

**ORDINANCE AMENDING
THE AGRICULTURAL COMMISSIONER'S FEE SCHEDULE**

ORDINANCE NO. 12-_____

An ordinance of the County of Santa Barbara amending the existing Agricultural Commissioner's Fee Schedule to include established fees previously contained in County Code Chapter 34-C, Weights and Measures; to add new fees for the registration certificate requirements for point of sale systems and for packers; and to add a new California Department of Food and Agriculture administrative fee.

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, pursuant to Business and Professions Codes §12240 and §13350, the Board of Supervisors, by ordinance, may charge an annual registration fee not to exceed the County's cost of performing such inspections, and

WHEREAS, pursuant to Business and Professions Codes §12241, the California Department of Food and Agriculture shall establish an annual administrative fee for costs associated with the activities performed pursuant to §12210 and §12211, and

WHEREAS, pursuant to Government Code §25102-§25132, the County has, in connection with the above fees, held a public hearing as part of a regularly scheduled meeting and published notice of the meeting, including a general description of the matter to be considered;

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

That the fees notated as “amended” in the attached Fee Schedule are hereby adopted. Said fees are to be assessed against all persons required to have annual registration certificates for Weights and Measures and are to become effective March 7, 2012. The Weights and Measures fees established by Ordinance 4751 effective July 1, 2010 are hereby repealed on the above-mentioned date that the fees imposed by this Ordinance become effective. The repeal of the Weights and Measures fees imposed by Ordinance 4715 shall not affect any obligation to pay any fees incurred under said ordinance and said obligation shall continue in effect after said resolution is repealed, and the County of Santa Barbara may take any appropriate action in regard to any delinquent fees imposed pursuant to said ordinance.

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 _____

FEE SCHEDULE

Phytosanitary Inspections:		
Per Inspection (11 or more units)	\$40.00	(unchanged)
Per Inspection (10 units or less)	\$25.00	(unchanged)
Retyping fee	\$15.00	(unchanged)
Hourly fee	\$80.00	(unchanged)
Export Seed Inspections:		
Per acre/per inspection	\$30.00	(unchanged)
	(\$120.00 minimum)	(unchanged)
Official Document Reproduction	\$.10 per page	(unchanged)
Direct Marketing		
Certified farmers market	\$250.00 annually	(unchanged)
Certified producer certificate	\$25.00 annually plus \$15 per site	(unchanged)
Farm Labor Contractors:	\$25.00 annually	(unchanged)
Ag Pest Control Business Registration:	\$50.00 annually	(unchanged)
Maintenance Gardener Pest Control Registration:	\$25.00 annually	(unchanged)
Pest Control Advisor Registration:		
Home county registrants	\$10.00 annually	(unchanged)
Outside county registrants	\$ 5.00 annually	(unchanged)
Pest Control Pilot Registration:		
Home county registrants	\$10.00 annually	(unchanged)
Outside county registrants	\$5.00 annually	(unchanged)
Structural Pest Control Registration:	\$10.00 annually	(unchanged)
Structural Pesticide Applicator:		
License Examination	\$15.00 per exam	(unchanged)
Hourly Rate:	\$80.00	(unchanged)

FEE SCHEDULE (continued)

Weights & Measures Equipment Charge
(Hourly inspection and/or standby fees are additional)

	Per Day	Per Mile	
Sedan	\$ 23.00	\$.35	(mandated)
Pickup truck, station wagon or van	\$ 25.00	\$.35	(mandated)
Heavy capacity scale test truck and trailer (40,000 lbs. cert.)	\$200.00	\$2.00	(mandated)
LPG meter prover	\$ 50.00		(mandated)
Electric meter test unit	\$ 45.00		(mandated)
Vapor meter lab	\$100.00		(mandated)
50 gallon prover	\$ 35.00		(mandated)
100 gallon prover	\$ 35.00		(mandated)

Weights & Measures Device, Point of Sale System, Packer Registration, and California Department of Food and Agriculture administrative fees (amended)

I. The annual registration fee for a business that uses a commercial weighing or measuring device or devices shall be pursuant to Business and Professions Code section 12240 and shall consist of a business location fee, a device fee, and a Department of Food and Agriculture administrative fee as authorized by Business and Professions Code section 12241 and set forth in 4 CCR §4075. The business location fee and device fee shall be the following:

(a) A business location fee of one hundred dollars (\$100) per business location, plus the applicable device fee listed in subdivisions (b) to (i), inclusive.

(b) For marinas, mobile home parks, recreational vehicle parks, and apartment complexes, where the owner of the marina, park, or complex owns and is responsible for the utility meters, the device fee is (\$2) per device per space or apartment. Marinas, mobile home 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 scales, with capacities of 10,000 pounds or greater, the device fee shall be two hundred fifty dollars (\$250) per device; for weighing devices, other than livestock scales, with capacities of at least 2,000 pounds but less than 10,000 pounds, the device fee shall be one hundred fifty dollars (\$150) per device.

(d) For livestock scales with capacities of 10,000 pounds or greater, the device fee shall be one hundred fifty dollars (\$150) per device; for livestock scales with capacities of at least 2,000 pounds but less than 10,000 pounds, the device fee shall be one hundred dollars (\$100) per device.

(e) Farm milk tanks are exempt from registration certificate requirements and all annual registration fees.

(f) A scale or device used in a certified farmers' market, as defined by Section 113745 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. Any resident of Santa Barbara County that brings a scale or device used in a certified farmers' market to a location specified by the office of weights and measures for testing shall be exempt from paying a business location fee for that device.

(g) For liquefied petroleum gas (LPG) meters, truck mounted or stationary, the device fee shall be one hundred seventy-five dollars (\$175) per device.

(h) For wholesale and vehicle meters, the device fee shall be twenty-five dollars (\$25) per device.

(i) For all other commercial weighing or measuring devices not listed in subdivisions (b) to (h), inclusive, the device fee shall be twenty dollars (\$20) per device. For the purposes of this subdivision, the total annual registration fee shall not exceed the sum of one thousand dollars (\$1,000) for each business location.

II. The annual registration fee for each location with point of sale systems shall consist of a device fee with no location fee and no Department of Food and Agriculture administrative fee. Pursuant to Business and Professions Code section 13350, the following fees shall apply:

Number of Point of Sale Stations	Annual Registration Fee
1-3	\$ 80.00 per location
4-9	\$160.00 per location
10 or more	\$240.00 per location

In addition, a fee for any reinspection as authorized by Business and Professions Code section 13350 shall be billed at the hourly rate for one inspector as approved by the Board of Supervisors.

III. As authorized by Business and Professions Code section 12240, the annual registration fee for a packer shall be as follows:

Number of Packages per Year	Annual Registration Fee
Less than 10,000	Exempt
10,000 or more	\$240.00

IV. As authorized by Business and Professions Code section 12241, and set forth in 4 CCR §4075, the California Department of Food and Agriculture administrative fee shall be as follows:

Commercial Device Type	Fee per Device
Electric Sub-meter Vapor Sub-meter Water Sub-meter	\$0.10
CNG Meter Fabric, Cordage, Wire Meter Grease and Lube Meter Odometer Retail Motor Fuel Dispenser Retail Meter Retail Water Meter Tank (Liquid Test) Taximeter Vehicle Meter Wholesale Meter Miscellaneous Measuring Device Scales with less than 2,000 pounds capacity	\$1.10
Liquefied Gas Meter Scales with 2,000 pounds to 10,000 pounds capacity	\$8.00
Scales with greater than 10,000 pounds capacity	\$12 .00

The CDFA administrative fees set forth above are subject to adoption and subsequent amendment by the California Department of Food and Agriculture, and, as required by law, shall be collected by the County office of weights and measures in the manner specified in 4 CCR §4075.

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 AGRICULTURAL COMMISSIONER’S FEE ORDINANCE
Project Description: ORDINANCE AMEMDMENT ESTABLISHING FEES FOR WEIGHTS AND MEASURES ANNUAL DEVICE REGISTRATION.
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
Agricultural Commissioner’s Office

Date

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