth in Table B.
- (c) Fee exemptions.
 - (1) Business location fees will be waived for:
 - (i) Seasonal vendors who bring their scales in for testing to a central location designated by the Contra Costa County Department of Agriculture, Weights and Measures.
 - (ii) Seasonal agricultural users of stationary scales, if a stationary scale is used no more than thirty days in a calendar year.
 - (2) A business is exempt from having to pay a business location fee for its use of a point-of-sale system if it is already required under this chapter to pay a business location fee at the same location or address.
- (d) Fee reduction. The business location fee will be reduced by fifty percent (50%) for those small businesses that have both a single location in Contra Costa County and gross annual revenue that does not exceed \$60,000, subject to verification by the director. Businesses must apply annually for this fee reduction by providing records of its gross annual revenue, such as prior year tax returns.

(Ords. 2016-06 § 2, 2006-09 § 2, 99-09 § 2, 95-9, 94-11, 92-13 § 2, 88-97, 84-2, 83-16.)

522-2.404 Penalties.

- (a) Failure to pay annual registration fee within 60 days. Upon failure to pay the annual registration fee within 60 days after it is due and payable, a penalty in the amount of fifty percent (50%) of the prescribed annual registration fee will be added to the prescribed annual registration fee, and the total sum shall be immediately due and payable.
- (b) Failure to pay annual registration fee after 90 days. Upon failure to pay the annual registration fee after 90 days from when it became due and payable, a penalty in the amount of one hundred percent (100%) of the prescribed annual registration fee will be added to the prescribed annual registration fee and the total sum will become immediately due and payable. (Ord. 2016-06 § 2, 2006-09 § 2, 88-97.)

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522-2. 405 **Devices, Point-of-Sale Systems and Locations.**

Subject devices. All weights, scales, beams, measures of any kind, point-of-sale systems, instruments or mechanical devices for weighing or measuring, tools, appliances and accessories connected with any or all such instruments or measures, sold, or used by any proprietor, agent, lessee or employee for commercial purposes (as that term is defined in California Business and Professions Code Section 12500), are subject to inspection and testing by the County Sealer. (Ord. 2016-06 § 2, 2006-09 § 2, 92-13 § 2, 88-97, 84-2, 83-16.)

SECTION III. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the Contra Costa Times, a newspaper published in this County.

PASSED on _____, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

ATTEST:	DAVID J. TWA	_____
	Clerk of the Board of Supervisors and County Administrator	Board Chair
	By: _____	[SEAL]
	Deputy	

CJR:
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