

ORDINANCE NO. _____

**AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA, AMENDING NAPA COUNTY CODE SECTIONS
5.52.040 AND 5.52.080 REGARDING ANNUAL REGISTRATION FEES FOR
BUSINESSES USING COMMERCIAL WEIGHING OR MEASURING
DEVICES AND/OR POINT-OF-SALE SYSTEMS AND INITIAL STANDARD
INSPECTIONS OF THESE SYSTEMS**

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

SECTION 1. Section 5.52.040 (Annual registration fee) of Chapter 5.52 (Weighing and Measuring Device Registration) of the Napa County Code is amended to read in full as follows:

5.52.040 Annual registration fee.

A. Annual Registration Fees. The annual registration fees due hereunder are adopted pursuant to and under the authority of Business and Professions Code Sections 12240 and 13350. Annual fee amounts established ~~on January 1, 2008,~~ pursuant to Business and Professions Code Section 12240 shall remain in effect until superseded by a change in Business and Professions Code Section 12240. Fee amounts established pursuant to Business and Professions Code Section 13350 shall remain in effect until superseded by a change in Business and Professions Code Section 13350. Annual registration fees are set by business location and the number of commercial devices and/or point-of-sale registers at each business location under common ownership or management, as follows:

Table A (Business Location Fees)

	Fee Authority	Fee Effective- 1/1/2008 Amount
Business location fee	Business and Professions Code (“B&P”) Section 12240(f) and (o)	\$100.00 per business location

Table B (Device Fees)

Device	Fee Authority	Fee <u>Amount Effective</u> <u>1/1/2008</u>
Electric, vapor (gas) and water utility submeters	B&P Section 12240(g)(1)(A)	\$ 2.00
<u>Electric utility submeters</u>	<u>B&P Section 12240(g)(1)(B)</u>	<u>3.00</u>
<u>Vapor utility submeters</u>	<u>B&P Section 12240(g)(1)(C)</u>	<u>4.00</u>
Wholesale and vehicle mounted and wholesale fuel meters	B&P Section 12240(m)	25.00 <u>75.00</u>
Liquefied petroleum gas meters, truck mounted or stationary	B&P Section 12240(l)(1)	18 <u>75.00</u>
Livestock scales, $\geq 2,000$ lbs. and $< 10,000$ lbs.	B&P Section 12240(k)	100.00
Livestock scales, $\geq 10,000$ lb	B&P Section 12240(k)	150.00
<u>Weighing devices, ≥ 100 lbs. and < 2000 lbs.</u>	<u>B&P Section 12240(p)</u>	<u>50.00</u>
Weighing devices, other than livestock scales, $\geq 2,000$ lb and $< 10,000$ lb	B&P Section 12240(h)	150.00
Weighing devices, other than livestock scales, $\geq 10,000$ lb	B&P Section 12240(h)	250.00
<u>Computing scales</u>	<u>B&P Section 12240(n)</u>	<u>23.00</u>
<u>Jewelry and prescription scales</u>	<u>B&P Section 12240(o)</u>	<u>80.00</u>
All other commercial weighing or measuring devices	B&P Section 12240(n)	20.00

Table C (Point-of-Sale Systems)

Device	Fee Authority	Fee <u>Amount</u>
Point-of-sale systems with 1—3 point-of-sale registers	B&P Section 13350(d)	153.00 <u>180.00</u>
Point-of-sale systems with 4—9 point-of-sale registers	B&P Section 13350(d)	197.00 <u>269.00</u>
Point-of-sale systems with 10 or more point-of-sale registers	B&P Section 13350(d)	240.00 <u>329.00</u>

B. Point-of-Sale Systems Fees. The point-of-sale system device fees are based on the number of point-of-sale registers at a single business location as set forth in Table C.

C. Exemptions: 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 farmer’s market.

SECTION 2. Section 5.52.080 (Point of sale system price accuracy verification methodologies) of Chapter 5.52 (Weighing and Measuring Device Registration) of the Napa County Code is amended to read in full as follows:

5.52.080 Point of sale system price accuracy verification methodologies.

A. The initial standard inspection of a POS system shall be based on the following criteria:

1. The initial standard inspection shall be performed by collecting a random sample of items that shall include a maximum of fifty percent sale items from either:

- a. One department of a retail store.
- b. Multiple areas of a retail store.
- c. The entire store.

2. The initial standard inspection shall be performed by testing a minimum random sample of ~~twenty-five~~ten items for a retail establishment with three or fewer POS checkout registers.

3. The initial standard inspection shall be performed by testing a minimum random sample of twenty-five items for a retail establishment with four to nine POS checkout registers.

4. The initial standard inspection shall be performed by testing a minimum random sample of ~~twenty-five~~fifty items for ~~all other~~ retail establishments with ten or more POS checkout registers.

54. The sealer shall verify that the lowest advertised, posted, marked, displayed, or quoted price is the same as the price displayed or computed by the

point-of-sale equipment or printed receipt. Only items computed at a higher price than the lowest advertised, posted, marked, displayed, or quoted price shall be considered not in compliance.

65. The compliance rate percentage of a retail establishment shall be determined by dividing the number of items in compliance by the sample size multiplied by one hundred.

B. The sealer may re-inspect any retail facility that has a compliance rate of less than ninety-eight percent.

SECTION 3. Pursuant to CEQA Guidelines Section 15273, CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of fees which the agency finds are for the purpose of recovering or partially recovering operating expenses. Because the fees affected by this ordinance are designed solely to cover the cost of services being provided by the County as documented in the study conducted by 101 Consulting, CEQA does not apply.

SECTION 4. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Napa County Board of Supervisors hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 5. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 6. A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

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The foregoing ordinance was introduced and read at a regular meeting of the Napa County Board of Supervisors, State of California, held on the ____ day of _____, 2019, and passed at a regular meeting of the Napa County Board of Supervisors, State of California, held on the ____ day of _____, 2019, by the following vote:

AYES: SUPERVISORS _____

 NOES: SUPERVISORS _____

 ABSTAIN: SUPERVISORS _____

 ABSENT: SUPERVISORS _____

NAPA COUNTY, a political subdivision of the State of California

 RYAN GREGORY, Chair of the Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Thomas S. Capriola</u> Deputy County Counsel</p> <p>By: <u>Erin L. Cossen</u> County Code Services</p> <p>Date: <u>May 9, 2019</u></p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____ Processed By: _____ Deputy Clerk of the Board</p>	<p>ATTEST: JOSE LUIS VALDEZ Clerk of the Board of Supervisors</p> <p>By: _____</p>
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I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON _____.

_____, DEPUTY
 JOSE LUIS VALDEZ, CLERK OF THE BOARD