

CHAPTER 32
WEIGHING AND MEASURING DEVICES

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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 12210.5 of the Business and Professions Code of the state, Division 5, Chapter 2. . The authority for this article is Sections 12240 through 12246 of the Business and Professions Code of the state, Division 5, Chapter 2, Article 2.1. This article is adopted pursuant to Article 7 (commencing with Section 25120) of Chapter 1 of Part 2, Division 2, Title 2 of the Government Code of the state.

(Ord. No. 1200, §1.)

Sec. 32-11. Definitions

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

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

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

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

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

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

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

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. 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, 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.