

## **Device Registration and Inspection Fees**

The Board of Supervisors of the County of Mendocino ordain as follows:

Division A. Inspection and Testing of Weighing and Measuring Devices.

Sec 10A.16.010 - Purpose and authority.

The purpose of this article is to establish a system for registering commercial weighing and measuring devices and to recover the costs of inspecting and testing such devices by the County Sealer pursuant to California Business and Professions Code Division 5, Section 12210 and to recover the cost of carrying out Section 12211.

Sec. 10A.16.020 - Definitions.

- (a) "Weighing and measuring devices" means all weights, scales, beams, measures of any kind, instruments or mechanical devices for weighing or measurements, and tools, appliances and accessories connected with any or all such instruments or measures, sold or used by any proprietor, agent, lessee or employee for commercial purposes.
- (b) "Business location" means, (1) Each vehicle containing one or more commercial devices. (2) Each business location that uses different categories or types of commercial devices that require the use of specialized testing equipment and that necessitates not more than one inspection trip by a weights and measures official.
- (c) "Certified producer" shall have the meaning assigned to it by title 3 CCR Section 1392.2(e).
- (d) "Certified farmers market" shall have the meaning assigned to it by Health and Safety Code Section 113740.
- (e) "County Sealer" means the Mendocino County Agricultural Commissioner-Sealer and his or her duly authorized agents.
- (f) "Commercial purpose" includes any sale of a commodity or thing by a person to a consumer. "Commercial purpose" in this division does not include the sale of any item by a government entity.

Sec. 10A.16.030 - Device Registration.

No person shall use any commercial weighing or measuring device without first registering the device with the County Sealer. The registration shall be in addition to any other certificate, license, or permit which may be required by the county or any other public entity.

Sec. 10A.16.040 - Fees

- (a) The annual fee for registering weighing and measuring devices to be used for a fixed location throughout the term of the registration shall be set by the board from time to time by ordinance.
- (b) The annual fee for registering weighing and measuring devices set by the board

pursuant to Section 10A.16.040(a) shall be consistent with the provisions of Section 12240, Division 5, California Business and Professions Code, and its successor provisions.

(c) Should Section 12240 not be effective after January 1, 2011, the sealer shall submit and the board of supervisors shall adopt by ordinance a schedule of registration fees for weighing and measures devices consistent with the provisions of applicable law and sufficient to cover the costs of carrying out Division 5, California Business and Professions Code.

(d) Annual Fee: An annual registration fee shall be charged for the calendar year (January 1 through December 31), or any part thereof, for all commercial weighing or measuring devices. For purposes of this section, the annual registration fee for a business that uses a commercial weighing or measuring device or devices shall consist of a business location fee, and a device fee, as specified below, provided however that in no event shall the annual registration fee exceed one thousand dollars (\$1,000.00) for each business location. Pursuant to the California Business and Professions Code, Section 12240, the annual registration fees are established as follows:

(e) Exemptions: 1) Business location fees will be waived for a County certified producer who uses weighing and measuring devices solely in conjunction with sales at a County certified farmers market. The annual device fees for such devices shall be fifty percent (50%) of the amount shown below. 2) All fees will be waived for devices used by non-profit youth clubs.

<b>DEVICE REGISTRATION FEES</b>	
Business Location Fee	\$ 90.00
<b>Device Fee</b>	
<b>METERS</b>	
Electric Sub-meter	\$ 2.00
Vapor Sub-meter	2.00
Water Sub-meter	2.00
Fabric/Cord/Wire Meter	20.00
Miscellaneous Meters	20.00
Retail Motor Fuel Meter	20.00
Retail Water Meter	20.00
Taxi Meter	20.00
Vehicle Meter	25.00
Wholesale Meter	25.00
Liquefied Petroleum Gas Meter	150.00

<b>SCALES</b>	
Computing Scale	\$ 20.00
Counter Scale	20.00
Hanging Scale	20.00
Platform Scale	20.00
Prescription/Jewelers Scale	20.00
Animal Scale (<2,000 lbs)	20.00
Livestock Scale (>2,000 lbs.)	100.00
Crane Scale (>2,000 lbs)	75.00
Platform Scale (<2,000 lbs)	20.00
Platform Scale (>2,000 lbs)	115.00
Vehicle Scale	170.00

(f) Billing. The County Sealer shall on or before January 1 of each year send a billing statement to each owner of a commercial weighing and measuring device requesting payment of the applicable fee set forth in Section 10A.16.040 above.

(g) Transfer. A device registration is transferable from one person to another, and is valid only for the specific devices and, if the devices are to be used at a fixed location for the specific location for which it is issued. Replacement of specific devices shall be allowed without a new registration fee being required.

(h) Delinquency. Any person failing to renew a device registration on or before February 15 of each year shall be required to pay an additional sum equal to fifty (50) percent of the registration fee as a penalty for each year of delinquency.

#### Division B. Penalties for Violations of Registration Provisions.

##### Sec. 10A.16.050. Penalties for violations.

(a) It shall be unlawful for any person, or any registrant, employee, or agent thereof to violate the provisions of this Chapter, and specifically it shall be unlawful to use unregistered weighing and measuring devices.

(b) Unless otherwise provided, any person failing to comply with the registration provisions of this chapter shall be guilty of an infraction or misdemeanor as hereinafter specified:

(1) A first offense shall be charged as an infraction. If convicted, the offense shall be punishable by a fine not exceeding one hundred dollars (\$100.00). Notwithstanding the

foregoing, if the violation appears to be unknowing and the offender corrects the violation promptly upon notification, the sealer may, in lieu of recommending criminal prosecution, accept payment of the original fee and late fee charge. A subsequent violation will be treated as a second offense, punishable as set forth in subsection (b)(2) of this section.

(2) Any subsequent offense shall be charged as a misdemeanor and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) and not less than five hundred dollars (\$500.00), or any other penalty imposed by a court, or both.

(c) Payment of any fine or other penalty imposed by a court shall not relieve a person from the responsibility of registering a weighing or measuring device and paying the applicable registration fee, as required by this chapter.

(d) In addition to all other remedies provided by this chapter or state law, the department may seek injunctive relief to restrain continuing violations of the provisions of this chapter. Nothing in this chapter shall preclude the sealer from seeking civil penalties pursuant to Business and Professions Code Sections 12015.3 or pursuing any other remedy available to the sealer under Division 5 of the Business and Professions Code.