

Ordinance No. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA AMENDING SECTIONS 5-5-1, 5-5-2, AND 5-5-13 OF THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE TO PROVIDE FOR REGISTRATION AND INSPECTION OF RETAIL MOTOR FUEL DEVICES AND PRICE SCANNERS AND TO INCREASE THE MAXIMUM ANNUAL FEES FOR REGISTRATION OF ALL COMMERCIAL WEIGHING AND MEASURING INSTRUMENTS.

The Board of Supervisors of the County of Orange ordains as follows:

SECTION 1: Sections 5-5-1, 5-5-2, and 5-5-13 of the Codified Ordinances of the County of Orange are hereby amended to read as follows:

Sec. 5-5-1. Authority and purpose.

This article is adopted pursuant to Division 5, Chapter 2, Article 2.1 (commencing with Section 12240) and Chapter 13.5 (commencing with Section 13350) of the Business and Professions Code, for the purpose of establishing a system for registering commercial weighing and measuring instruments and point of sale systems, and to recover the costs of inspection and testing pursuant to Sections 12210, 12210.5, 12211 and 12240.

Sec. 5-5-2 Definitions.

For the purpose of this article, unless the context otherwise requires:

- (a) *Commercial purposes* shall have the meaning assigned to it by Section 12500 of the California Business and Professions Code.
- (b) *A single business location* is defined as:
  - (1) Each business location that uses one or more categories or types of commercial devices as set forth in Section 12240 of the California Business and Professions Code, that require the use of specialized testing equipment and that necessitates not more than one inspection trip by a weights and measures official.
  - (2) Each vehicle, except for those vehicles that are employed in vehicle rental transactions, in which one or more commercial devices is installed and used.
  - (3) (A) For vehicles that are employed in vehicle rental transactions and that are not subject to Section 1936 of the Civil Code, each business location at which vehicles are stored or maintained by a vehicle rental company for the purposes of renting vehicles to customers.

(B) A facility that meets all of the following criteria shall not be considered a business location for the purposes of this paragraph:

- (i) The facility is not wholly, or in any part, owned, leased, or operated by the vehicle rental company.
- (ii) The facility is not operated or staffed by an employee of the vehicle rental company.
- (iii) The facility stores or maintains, on a temporary basis, vehicles at the location for customer convenience.

(C) If a person files a complaint with the county sealer regarding the accuracy of an odometer in a vehicle found or located at a facility described in subparagraph (B), the county sealer may charge a fee to the operator of the vehicle rental company sufficient to recover, but not to exceed, the reasonable cost of testing the device in investigation of the complaint.

- (c) *Person* shall have the meaning as defined by section 12011 of the California Business and Professions Code.
- (d) *Sealer* shall have the meaning as defined by section 12008 of the California Business and Professions Code.
- (e) *Weighing and measuring instruments* shall mean those weighing instruments and measuring instruments defined by Section 12500 of the Business and Professions Code, excepting, however, farm milk tanks.
- (f) *Apartment complex* shall mean apartment buildings that use the same street address and use the same master meter for utilities.
- (g) *Marina* shall mean marinas that use the same street address and the same master meter utilities.
- (h) *Mobile Home Park* shall mean mobile home park units or recreational vehicle park units that use the same street address and the same master meter utilities.
- (i) *Retail Motor Fuel Device* shall mean each different product or grade of fuel that is offered for sale to the consumer from a fuel dispenser. Each different product or grade of fuel shall be treated as a separate retail motor fuel device, even if many different products or grades of fuel are dispensed from a single common fuel dispenser.
- (j) *Point-of-Sale System* shall mean any computer or electronic system, used by a retail establishment such as, but not limited to, Universal Product Code (UPC) scanners, price-look-up codes, or an electronic price look-up system, as means

for determining the price of an item being purchased by a consumer as defined in Business and Professions Code Section 13352.

Sec. 5-5-13. Maximum annual charges.

- (a) Table of annual registration fees authorized by Section 12240 of the California Business and Professions Code for commercial devices. On and after July 1, 2023, the fees shall be the lower of either the State authorized maximum or the County’s full recovery cost, based on OC Public Works determination of actual costs.

<b>WEIGHTS &amp; MEASURES FEES SCHEDULE</b>			
<b>Device Annual Registration Fees</b>	<b>7/1/2020</b>	<b>7/1/2021</b>	<b>7/1/2022</b>
Per Device Location	\$100.00	\$100.00	\$100.00
Per Mobile Home Park/Apartment/Recreational Vehicle Park/Marina Location	\$100.00	\$100.00	\$100.00
Per General Device	\$20.00	\$20.00	\$20.00
Per Motor Truck Scale	\$250.00	\$250.00	\$250.00
Per Water Submeter	\$2.00	\$2.00	\$2.00
Per Electric Submeter	\$3.00	\$3.00	\$3.00
Per Vapor Submeter	\$4.00	\$4.00	\$4.00
Per Compressed Natural Gas Meter	\$125.00	\$185.00	\$185.00
Per Jewelry/Prescription Scale	\$80.00	\$80.00	\$80.00
Per Computing/Counter Scale (<100 lb.)	\$23.00	\$23.00	\$23.00
Per Scale with capacity (100 – 2,000 lb.)	\$50.00	\$50.00	\$50.00
Per Scale with capacity (2,000 – 10,000 lb.)	\$150.00	\$150.00	\$150.00
Per Scale with capacity (10,000 + lb.)	\$250.00	\$250.00	\$250.00
Per Livestock Scale (2,000 – 10,000 lb. Capacity)	\$100.00	\$100.00	\$100.00
Per Livestock Scale (10,000 + lb. Capacity)	\$150.00	\$150.00	\$150.00

Per Stationary & Truck Mounted LPG meter	\$185.00	\$185.00	\$185.00
Per Wholesale & Vehicle Meter	\$75.00	\$75.00	\$75.00
Per Odometer or Ambulance (location and device fee combined)	\$160.00	\$160.00	\$160.00
Per Taxi Meter (location and device fee combined)	\$120.00	\$120.00	\$120.00
Point of Sales System with 1-3 Price Scanners	\$89.00	\$91.00	\$94.00
Point of Sales System with 4-9 Price Scanners	\$179.00	\$184.00	\$190.00
Point of Sales System with 10+ Price Scanners	\$288.00	\$295.00	\$306.00

- (a) Table of fees for inspecting and testing of device at request of the owner or user authorized by Section 12210 and 12210.5 of the California Business and Professions Code for noncommercial and commercial devices. On and after July 1, 2023, the fees shall be the lower of either the State authorized maximum or the County's full recovery cost, based on OC Public Works determination of actual costs.

<b>Noncommercial devices and request for inspection less than 10 months of the previous inspection, except for taxi meters, minimum 1 hour, effective 7/1/2020</b>				
	<b>Current Fee</b>	<b>8/1/2020</b>	<b>7/1/2021</b>	<b>7/1/2022</b>
Small Capacity Scales, capacity less than 100 lbs.	\$125.00/hour + \$1.10/mile	\$155.00/hour + \$1.11/mile	\$158.00/hour + \$1.11/mile	\$163.00/hour + \$1.11/mile
Large capacity scales, 100 to 3,000 lbs. capacity	\$250.00/hour (Inspector and vehicle hourly cost combined)	\$294.00/hour (Inspector and vehicle hourly cost combined)	\$300.00/hour (Inspector and vehicle hourly cost combined)	\$309.00/hour (Inspector and vehicle hourly cost combined)
Large capacity scales, over 3,000 lbs. capacity	\$250.00/hour (Inspector and vehicle hourly cost combined)	\$294.00/hour (Inspector and vehicle hourly cost combined)	\$300.00/hour (Inspector and vehicle hourly cost combined)	\$309.00/hour (Inspector and vehicle hourly cost combined)
Retail Gasoline Dispensers	\$125.00/hour + \$1.10/mile	\$155.00/hour + \$1.11/mile	\$158.00/hour + \$1.11/mile	\$163.00/hour + \$1.11/mile
Wholesale Petroleum Meters	\$125.00/hour + \$1.10/mile	\$155.00/hour + \$1.11/mile	\$158.00/hour + \$1.11/mile	\$163.00/hour + \$1.11/mile
Liquefied Petroleum Gas Meters	\$125.00/hour + \$1.10/mile	\$155.00/hour + \$1.11/mile	\$158.00/hour + \$1.11/mile	\$163.00/hour + \$1.11/mile
All Other Commercial Devices	\$125.00/hour + \$1.10/mile	\$155.00/hour + \$1.11/mile	\$158.00/hour + \$1.11/mile	\$163.00/hour + \$1.11/mile
Weight and Volume Certification	\$125.00/hour	\$155.00/hour	\$158.00/hour	\$163.00/hour

- (b) Pursuant to Business and Professions Code Section 12240, the annual registration fee shall consist of 1) the applicable location fee, and 2) all applicable general device fees, gas/electric/water meter fees, livestock scale fees, weighing devices, stationary and truck mounted LPG meter fees, compressed natural gas meter, wholesale and vehicle meter fees, and price scanner fees.