

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

329  
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**FROM:** Agricultural Commissioner's Office

**SUBMITTAL DATE:**  
April 3, 2006

**SUBJECT:** Amendment to Ordinance No. 599 Regarding Fees for Commercial Weighing and Measuring Device Registration.

**RECOMMENDED MOTION:** That the Board:

1. Set for public hearing (with clerk to advertise) County Ordinance No. 599.8 on May 2, 2006.
2. At the end of the public hearing, that the Board adopt County Ordinance No. 599.8.

**BACKGROUND:** The current Ordinance is being amended in order to allow the county to more fully cover the actual costs associated with administering this important, mandated, consumer protection program. This item represents a fee increase for commercial businesses that register commercial devices within Riverside County. The California Business and Professions Code establishes fees that may be collected to offset local program costs. At this time, other California Counties are similarly amending their fees in order to maintain current inspection programs. Program costs and revenues have been included in our 2006/07 budget proposal. The Auditor Controller's Office reviewed and approved our cost analysis, and the Ordinance was approved as to form by County Counsel.

Departmental Concurrence

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

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$	Budget Adjustment:	No
	Annual Net County Cost:	\$	For Fiscal Year:	2006/2007

<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

**C.E.O. RECOMMENDATION:**  
**APPROVE**

**County Executive Office Signature**  
*Jerry J. Bryant*

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

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

3.7

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COUNTY OF RIVERSIDE



1 "Commercial purposes" shall have the meaning assigned to it by Section 12500 of the  
2 California Business and Professions Code.

3 "Weights and Measures" means the Weights and Measures Division of the County of  
4 Riverside.

5 "Person" shall have the meaning assigned to it by Section 12011 of the California  
6 Business and Professions Code.

7 "Sealer" shall mean the Sealer of Weights and Measures of the County of Riverside and  
8 his or her duly authorized agents.

9 "Single business location" shall mean as defined in Section 12240 of the California  
10 Business and Professions Code.

11 **Section 4. REGISTRATION CERTIFICATE REQUIRED.** No person shall use or  
12 operate any weighing or measuring instruments for commercial purposes without having a  
13 current Registration Certificate for such instrument. The certificate shall be in addition to any  
14 other certificate, license or permit which may be required by the County.

15 **Section 5. APPLICATION AND ISSUANCE OF CERTIFICATE.** An application for a  
16 registration certificate shall be submitted to the Sealer in the form prescribed by the Sealer.  
17 The Sealer may waive the requirement of an application in those cases in which the Sealer has  
18 the information and data required by the application. The Sealer shall issue the registration  
19 certificate when the Sealer has the required information and data, either by receipt of the  
20 application or by any other means, and upon payment of the application fee.

21 **Section 6. TERM OF CERTIFICATE.** The term of each registration certificate shall be  
22 from January 1 through December 31 of each calendar year. Renewal of a registration  
23 certificate shall be made in a manner similar to the issuance of the original registration  
24 certificate. Registration certificates not renewed by January 31 shall be considered expired

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1 until such time as the registration certificate fee and application penalty have been received by  
2 the County.

3 **Section 7. REGISTRATION CERTIFICATE FEES.**

4 The fees for the registration certificate and the annual renewal registration certificate fee shall  
5 be assessed at the maximum amount authorized in Section 12240 of the California Business  
6 and Professions Code. If the registration or renewal payment is late, there shall also be  
7 assessed the late registration penalty fee set forth in Section 8.

8  
9 **Section 8. NONPAYMENT OF FEES – PENALTY.** To any registration certificate fee  
10 fee not submitted by January 31 of the year for which the fee is due, there shall be added a late  
11 fee as follows:

12 1. To any registration certificate fee paid late between January 31 and March 31 of the  
13 year for which the fee is due, there shall be added a penalty fee of fifty dollars (\$50.00).

14 2. If a registration certificate fee is not paid by March 31 of the year for which the fee is  
15 due, then the registration certificate shall become invalid and any devices still in use shall be  
16 labeled out of use by the County until the registration certificate has been reinstated. The  
17 registration certificate shall be reinstated only upon payment of the registration certificate fee  
18 and the penalty.

19 **Section 9. QUALIFIED CERTIFICATE HOLDERS.** A registration certificate may be  
20 issued to a corporation duly authorized to transact business in this state, or to a person  
21 operating under a fictitious name who has complied with all of the provisions of Chapter 5  
22 (commencing with Section 17900) of Part 3 of Division 7 of the California Business and  
23 Professions Code. Otherwise, all such certificates shall be issued in the true name of the  
24 applicant. Except as above provided, no business, occupation or activity for which a certificate  
25 is required may be conducted under any false or fictitious name. A registration certificate issued

1 to a corporation shall designate such corporation by the exact name which appears in the  
2 articles of incorporation of such corporation.

3 **Section 10. LOST CERTIFICATE.** If a current registration certificate has been lost, the  
4 person to whom it was issued may obtain a replacement from the Sealer upon payment of a  
5 replacement fee of ten dollars (\$10.00).

6 **Section 11. TRANSFERABILITY OF CERTIFICATE.** A registration certificate is not  
7 transferable from one person to another. Instruments that are to be used on a mobile unit will  
8 be registered to one person and each vehicle shall constitute a location.

9 **Section 12. VIOLATIONS – PENALTIES.** It shall be unlawful for any person to violate  
10 any provision of this article, or to violate the provisions of any registration certificate granted  
11 pursuant to this article. Any person violating any provision of this article or the provisions of any  
12 registration certificate granted pursuant to this article, shall be deemed guilty of an infraction or  
13 misdemeanor as hereinafter specified. Such person shall be deemed guilty of a separate  
14 offense for each and every day or portion thereof during which any violation of any of the  
15 provisions of this article or the provisions of any registration certificate granted pursuant to this  
16 article, is committed, continued or permitted. Any person so convicted shall be: (1) guilty of an  
17 infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first  
18 violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred  
19 dollars (\$200.00) for a second violation. The third and any additional violations shall constitute  
20 a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars  
21 (\$1,000.00) or six months in jail, or both.

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

25 **SECTION 2:**

This ordinance shall take effect thirty (30) days after adoption.

