

**ORDINANCE AMENDING
COUNTY CODE CHAPTER 34-C, WEIGHTS AND MEASURES**

ORDINANCE NO. 12-_____

An ordinance of the County of Santa Barbara amending County Code Chapter 34-C, Weights and Measures, to add annual registration certificate requirements for point of sale systems and for packers, and to remove the Weights and Measures fee schedule.

WHEREAS, pursuant to Business and Professions Code §12103.5, the County Sealer is authorized to enforce and carry out the provisions of Division 5, Weights and Measures, of the Business and Professions Code; and

WHEREAS, pursuant to Business and Professions Code §12200, the County Sealer may appoint deputies or inspectors to carry out such duties; and

WHEREAS, pursuant to Business and Professions Code §12210, the County Sealer shall inspect, try, and test all weighing and measuring devices used for commercial purposes as defined in Business and Professions Code §12500(e); and

WHEREAS, pursuant to Business and Professions Code §12211, the County Sealer shall weigh or measure packages, containers, or amounts of commodities sold in order to determine whether they contain the quantity or amount represented and whether they are being sold in accordance with law; and

WHEREAS, pursuant to Business and Professions Code §13350, the County Sealer is authorized to determine the pricing accuracy of a retail establishment using a point-of-sale system if the Board of Supervisors has adopted or adopts an ordinance for those purposes; and

WHEREAS, in the interest of uniformity, the proper location of the fee schedule for Weights and Measures device registration is with the department's general fee schedule;

NOW THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA ORDAINS AS FOLLOWS:

That the fee schedule for Weights and Measures device registration is hereby moved to the ordinance entitled "Agricultural Commissioner's Fee Schedule" and that the amended Chapter 34-C, Weights and Measures is hereby adopted and is to become effective March 7, 2012.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____ 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF SANTA BARBARA

By _____
CHAIR, DOREEN FARR,
BOARD OF SUPERVISORS

ATTEST:
CHANDRA L. WALLAR,
CLERK OF THE BOARD

By _____
Deputy

APPROVED AS TO FORM:
DENNIS A. MARSHALL,
COUNTY COUNSEL

By _____
Deputy County Counsel

APPROVED AS TO FORM:
ROBERT W. GEIS,
AUDITOR CONTROLLER

By _____
Deputy

APPROVED AS TO FORM:
RAY AROMATORIO,
RISK PROGRAM ADMINISTRATOR

By _____

CHAPTER 34C - WEIGHTS AND MEASURES

Sec. 34C-1. - Purpose and authority.

Sec. 34C-2. - Definitions.

Sec. 34C-3. - Registration certificate required.

Sec. 34C-4. - Issuance, fees, and term of registration certificate.

Sec. 34C-5. - Persons to whom registration certificate issued.

Sec. 34C-6. - Lost registration certificate.

Sec. 34C-7. - Transfer of registration certificate.

Sec. 34C-8. - Posting registration certificate.

Sec. 34C-9. - Delinquent registration.

Sec. 34C-10.- Inspections

Sec. 34C-1. - Purpose and authority.

The purpose of this chapter is to establish a system for registering weighing and measuring devices, point of sale systems, and packers; to recover the costs of inspecting and testing such devices pursuant to Business and Professions Code section 12210; and to recover the costs of carrying out Business and Professions Code section 12211. The authority for this chapter is Business and Professionals Code sections 12240-12246.

Sec. 34C-2. - Definitions.

For the purpose of this chapter, the terms set forth below shall have the following definitions:

a) The term "weighing and measuring device" means those "weighing instruments" and "measuring instruments" as defined by Business and Professions Code section 12500, owned privately and used commercially, and includes, but is not limited to:

- (1) Electric meters;
- (2) Cordage, wire and fabric meters;
- (3) Liquid meters;
- (4) Liquefied petroleum gas meters;
- (5) Taximeters;
- (6) Gas vapor meters;
- (7) Water meters;
- (8) Lubricant meters;
- (9) Odometers;
- (10) Gasoline/motor fuel dispensers;
- (11) Counter scales;
- (12) Meat beam and monorail scales;
- (13) Platform and dormant scales;
- (14) Animal and livestock scales;
- (15) Jewelry and prescription scales;
- (16) Vehicle scales;
- (17) Computing scales and point of sale systems;
- (18) Spring (hanging) scales;
- (19) Hopper and tank scales;
- (20) Recycling machines;

(21) Water vending machines.

(b) The term "commercial purpose" shall have the meaning assigned to it by Business and Professions Code section 12500.

(c) The term "business location" shall mean:

1) Each vehicle containing one or more commercial devices.

(2) Each business establishment that uses commercial weighing and/or measuring devices that require the use of specialized testing equipment and that necessitates not more than one inspection trip by a weights and measures official.

(3) Each water vending machine and other similar equipment placed at the location of one business, but owned and operated by another.

(4) Each house, apartment complex, or mobile home containing an electric, vapor, or water submeter, except that a mobile home park shall be considered a single business location.

(d) The term "office of weights and measures" means the office of the sealer or director of weights and measures for the County of Santa Barbara, and her/his duly authorized agents.

(e) The term "person" shall have the meaning assigned to it by section 1-2 of the Santa Barbara County Code and Business and Professions Code section 12011.

(f) The term "point of sale system" shall mean any system used by a retail establishment such as, but not limited to, Universal Product Code (UPC) scanners or an electronic price look-up system that is used as a means of determining the price of the item being purchased by a consumer.

(g) The term "packer" shall mean any person engaged in wrapping or packaging a commodity within Santa Barbara County prior to and for the purpose of sale wherein the item wrapped or packaged is sold on the basis of weight, count, volume, or area

Sec. 34C-3. - Registration certificate required.

No person shall use any weighing or measuring device, or point of sale system for commercial purposes, or operate as a packer without having a current Santa Barbara County registration certificate.

Sec. 34C-4. – Issuance, fees, and term of registration certificate.

The director shall issue registration certificates that shall be valid upon receipt of the applicable fee prescribed in the current Agricultural Commissioner's Fee Schedule. A registration certificate shall be valid for the calendar year specified on the certificate and shall expire on December 31st of that year.

Sec. 34C-5. - Persons to whom registration certificate issued.

A registration certificate may be issued to a corporation duly authorized to transact business in this state, or to a person operating under a fictitious name who has complied with all the provisions of Business and Professions Code sections 17900 – 17930. Except as above provided, no business, occupation or activity for which a certificate is required by this chapter may be conducted under any false or fictitious name. A certificate issued to a corporation shall designate such corporation by the exact name which appears in the articles of incorporation of such corporation.

Sec. 34C-6. - Lost registration certificate.

If a current registration certificate is lost, a replacement will be issued upon payment of a fee of ten dollars.

Sec. 34C-7. - Transfer of registration certificate.

A registration certificate is not transferable from one person to another, and is valid only for the specific weighing and measuring devices, point of sale system, or packer specified on the certificate.

Sec. 34C-8 - Posting registration certificate.

Every person issued a registration certificate is required under the provisions of this chapter to keep such certificate conspicuously posted at all times at the business location specified on the certificate.

Sec. 34C-9. - Delinquent registration.

Any registrant who fails to remit any and all fees within sixty days of issuance of a registration certificate shall be considered delinquent and subject to a fine of one hundred percent (100%) of the annual registration fee which shall be added to the overdue amount.

Sec. 34C-10 – Inspections.

Inspections of weighing and measuring devices shall be conducted pursuant to Business and Professions Code section 12212. Inspections of point of sale systems shall be conducted pursuant to Business and Professions Code section 13350. Inspection of packers shall be conducted pursuant to Business and Professions Code section 12609.

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors
FROM: Agricultural Commissioner’s Office

Based on a preliminary review of the project, the following activity is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN(s) N / A Case No: N / A
Location: COUNTY OF SANTA BARBARA
Project Title: AMENDMENT OF CHAPTER 34-C, WEIGHTS AND MEASURES
Project Description: ORDINANCE AMEMDMENT ESTABLISHING ANNUAL
DEVICE REGISTRATION CERTIFICATE REQUIREMENT WEIGHTS AND
MEASURES DEVICES.

Exempt Status: (Check One)
 Ministerial Statutory Categorical Exemption Emergency Project
 No Possibility of Significant Effect [Sec 15061(b,3)].

Cite specific CEQA Guideline Section:
14 CCR 15273 * PUBLIC RESOURCES CODE SECTION 21080(b)(8)(A) and (B)

Reasons to support exemption findings (attach additional material, if necessary):

THIS ORDINANCE IS TO ENABLE THE OPERATION OF REGULATORY PROGRAMS AND AS SUCH IS CATEGORICALLY AND STATUTORILY EXEMPT FROM CEQA. FEES WILL BE USED TO MEET OPERATING EXPENSES AND FOR THE PURCHASE OF SUPPLIES, EQUIPMENT, AND MATERIALS.

Guy Tingos, Deputy Commissioner Date
Agricultural Commissioner’s Office

NOTE: A copy must be posted in the County of Santa Barbara Planning & Development Department at least six days prior to consideration of the activity by the decision makers to comply with County CEQA guidelines and a copy must be filed with the County Clerk of the Board after project approval to begin a 35 day statute of limitation on legal challenges.

Distribution: Planning & Development Department

Date Filed with the County Clerk