ORDINANCE NO. 1418

AN ORDINANCE REPUBLISHING CHAPTER 32
OF THE SOLANO COUNTY CODE,
ENTITLED WEIGHING AND MEASURING DEVICES
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The Board of Supervisors of the County of Solano, State of California, does ordain as follows:

SECTION I.

Chapter 32 of the Solano County Code entitled "Weighing and Measuring Devices," is hereby republished to read as follows:

CHAPTER 32.

WEIGHING AND MEASURING DEVICES.

ARTICLE I. ANNUAL OR BIENNIAL REGISTRATION FEES.

§ 32-10. Purpose and authority.
§ 32-12. Registration, billing and payment.
§ 32-13. Registration fees.
§ 32-14. Exemption from registration fees.

§ 32-16. Persons to whom certificate issued.
§ 32-17. Lost registration certificate.

ARTICLE II. SERVICE FEES FOR WEIGHING AND MEASURING DEVICES.

§ 32-20. Commercial fees; Requested testing.
§ 32-21. Noncommercial fees; Requested testing.
§ 32-22. Miscellaneous fees; Requested services.

ARTICLE I. ANNUAL OR BIENNIAL REGISTRATION FEES.

Sec. 32-10. Purpose and authority.

The purpose of this chapter is to establish fees for annual or biennial device registration and other services, as appropriate, in order to recover the costs of inspecting and testing weighing and measuring devices pursuant to section 12210(a), (b) and
Sec. 32-11. Definitions.

For purposes of this chapter, unless the context otherwise requires:

(a) Commercial purposes shall have the meaning assigned to it by section 12500(e) of the Business and Professions Code of the state.

(b) County sealer shall mean the agricultural commissioner/sealer of weights and measures of the agricultural department of the County of Solano.

(c) Designated representative shall mean the deputy sealer of the division of weights and measures of the agricultural department of the County of Solano.

(d) Division of weights and measures shall mean the division of weights and measures of the agricultural department of the County of Solano.

(e) Location means the room enclosure, building, space, area, or property where one or more weighing or measuring devices are located or operated.

(f) Person shall have the meaning assigned to it by section 12011 of the Business and Professions Code of the state.

(g) Weighing and measuring devices shall mean those weighing and measuring instruments as defined in the Business and Professions Code of the state, Division 5, Chapter 5, Section 12500(a) and (b). (Ord. No. 1200, § 1; Ord. No. 1221, § 1.)

Sec. 32-12. Registration, billing and payment.

The division of weights and measures shall bill annually or biennially each owner-operator (registrant) of a commercial weighing or measuring device in commercial service in the County of Solano.

Payment of the annual or biennial device registration fee shall be due upon receipt of the billing. Payments delinquent sixty (60) days or more incur a penalty charge of one hundred percent (100%) of the fee due, plus court and collection costs, if any.

Sec. 32-13. Registration fees.

The annual or biennial fees for commercial weighing and measuring devices used at a single location shall be those fees adopted by resolution of the Board of Supervisors of the County of Solano pursuant to Section 12240 of the Business and Professions Code of the state. The fees shall be used to recover the costs of inspecting or testing weighing and measuring devices required of
the county sealer or the sealer's designated representative to be inspected pursuant to Section 12210 of the Business and Professions Code of the state, except as exempted by § 32-14 below.

It shall be unlawful to use or operate a weighing or measuring device for commercial purposes in the county without paying the annual or biennial device registration fee herein authorized. The term of the fee shall be January 1 through December 31, annually or biennially.

Pursuant to subdivision (b) of § 12240 of the Business and Professions Code of the state, retail petroleum meters, for which the above referenced fees are assessed, shall be inspected as frequently as required by regulations, but not less than once every two years.

Sec. 32-14. Exemption from registration fees.

Each owner-operator of a produce stand which is open for business not more than eight months of each calendar year and which sells products grown in the County of Solano shall be exempt from payment of the fees for a maximum of three weighing and measuring devices operated at the produce stand, provided that any such devices are transported annually by the owner-operator to the office of the division of weights and measures for inspecting, testing, sealing and registration.

Other devices exempt from device registration fees are those pursuant to subdivision (d) of section 12240 of the Business and Professions Code of the state, division 5, chapter 2, article 2.1.

Sec. 32-15. Registration certificate.

At the discretion of the sealer or the sealer's designated representative, a device registration fee certificate may be issued and required to be conspicuously displayed on the device at the location where commercial weighing and measuring devices are being used by the registrant. Each registrant shall have paid the fees prescribed by § 32-13 above, and the certificate shall serve as evidence of registration and payment of fees. This certificate shall be in addition to any other certificate, license, or permit otherwise required. The term of the certificate shall be January 1, or the date of issuance, through December 31 of each registration period.

Sec. 32-16. Persons to whom registration certificate issued.

If a registration certificate is issued pursuant to this chapter, the 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 chapter 5 (commencing with section 17900) of part 3 of division 7 of the Business and Professions Code of the state. Otherwise all such certificates shall be issued in the true name of the applicant. Except as above provided, no business, occupation or activity for which a certificate is issued may be conducted under a false 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. 1200, §1.)

Sec. 32-17. Lost registration certificate.
If a registration certificate is issued pursuant to this chapter and then subsequently lost, the person to whom it was issued may obtain a replacement, upon application therefor, to the sealer or the sealer's designated representative. (Ord. No. 1200, §1.)

Sec. 32-18. Transfer of registration certificate.
If a registration certificate is issued pursuant to this chapter, the certificate is not transferable from one person to another, and is valid only for the specific instruments and, if the instruments are to be used at a fixed location, only for the specific location for which the certificate is issued. (Ord. No. 1200, §1.)

ARTICLE II. SERVICE FEES FOR WEIGHING AND MEASURING DEVICES.

Sec. 32-20. Commercial fees; Requested testing.
Pursuant to § 12210.5 of the Business and Professions Code of the state, the board of supervisors of the County of Solano may authorize the sealer or the sealer's designated representative to charge and collect the fees prescribed by the director of the department of food and agriculture of the State of California, for inspections and tests of commercial weighing and measuring devices requested by the owner-user of the device(s). The request shall be in writing and the inspection and test shall be in addition to the prescribed frequency of inspections specified in the California Code of Regulations, Chapter 3, Article 1, Section 4070, Table 1, entitled Frequency of Inspections. The fees shall be adopted by resolution of the board of supervisors and amended as needed to conform to the uniform schedule of fees as established by the director of the department of food and agriculture.

Sec. 32-21. Noncommercial fees; Requested testing.
The board of supervisors of County of Solano may adopt by resolution a schedule of fees for calibrating, testing, and/or certifying noncommercial weighing and measuring devices and their accessories pursuant to § 12210(b) of the Business and Professions Code of the state. The noncommercial services must be requested in writing by the owner-user of the device(s). The sealer or the sealer's designated representative is authorized to charge and collect the prescribed fees.
Sec. 32-22. Miscellaneous fees: Requested services.

At the discretion of the sealer or the sealer's designated representative, specific services requested in writing may be performed utilizing standards and equipment owned by the county to assist agencies or businesses with safety tests, strain tests, etc., as may be required of them. The board of supervisors may adopt by resolution fees to recover the costs of such services and authorize the sealer or the sealer's designated representative to charge and collect the fees.

SECTION II.

Pursuant to provisions of Government Code Section 25124(b)(1), a Summary of this Ordinance shall be published once, at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors at which the Ordinance is to be finally considered for adoption (second reading), and a summary of this Ordinance, with the vote of the members of the Board of Supervisors thereon, shall also be published once before the expiration of FIFTEEN (15) DAYS after adoption of the Ordinance. Both publications shall be in the DAILY REPUBLIC, a newspaper of general circulation, printed and published in the County of Solano, State of California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

A certified copy of the full text of the proposed ordinance shall be posted in the office of the Clerk to the Board of Supervisors at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors, at which the Ordinance is to be finally considered for adoption (second reading). A certified copy of the final Ordinance shall be posted in the office of the Clerk to the Board of Supervisors, at least FIFTEEN (15) DAYS after adoption of the ordinance, and the posting shall include the vote of the Supervisors for or against the Ordinance.

ATTEST:

LEE SIMMONS, Chairwoman

Board of Supervisors

LINDA TERRA, Clerk to the
Board of Supervisors

I, LINDA TERRA, Clerk to the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held the 4th day of February, 1992.
On the motion of Supervisor Carroll and the Second of Supervisor Stewart, this Ordinance was adopted at a regular meeting of said Board on February 25, 1992, by the following vote:

AYES: SUPERVISORS Carroll, Stewart and Chairwoman Simmons

NOES: SUPERVISORS None

ABSTAINED: SUPERVISORS None

ABSENT: SUPERVISORS Caddle and Davis

WITNESS my hand and the Seal of said Board this 25th day of February, 1992.

LINDA TERRA, Clerk to the Board of Supervisors

By Linda Terra, Deputy