

CHAPTER 34C - WEIGHTS AND MEASURES

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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*; and to partially recover the costs of *inspecting inspection* and testing such devices pursuant to *Business and Professions Code* sections 12210; and *to recover the costs of carrying out Business and Professions Code section 12211* of the California Business and Professions Code. The authority for this chapter is *Business and Professionals Code sections 12240-12246.* article 2.1 (commencing with section 12240) of chapter 2 of division 5 of the California Business and Professions Code.

~~(Ord. No. 3389, § 1; Ord. No. 4091, § 1; Ord. No. 4209, § 1)~~

Sec. 34C-2. - Definitions.

For the purpose of this chapter, *the terms set forth below shall have the following definitions: unless the context otherwise requires:*

- (a) The term "weighing and measuring device" means those "weighing instruments" and "measuring instruments" as defined by *Business and Professions Code* section 12500 of the California Business and Professions Code, 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 of the California Business and Professions Code.

(c) ~~The term "location" means the room, enclosure, building, space or area where one or more weighing or measuring devices are located or operated.~~ ***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. ~~of the California Business and Professions Code.~~

(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. ~~(Ord. No. 3389, § 1; Ord. No. 3425, § 1; Ord. No. 4091, § 1; Ord. No. 4209, § 2)~~

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. ~~license, or permit which may be required by the county or any other public entity~~

~~(Ord. No. 3389, § 1; Ord. No. 4091, § 1)~~

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

The director shall issue registration certificates ~~to business establishments meeting requirements of sections 34C 2(a), (b) and (c).~~ The registration certificate ~~that~~ shall *be* ~~becomes~~ valid upon receipt of the applicable fee prescribed ~~by section 34C 6 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.* ~~(Ord. No. 3389, § 1; Ord. No. 4091, § 1)~~

~~Sec. 34C 5. - Term of registration certificate.~~

~~A registration certificate shall be valid for the calendar year that it is issued, and expires on December 31st.~~

~~(Ord. No. 3389, § 1; Ord. No. 4091, § 1)~~

~~Sec. 34C 6. - Fees.~~

~~The annual fee for devices to be used at a fixed location throughout the term of the certificate shall be the sums set forth pursuant to section 12240 of the California Business and Professions Code:~~

~~(a) Table of Maximum Annual Charges:~~

| Number of Devices | Charge per Location |
|-------------------|---------------------|
| 1 | \$ 20.00 |

| | |
|--------------------|--------|
| 2 | 30.00 |
| 3 | 40.00 |
| 4—9 | 80.00 |
| 10—19 | 120.00 |
| 20—25 | 160.00 |
| Over 25 | 200.00 |

~~(b) For mobilehome parks, recreational vehicle parks, and apartment complexes, where the owner of the park or complex owns and is responsible for the utility meters, the annual fee shall not exceed sixty dollars per park or complex, and a fee of up to two dollars per device per space or apartment. Mobilehome parks, recreational vehicle parks, and apartment complexes for which the above fees are assessed, shall be inspected and tested as frequently as required by regulation.~~

~~(c) For weighing devices, other than livestock and motor truck scales, with capacities of twenty thousand pounds or greater, the registration fee shall be two hundred dollars per device.~~

~~(d) For motor truck scales, the registration fee shall be one hundred dollars per device.~~

~~(e) This section does not apply to farm milk tanks.~~

~~(f) A scale or device used in a certified farmers' market, as defined by section 27512 of the Health and Safety Code, is not required to be registered in the county where the market is conducted, if the scale or device has an unexpired seal for the current year, issued by a licensed California county sealer.~~

~~(Ord. No. 3389, § 1; Ord. No. 4091, § 1; Ord. No. 4209, § 3)~~

Sec. 34C-5 7. - 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*. ~~chapter 5 (commencing with section 17900) of part 3 of division 7 of the Business and Professions Code.~~ Except as above provided, no business, occupation or activity for which a certificate is required by this *chapter* ~~article~~ 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.

~~(Ord. No. 3389, § 1)~~

Sec. 34C-6 8. - Lost *registration* certificate.

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

~~(Ord. No. 3389, § 1; Ord. No. 4091, § 1)~~

Sec. 34C-7 ~~9~~ - 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*. ~~and, if the devices are to be issued at a fixed location, for specific location for which it is issued.~~

~~(Ord. No. 3389, § 1; Ord. No. 4091, § 1)~~

Sec. 34C-8 ~~10~~ Posting *registration* certificate.

Every person ~~using a weighing and measuring device issued for which~~ a registration certificate is required under the provisions of this *chapter* ~~article shall~~ **to** keep such certificate conspicuously posted at all times at the *business* location *specified on the certificate*. ~~where such device is being used~~

~~(Ord. No. 3389, § 1; Ord. No. 4091, § 1)~~

Sec. 34C-9 ~~11~~ - 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 being-added to the overdue amount**. ~~not to exceed two hundred dollars.~~

~~(Ord. No. 3389, § 1; Ord. No. 4091, § 1; Ord. No. 4209, § 4)~~

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.