ORDINANCE NO. NS – 300.781

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA AMENDING DIVISION B30, CHAPTER 1, SECTION B30-1 OF THE COUNTY OF SANTA CLARA ORDINANCE CODE RELATING TO ANNUAL REGISTRATION FEES FOR WEIGHING AND MEASURING DEVICES THROUGHOUT SANTA CLARA COUNTY

Summary

This Ordinance amends Division B30, Chapter 1, Section B30-1 relating to annual registration fees for weighing and measuring devices throughout the County of Santa Clara. On January 1, 2006, a change in state law increased the maximum annual device registration fee schedule for businesses with commercial weighing and measuring devices. This ordinance revises the registration fees within the authorized amount to an amount not to exceed the County’s total cost of actually inspecting or testing devices as required by law and performing other statutory duties pursuant to Business and Professions Code Section 12211.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA ORDAINS AS FOLLOWS:

SECTION 1: Section B30-1 of Chapter 1, Division B30 of the Ordinance Code of the County of Santa Clara is amended to read as follows:

Section B30-1. Annual registration fees.

(a) Pursuant to the authority contained in Business and Professions Code Sections 12240 through 12246, there is hereby imposed an annual registration fee on all weighing and measuring devices in the County required to be inspected or tested by the Agricultural Commissioner/Sealer pursuant to Business and Professions Code Section 12210. The annual fees may also be used to cover the cost incurred by the Agricultural Commissioner/Sealer in carrying out the provisions of Business and Professions Code Section 12211.

(b) 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 both a business location fee and a device fee.

(c) Beginning July 1, 2007, the business location fee shall be eighty dollars ($80) per location.
(d) 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 shall be two dollars ($2) per device per space or apartment.

(e) Beginning July 1, 2007, for weighing devices, other than livestock scales, with capacities of 10,000 pounds or greater, the device fee shall be two hundred dollars ($200) per device; beginning July 1, 2007, 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 and twenty dollars ($120) per device.

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

(g) A scale or device used in a certified farmers' market, as defined by Health and Safety Code Section 113745, is not required to be registered in the county where the market is conducted, if the scale or device has an unexpired seal, issued by a licensed California county scaler.

(h) Beginning July 1, 2007, for livestock scales with capacities of 10,000 pounds or greater, the device fee shall be one hundred and twenty dollars ($120) per device; beginning July 1, 2007, for livestock scales with capacities of at least 2,000 pounds but less than 10,000 pounds, the device fee shall be eighty dollars ($80) per device.

(i) Beginning July 1, 2007, for liquefied petroleum gas (LPG) meters, stationary or truck mounted, the device fee shall be one hundred and forty dollars ($140) per device.

(j) Beginning July 1, 2007, for wholesale and vehicle meters, the device fee shall be twenty dollars ($20) per device.

(k) Beginning July 1, 2007, for all other commercial weighing or measuring devices not listed in subsections (d) to (j), inclusive, the device fee shall be sixteen dollars ($16) per device, not to exceed the sum of $1,000 for each business location.

(l) The number of devices is determined as of July 1, or at the commencement of business operations.

(m) For the purposes of this section, a single business location is defined as:

(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.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on APR 24 2007 by the following vote:

AYES: Supervisors ALVARADO, GAGE, KNISS, MCHUGH, YEAGER
NOES: Supervisors None
ABSENT: Supervisors None

Donald F. Gage, Chairperson
Board of Supervisors

ATTEST:

Phyllis A. Perez
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

Kathy Kretchmer
Deputy County Counsel