

## 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**SECTION II.** Chapter 522-2 is hereby repealed in its entirety and replaced with a new Chapter 522-2 to read: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 ~~the provisions of Chapter 13.5 of the California Business and Professions Code and~~ 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 ~~of incurred by the county sealer for the~~ inspecting and testing ~~of~~ weighing and measuring devices, and the pricing accuracy of point-of-sale systems, ~~required of the county sealer (director) of weights and measures.~~ 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 operating 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.
- (~~de~~) "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.
- (~~eg~~) "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.
- (~~fh~~) "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.
- (~~gi~~) "Seasonal vendor" means a produce grower who sells its own produce from a fixed location or farmers market, and who sells ~~such that~~ produce for nine months or less in any

calendar year. Commercial fishermen who sell their own catch to the public ~~shall~~are also ~~be~~ considered seasonal vendors. (Ord.s. 2016-06 § 2, 2006-09 § 2.)

**522-2.205 Enforcement.** The county sealer ~~(director) of weights and measures shall~~ enforces the provisions of this chapter and may promulgate regulations to effectuate it. (Ord.s. 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 ~~payable must be paid~~ by the owner, possessor, or user of the listed devices. The amount of the annual device registration fee is ~~set by a combination the sum~~ of the business location fee and the device fee ~~that is charged for the number of devices at a business location. No annual registration fee may exceed one thousand dollars per business location.~~
- (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 ~~anywhere in this county subject to the county sealer's (director's) jurisdiction.~~ (Ord.s. 2016-06 §2, 2006-09 § 2, 83-16.)

##### **522-2.404 Amounts.**

- (a) Annual ~~device R~~registration ~~f~~ees. The annual registration fees due hereunder are adopted pursuant to and under the authority of California Business and Professions Code Section 12240 and 13350. ~~Annual fee amounts established on January 1, 2008 The~~ annual fee amounts established in this chapter shall remain in effect until 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)**

<u>Device</u>	<u>Fee Authority</u>	<u>Fee Effective</u> <u>5/11/2006</u>	<u>Fee Effective</u> <u>1/1/2007</u>	<u>Fee Effective</u> <u>1/1/2008</u>
<u>Business location fee</u>	<u>California Business and Professions Code ("B&amp;P") Section 12240(f) and (e)</u>	<u>\$60.00 per business location</u>	<u>\$80.00 per business location</u>	<u>\$100.00 per business location</u>

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

**Table B (Annual Device Fees)**

<u>Device</u>	<u>Fee Authority</u>	<u>Fee Effective 5/11/2006</u>	<u>Fee Effective 1/1/2007</u>	<u>Fee Effective 1/1/2008</u>
<u>Electric, vapor (gas) and water sub-meters</u>	<u>B&amp;P Section 12240(g)</u>	<u>\$2.00</u>	<u>\$2.00</u>	<u>\$2.00</u>
<u>Vehicle mounted and wholesale fuel meters</u>	<u>B&amp;P Section 12240(m)</u>	<u>\$15.00</u>	<u>\$20.00</u>	<u>\$25.00</u>
<u>Liquefied petroleum gas meters, truck mounted or stationary</u>	<u>B&amp;P Section 12240(l)</u>	<u>\$105.00</u>	<u>\$140.00</u>	<u>\$175.00</u>
<u>Livestock scales</u>	<u>B&amp;P Section 12240(k)</u>	<u>\$40.00</u>	<u>\$60.00</u>	<u>\$80.00</u>
<u>Weighing devices, other than livestock scales, =2,000 lb and &lt;10,000 lb</u>	<u>B&amp;P Section 12240(h)</u>	<u>\$90.00</u>	<u>\$120.00</u>	<u>\$150.00</u>
<u>Weighing devices, other than livestock scales, =10,000 lb</u>	<u>B&amp;P Section 12240(h)</u>	<u>\$150.00</u>	<u>\$200.00</u>	<u>\$250.00</u>
<u>All other</u>	<u>B&amp;P Section</u>	<u>\$12.00</u>	<u>\$16.00</u>	<u>\$20.00</u>

<del>commercial weighing or measuring devices</del>	<del>12240(n)</del>			
<del>Point-of-sale systems with 1-3 point-of-sale registers</del>	<del>B&amp;P Section 13350(d)</del>	<del>\$63.00</del>	<del>\$84.00</del>	<del>\$105.00</del>
<del>Point-of-sale systems with 4 or more point-of-sale registers</del>	<del>B&amp;P Section 13350(d)</del>	<del>\$111.00</del>	<del>\$148.00</del>	<del>\$185.00</del>

<u>DEVICE</u>	<u>FEE AUTHORITY</u>	<u>FEE</u>
<u>Water submeters</u>	<u>B&amp;P §12240(g)</u>	<u>\$2 per device per space or apartment</u>
<u>Electric submeters</u>	<u>B&amp;P §12240(g)</u>	<u>\$3 per device per space or apartment</u>
<u>Vapor (Gas) submeters</u>	<u>B&amp;P §12240(g)</u>	<u>\$4 per device per space or apartment</u>
<u>Vehicle mounted &amp; wholesale fuel meters</u>	<u>B&amp;P §12240(m)</u>	<u>\$75 per device</u>
<u>Vehicle odometer used to charge mileage fees, vehicle rentals, or other services</u>	<u>B&amp;P §12240(q) and (s)</u>	<u>\$60 per device (\$340 maximum per location)</u>
<u>Liquefied petroleum gas meters, truck mounted or stationary</u>	<u>B&amp;P §12240(1)</u>	<u>\$185 per device</u>
	<u>B&amp;P §12240(k)</u>	<u>\$150 per device</u>

<u>Livestock scales ≥ 10,000 lbs.</u>		
<u>Livestock scales 2,000 – 9,999 lbs.</u>	<u>B&amp;P §12240(k)</u>	<u>\$100 per device</u>
<u>Jewelry and prescription scales</u>	<u>B&amp;P §12240(o)</u>	<u>\$80 per device</u>
<u>Weighing devices, other than livestock scales, 2,000 – 9,999 lbs.</u>	<u>B&amp;P §12240(h)</u>	<u>\$150 per device</u>
<u>Weighing devices, other than livestock scales, ≥ 10,000 lbs.</u>	<u>B&amp;P §12240(h)</u>	<u>\$250 per device</u>
<u>Computing scales &lt; 100 lbs.</u>	<u>B&amp;P §12240(n)</u>	<u>\$20 per device (\$1,000 maximum per location)</u>
<u>Weighing devices, other than computing and prescription scales, 100 – 1,999 lbs.</u>	<u>B&amp;P §12240(p)</u>	<u>\$50 per device</u>
<u>All other commercial weighing and measuring devices not listed in B&amp;P §12240(g) to (r)</u>	<u>B&amp;P §12240(t)</u>	<u>\$20 per device (\$1,000 maximum per location)</u>
<u>Point-of-sale systems with 1-3 point-of-sale registers</u>	<u>B&amp;P §13350(d)</u>	<u>\$149</u>

<u>Point-of-sale systems with 4-9 point-of-sale registers</u>	<u>B&amp;P §13350(d)</u>	<u>\$237</u>
<u>Point-of-sale systems with 10 or more point-of-sale registers</u>	<u>B&amp;P §13350(d)</u>	<u>\$427</u>

(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) The business location fee will be reduced by fifty percent for those small businesses that have both (i) a single location in Contra Costa County, and (ii) gross annual revenue that does not exceed fifty thousand dollars. The director of the Contra Costa County department of agriculture, weights and measures shall prescribe the verification methods for the foregoing criteria.~~

~~(32) A business shall be is exempted from having to pay a business location fee in respect of 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 for any other reason required under this chapter.~~

(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.**

~~Upon failure to pay the annual registration fee within sixty days after it is due and payable, a penalty in the amount of fifty percent of the prescribed annual registration fee shall be added to the prescribed annual registration fee and shall be due and payable. Failure to pay the annual registration fee for more than ninety days after it is due and payable, will result in a penalty of one hundred percent of the prescribed annual registration fee being added to the overdue amount.~~

(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.)

#### **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, and 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 such term is defined in California Business and Professions Code Section 12500), are subject to inspection and testing by the county sealer ~~(director)~~. (Ord. 2016-06 § 2, 2006-09 § 2, 92-13 § 2, 88-97, 84-2, 83-16.)



