

**ORDINANCE NO. 10156 (N.S.)**

**AN ORDINANCE AMENDING SECTIONS  
THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES  
RELATING TO REGISTRATION OF COMMERCIAL WEIGHING  
AND MEASURING INSTRUMENTS**

The Board of Supervisors of the County of San Diego ordains as follows:

**Section 1.** The Board of Supervisors finds and determines that there are a significant number of persons using weighing and measuring instruments for commercial purposes. The Board further finds that the testing and inspection program for the instruments protects the consumers in the County of San Diego. The Board further finds that currently all annual registrations of commercial measuring instruments expire on December 31<sup>st</sup> which causes a tremendous increase in workload on the existing staff of the Department of Agriculture, Weights and Measures (AWM), requiring the need to hire temporary staff. The Board further finds that staggering the annual instrument registration process over each year would allow AWM to provide consistent high-level customer service, as well as to distribute the workload throughout the year, eliminating the need to hire temporary staff. The Board further finds that it is necessary to clarify other ordinance provisions to specify that it is the responsibility of the business owner/operator to apply for an instrument registration, and to make other clarifications that the ordinance provisions govern the registration, not the use, of the instruments.

**Section 2.** Section 21.1701 of the San Diego County Code is hereby amended to read as follows:

**SEC. 21.1701. PURPOSE AND AUTHORITY.**

Business and Professions Code sections 12210 et seq. provide that the sealer of each county shall inspect and test all weighing and measuring instruments used for commercial purposes within its jurisdiction. Business and Professions Code section 12501.1 requires any weighing or measuring instrument to be tested and sealed before being used for commercial purposes. Business and Professions Code sections 12240 et seq. provide that a sealer may recover the cost of inspecting or testing these weighing and measuring instruments by charging an annual registration fee for each business location at which an instrument used for commercial purposes is located and for each instrument used for commercial purposes at the business location. This chapter establishes a system whereby the County Sealer of Weights and Measures annually registers a business location that

uses weighing or measuring instruments for commercial purposes and all instruments used for commercial purposes at the business location. This chapter also provides a system for the Sealer to recover its costs to inspect and test the instruments and makes it unlawful to fail to register an instrument used for commercial purposes.

**Section 3.** Section 21.1703 of the San Diego County Code is hereby amended to read as follows:

**SEC. 21.1703. REGISTRATION CERTIFICATE REQUIRED.**

Any person that owns or operates a business location which contains one or more instruments to be used for commercial purposes shall obtain a current registration certificate from the Sealer that covers the business location and all instruments used for commercial purposes at the business location. It shall be unlawful for any person to fail to obtain a current registration certificate from the Sealer before an instrument is used for commercial purposes. The certificate shall be in addition to any other certificate, license or permit which may be required by the County or any other public entity.

**Section 4.** Section 21.1704 of the San Diego County Code is hereby amended to read as follows:

**SEC. 21.1704. APPLICATION FOR REGISTRATION CERTIFICATE.**

An application for an initial or renewal registration certificate shall be submitted to the Sealer on a form prescribed by the Sealer. The Sealer shall issue the registration certificate upon receipt of a completed application and payment of the fee prescribed by this chapter or upon receipt of just the fee when no application is required.

**Section 5.** Section 21.1705 of the San Diego County Code is hereby amended to read as follows:

**SEC. 21.1705. TERM OF REGISTRATION CERTIFICATE.**

A registration certificate shall expire in accordance with the following provisions:

- (a) Registration certificates that expire on December 31, 2011, and that are reissued on January 1, 2012, shall be valid for a pro-rated period of one to 12 months as indicated on the certificate. The period of registration shall begin on January 1, 2012, and end on the last day of the final month of the pro-rated registration period or on December 31, 2012, if the registration is for 12 months.

- (b) A registration certificate issued after January 1, 2012 shall be valid for one year. The one year registration period shall begin on the first day of the month the registration certificate is issued and end on the last day of the month 12 months later. For example, a registration certificate issued on April 17, 2012 would be valid through March 31, 2013. The registration certificate shall indicate the expiration date.
- (c) A registration certificate shall be renewed annually if the instrument(s) for which the certificate was issued will continue to be used for commercial purposes.
- (d) The business owner/operator is responsible for renewing the registration certificate on an annual basis.

**Section 6.** Section 21.1713 of the San Diego County Code is hereby amended to read as follows:

**SEC. 21.1713. LABELING AN INSTRUMENT NOT REGISTERED WITH THE COUNTY SEALER**

(a) If the Sealer finds that a business location has an instrument used for commercial purposes that does not have a current registration certificate, the Sealer may label the instrument "Not Registered With The County Sealer For Commercial Use" until the instrument is registered and sealed by the Sealer.

(b) It shall be unlawful for any person other than the Sealer to remove, conceal, alter or tamper with a label placed by the Sealer on any instrument.

**Section 7.** This ordinance shall take effect and be in force and effect 30 days after its passage, and before the expiration of 15 days after its passage, a summary hereof shall be published once with the names of the members of the Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 29<sup>th</sup> day of June, 2011.