

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



ITEM  
3.19  
(ID # 7758)

MEETING DATE:

Tuesday, August 28, 2018

FROM : AGRICULTURAL COMMISSIONER:

SUBJECT: AGRICULTURAL COMMISSIONER: Introduction of Ordinance No. 832.1, An Ordinance of the County of Riverside Amending Ordinance No. 832 Imposing Charges for Annual Registration of Packers and Point of Sale Stations, All Districts, [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Introduce, read title, and waive further reading of Ordinance No. 832.1, An Ordinance of the County of Riverside Amending Ordinance No. 832 Imposing Charges for Annual Registration of Packers and Point of Sale Stations updating the statutory authority cited in the ordinance and revising the ordinance to make it consistent with state statute and/or case law.

ACTION: Policy

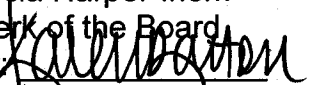
  
Ruben J. Arroyo, Agricultural Commissioner/Sealer 8/7/2018

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MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and that the above Ordinance is approved as introduced with a waiver of reading.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley  
Nays: None  
Absent: None  
Date: August 28, 2018  
xc: Agric. Comm., Co.Co., COB

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

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<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 0	\$0	\$
<b>NET COUNTY COST</b>	\$0	\$ 0	\$0	\$
<b>SOURCE OF FUNDS: N/A</b>			<b>Budget Adjustment: No</b>	
			<b>For Fiscal Year: 18/19</b>	

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

Riverside County's Weights and Measures division is responsible for protecting both consumers and businesses that conduct business with Riverside County. This is done by ensuring that commercial weighing and measuring devices are accurate and reliable.

On June 8, 2004, Agenda Item 9.1, pursuant to the authority granted in California Business and Professions Code §13350, the Board of Supervisors adopted Ordinance No. 832 entitled "An Ordinance of the County of Riverside Imposing Charges for Annual Registration of Packers and Point of Sale Stations," which is known as the "Consumer Protection Business Permit Ordinance of the County of Riverside."

Ordinance No. 832 established permitting requirements to identify, monitor, and impose penalties on: (1) those persons commercially engaged in the packaging of commodities in advance of sale; and (2) those persons utilizing for commercial purposes automated systems for retail sale commodity pricing commonly referred to as "scanners".

Since Ordinance No. 832 has been adopted, some of the statutes and regulations cited in the ordinance as the authority for the ordinance have been amended, repealed, and/or renumbered.

On June 26, 2018, Agenda Item 3.15, the Board of Supervisors adopted an order initiating an amendment to Ordinance No. 832 to update the statutory authority cited in the ordinance and revise the ordinance, as necessary, to make it consistent with state statute and/or case law. Ordinance No. 832.1 amends Ordinance No. 832 to reflect these changes. Specifically, the revisions include:

- Amending the statutory authority listed in the last sentence of Section 2 to update the statutes and regulations cited that have been amended, repealed, and/or renumbered;
- Updating the definitions of "Person", "Point of sale station", and "Sell" in Section 3 to be consistent with California Business and Professions Code Sections 12011, 13352, and 12009, respectively;
- Amending the second paragraph of Section 9 to be consistent with California Government Code Section 25132; and

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- Adding a severability clause.

Ordinance No. 832.1 does not impose new charges or raise existing fees. It is recommended that the Board of Supervisors introduce, read title, and waive further reading of Ordinance No. 832.1.

**ATTACHMENT:**

**Attachment A:**

**ORDINANCE NO. 832.1 "AN ORDINANCE OF THE COUNTY OF  
RIVERSIDE AMENDING ORDINANCE NO. 832 IMPOSING  
CHARGES FOR ANNUAL REGISTRATION OF PACKERS AND  
POINT OF SALE STATIONS"**

  
\_\_\_\_\_  
Gregory V. Priamos, Director County Counsel

8/16/2018

1 ORDINANCE NO. 832.1

2  
3 AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING  
4 ORDINANCE NO. 832 IMPOSING CHARGES FOR ANNUAL REGISTRATION  
5 OF PACKERS AND POINT OF SALE STATIONS  
6

7 The Board of Supervisors of the County of Riverside ordains as follows:

8 Section 1. The last sentence of Section 2 of Ordinance No. 832 is amended to read as  
9 follows:

10 "The authority for this ordinance is: California Business and Professions Code  
11 Sections 12009, 12011, 12011.6, 12012.1, 12013, 12015, 12015.3, 12015.5, 12024.2, 12024.3,  
12 12024.6, 12103.5, 12211, 12609, 13301, 13303, 13350, and 13352; California Government Code  
13 Section 25132; and California Code of Regulations, Title 4, Division 9, Chapter 10, Section 4500  
14 et seq."

15 Section 2. The definition of "Person" in Section 3 of Ordinance No. 832 is amended to  
16 read as follows:

17 " 'Person(s)' means any person, firm, corporation, or association."

18 Section 3. The definition of "Point of sale station" in Section 3 of Ordinance No. 832 is  
19 amended to read as follows:

20 " 'Point of sale station' means any computer or electronic system used by a retail  
21 establishment such as, but not limited to, Universal Product Code scanners, price lookup codes, or  
22 an electronic price lookup system as a means for determining the price of the item being purchased  
23 by a consumer."

24 Section 4. The definition of "Sell" in Section 3 of Ordinance No. 832 is amended to read  
25 as follows:

26 " 'Sell' or 'sale' means barter, exchange, trade, rent, lease, keep for sale, offer for  
27 sale, or expose for sale, in any of their variant forms."

28 Section 5. The second paragraph of Section 9 of Ordinance No. 832 is amended to read

1 as follows:

2 "Any person so convicted shall be: (1) guilty of an infraction offense and punished  
3 by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction  
4 offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation  
5 within one year of the first violation. The third violation within one year of the first violation and  
6 any additional violations shall constitute a misdemeanor offense and shall be punished by a fine not  
7 exceeding one thousand dollars (\$1,000) or six months in jail, or both."

8 Section 6. A new Section 10 is added to Ordinance No. 832 to read as follows:

9 "SECTION 10: SEVERABILITY. If any provision, clause, sentence or paragraph  
10 of this ordinance or the application thereof to any person or circumstances shall be held invalid,  
11 such invalidity shall not affect the other provisions of this ordinance which can be given effect  
12 without the invalid provision or application, and to this end, the provisions of this ordinance are  
13 hereby declared to be severable."

14 Section 7. Existing Section 10 of Ordinance No. 832 is renumbered Section 11.

15 Section 8. This ordinance shall take effect thirty (30) days from the date of its adoption.

16  
17 BOARD OF SUPERVISORS OF THE COUNTY  
18 OF RIVERSIDE, STATE OF CALIFORNIA

19  
20 By: \_\_\_\_\_

21 Chairman

22 ATTEST:

23 CLERK OF THE BOARD

24  
25 By: \_\_\_\_\_


26 Deputy

27 (Seal)

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1 APPROVED AS TO FORM:

2 August 10, 2018

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4 By: 

5 DANIELLE MALAND

6 Deputy County Counsel

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