

1 "Commodity" means any article of commerce or anything that is bought or sold.

2 "Department" means the Weights and Measures Division of the County of Riverside.

3 "Location" means any room, enclosure, building, vehicle, space or area at a single place.

4 "Packer" means any person engaged in wrapping or packaging of a commodity within the
5 County of Riverside prior to and for the purpose of sale wherein the item wrapped or packaged is sold
6 on the basis of weight, count, volume or area.

7 "Person" means any person, firm, corporation, business or association.

8 "Point of sale station" means individual and separate equipment that is capable of recovering
9 electrically stored price information used to charge consumers for the purchase of commodities. "Point
10 of sale station" shall include, but is not limited to, equipment that uses Universal Product Code
11 scanners, price look-up codes, or any other system that relies on the retrieval of electronically stored
12 information to complete a transaction of commerce between a retailer and consumer.

13 "Sell" or "sale" includes barter, exchange, trade, keep for sale, offer for sale or expose for sale
14 in any of their variant forms.

15
16 SECTION 4: PERMIT REQUIRED.

17 The following must obtain a permit in accordance with the provisions of this ordinance prior to
18 the sale of any commodity: (1) any packer; and (2) any person who uses a point of sale station.

19 Separate permits are required if a person is a packer and also uses a point of sale station. A
20 separate permit is required for each location. The permit shall be in addition to any other certificate,
21 license, or permit which may be required by the County or any other public entity.

22 Permits shall be issued upon written application to the Department on a form furnished by the
23 Department and payment of applicable fees.

24 The following shall be exempt from this permit requirement: Packers of less than ten thousand
25 (10,000) packages per year; and wholesale agricultural packers.

1 SECTION 5: PERMIT TERM.

2 The term of each permit shall be from July 1 through June 30 of the following year.

3 Renewal of a permit shall be made in a manner similar to the issuance of the original permit. Permits
4 not renewed by July 31 shall be considered expired until such time as the permit fee and applicable
5 penalty have been received by the Department.

6 Permits shall be readily available to any official of the Department.

7
8 SECTION 6: PERMIT NOT TRANSFERABLE.

9 Permits shall not be transferable between persons or locations. Permits shall not be used by
10 subcontractors or sublessees. Only permit holders (including their employees) shall be allowed to
11 engage in activities regulated under the permit.

12
13 SECTION 7: PERMIT FEES.

14 A. The fee for any packer or person using a point of sale station shall be as follows:

15 1. Packers:

16 Packers of less than ten thousand (10,000) packages per year: Exempt

17 Packers of ten thousand (10,000) or more packages per year: \$300.00

18 2. Point of Sale Stations:

19 1 to 3 stations: \$160.00

20 4 to 9 stations: \$240.00

21 More than 9 stations: \$300.00

22 B. To any permit fee not submitted by July 31 of the year for which the fee is due, there shall
23 be added a late fee as follows:

24 1. To any permit fee paid late between July 31 and September 30 of the year for which
25 the fee is due, there shall be added a penalty fee of fifty dollars (\$50.00).

2. If a permit fee is not paid by September 30 of the year for which the fee is due, then

1 the permit shall become invalid and the permit shall be reinstated only upon payment of an amount
2 which is double the amount of the permit fee due.

3
4 SECTION 8: LOST PERMIT.

5 If a current permit has been lost, the person to whom it was issued may obtain a replacement
6 from the Department upon payment of a replacement fee of ten dollars (\$10.00).

7
8 SECTION 9: VIOLATIONS - PENALTIES.

9 It shall be unlawful for any person to violate any provision of this ordinance, or to violate the
10 provisions of any permit granted pursuant to this ordinance. Any person violating any provision of this
11 ordinance or the provisions of any permit granted pursuant to this ordinance, shall be deemed guilty of
12 an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a
13 separate offense for each and every day or portion thereof during which any violation of any of the
14 provisions of this ordinance or the provisions of any permit granted pursuant to this ordinance, is
15 committed, continued or permitted.

16 Any person so convicted shall be: (1) guilty of an infraction offense and punished by a fine not
17 exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense and
18 punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation. The third and
19 any additional violations shall constitute a misdemeanor offense and shall be punishable by a fine not
20 exceeding one thousand dollars (\$1,000.00) or six months in jail, or both.

21 Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor.
22 Payment of any penalty herein shall not relieve a person from the responsibility for correcting the
23 violation.

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**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

AM



FROM: Agricultural Commissioner

SUBMITTAL DATE:
May 11, 2004

SUBJECT: Introduction of County Ordinance No. 832 Establishing a Scanner/Packer Inspection Program.

RECOMMENDED MOTION: That the board introduce and set for public hearing (with clerk to advertise) Ordinance No. 832 on June 8, 2004.

At the end of public hearing, that the Board adopt County Ordinance No. 832.

BACKGROUND: Riverside County's Weights and Measures division is responsible for protecting both consumers and businesses that conduct business within Riverside County. This is done by ensuring that commercial weighing and measuring devices are accurate and reliable. This item would establish a program to identify, inspect and register both retail scanning devices and pre-packaged commodity operations. These areas have gone largely under regulated due to an absence of state and federal funding. (Continued on second page)

John Snyder

**John Snyder, Agricultural Commissioner/
Sealer of Weights and Measures**

FINANCIAL DATA

Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	No
Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
Annual Net County Cost:	\$ 0	For Fiscal Year:	2004/2005

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature

John G. Bunker

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above ordinance is approved as introduced with waiver of the reading, and is set for public hearing on Tuesday, June 8, 2004 at 9: 30 a.m.

Ayes: Buster, Tavaglione, Venable, Wilson and Ashley
 Noes: None
 Absent: None
 Date: May 11, 2004
 xc: Agric. Comm., COB

Nancy Romero
 Clerk of the Board
 By *Nancy Romero*
 Deputy

Prev. Agn. Ref.: | District: | Agenda Number:

ROBERT E. BYRD, Auditor-Controller
 BY *John Snyder* Deputy

Policy Policy
 Consent Consent
 Dept Recomm.:
 Per Exec. Ofc.:

Scanner/Packer Inspection Form 11

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Scanners are automated point of sale systems used for retail commodity pricing. Scanners have become very common today and consumers often trust that the price recorded by a scanner accurately reflects the price marked or advertised. However, the State of California, Division of Measurement Standards recently conducted a price verification survey, at our request, which revealed that approximately 70% of the locations surveyed resulted in at least one overcharge. Based on Riverside County's population and average retail sales, this error rate translates into a potential annual savings to Riverside County consumers of \$8.5 million, by implementing a price verification program.

In addition, a packaged commodity survey of retail meat packers was also conducted by the state. Of the randomly selected packaged commodities, just under 40% were found to be short of the labeled weight. Again, based on Riverside County's population and average retail sales of pre-packaged meat products, this error rate translates into a potential annual savings of approximately \$5 million, by implementing a packaged commodity program for meat products alone. These unacceptable survey results are similar to those encountered by Riverside County investigators.

This item represents part of a statewide trend in consumer protection. Many other California counties have already established similar programs, resulting in significantly improved compliance and therefore fewer overcharges for county consumers. In Southern California alone, the counties of San Bernardino, Los Angeles, San Diego, and Ventura have all established similar programs.

Program costs and revenues of \$342,000 have been included in our 2004/2005 budget proposal. The Auditor Controller's office reviewed and approved our cost analysis, and the ordinance was approved as to legal form by County Counsel.