

1 [Administrative Codes - Weights and Measures Fees]

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3 **Ordinance amending the Administrative Code to increase certain utility meter fees and**  
4 **authorize the Controller to annually adjust device fees for weights and measures and**  
5 **utility meters up to the maximum allowable under state law.**

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7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
10 **Board amendment additions** are in double-underlined Arial font.  
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
12 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
13 subsections or parts of tables.

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Be it ordained by the People of the City and County of San Francisco:

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14 Section 1. Chapter 1 of the Administrative Code is hereby amended by revising  
15 Section 1.13-5, to read as follows:

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17 **SEC. 1.13-5. WEIGHTS AND MEASURES – REGISTRATION AND FEES.**

18 (a) **Registration and Fee Requirement.** All weighing and measuring devices used  
19 for commercial purposes, as defined in California Business and Professions Code Section  
20 12500, subdivision (e), shall be registered annually with the County Sealer of Weights and  
21 Measures (“County Sealer”). A registration may not be transferred between persons or  
22 locations. The fee charged by the County Sealer for such registration shall be used to offset  
23 the costs of inspecting and testing of said devices pursuant to California Business and  
24 Professions Code Section 12240 and to recover the cost of carrying out California Business  
25 and Professions Code Section 12211. The initial fee shall be due and payable immediately

1 upon the commencement of the commercial use of the device. Thereafter, the fee shall be  
2 due and payable annually on or before March 31, pursuant to Section 76.1 of Article 2 of the  
3 Business and Tax Regulations Code for the upcoming registration term commencing April 1.

4 (b) **Calculation of Fee.** The amount of the fee shall be set to recover the total costs  
5 of in–spection and testing incurred by the County Sealer for each annual registration, but shall  
6 not exceed the maximum annual charges authorized under California Business and  
7 Professions Code Section 12240. Each registration fee shall include a business location fee  
8 component; a device fee component; and a State of California adminis–trative charge. The  
9 registration fee shall be according to the following schedule:

10 (1) Beginning January 1, 2013, and through and including annual registration  
11 years beginning on or before March 31, 2026, the registration fee shall be \$100 per business  
12 location, plus a device fee listed in subsections (1)(A) through (1)(K) below.

13 (A) For large capacity weighing devices, other than livestock, with capacities of  
14 10,000 pounds or greater, the device fee shall not exceed \$250 per device.

15 (B) For smaller capacity weighing devices, other than livestock scales, with  
16 capacities of at least 2,000 pounds but less than 10,000 pounds, the device fee shall not  
17 exceed \$150 per device.

18 (C) For livestock scales with capacities of 10,000 pounds or greater, the device  
19 fee shall not exceed \$150 per device.

20 (D) For livestock scales with capacities of at least 2,000 pounds but less than  
21 10,000 pounds, the device fee shall not exceed \$100 per device.

22 (E) For liquefied petroleum gas meters, truck mounted or stationary, the device  
23 fee shall not exceed \$185 per device.

24 (F) For wholesale and vehicle meters, the device fee shall not exceed \$75 per  
25 device.

1 (G) For computing scales, the device fee shall not exceed \$23 per device. For  
2 purposes of this subsection (G), a computing scale shall be a weighing device with a capacity  
3 of less than 100 pounds that indicates the money value of any commodity weighed, at  
4 predetermined unit prices, throughout all or part of the weighing range of the scale. For the  
5 purposes of this subsection, the portion of the annual registration fee consisting of the  
6 business location fee and the device fees authorized by this subsection shall not exceed the  
7 sum of \$1,000 for each business location.

8 (H) For jewelry and prescription scales, the device fee shall not exceed \$80 per  
9 device. For purposes of this subsection (H), a jewelry or prescription scale is a scale that  
10 meets the specifications, tolerances, and sensitivity established pursuant to California  
11 Business and Professions Code Section 12107.

12 (I) For weighing devices, other than computing, jewelry, and prescription scales,  
13 as defined in subsections (G) and (H), with capacities of at least 100 pounds, but less than  
14 2,000 pounds, the device fee shall not exceed \$50 per device.

15 (J) For vehicle odometers utilized to charge mileage usage fees in vehicle rental  
16 transactions or in computing other charges for service, including, but not limited to,  
17 ambulance, towing, or limousine services, the device fee shall not exceed \$60 per device.

18 (i) This subsection (J) does not apply to odometers in rental passenger  
19 vehicles, as defined by California Vehicle Code Section 465, that are subject to California Civil  
20 Code Sections 1939.01 et seq. If a person files a complaint with the County Sealer regarding  
21 the accuracy of a rental passenger vehicle odometer, the County Sealer may charge a fee to  
22 the operator of the vehicle rental business sufficient to recover, but not to exceed, the  
23 reasonable cost of testing the device in investigation of the complaint.

24 (ii) For vehicle odometers utilized to charge mileage usage fees in vehicle  
25 rental transactions involving nonpassenger vehicles that are not subject to California Civil

1 Code Sections 1939.01 et seq., the portion of the annual registration fee consisting of the  
2 business location fee and the device fee authorized under this subsection (J) shall not exceed  
3 \$340 for each business location.

4 (K) For all other commercial weighing or measuring devices not listed above in  
5 this subsection (b)(1), the device fee shall not exceed \$20 per device. For purposes of this  
6 subsection (K), the total annual registration fee shall not exceed the sum of \$1,000 for each  
7 business location.

8 (2) For annual registration years beginning on or after April 1, 2026, the  
9 registration fee shall be \$0 per business location, plus a device fee listed in subsections (2)(A)  
10 through (2)(K) below, as may be adjusted annually in accordance with subsection (i) of this Section  
11 1.13-5.

12 (A) For large capacity weighing devices, other than livestock, with capacities of  
13 10,000 pounds or greater, the device fee shall not exceed \$250 per device.

14 (B) For smaller capacity weighing devices, other than livestock scales, with  
15 capacities of at least 2,000 pounds but less than 10,000 pounds, the device fee shall not  
16 exceed \$150 per device.

17 (C) For livestock scales with capacities of 10,000 pounds or greater, the device  
18 fee shall not exceed \$150 per device.

19 (D) For livestock scales with capacities of at least 2,000 pounds but less than  
20 10,000 pounds, the device fee shall not exceed \$100 per device.

21 (E) For liquefied petroleum gas meters, truck mounted or stationary, the device  
22 fee shall not exceed \$185 per device.

23 (F) For wholesale and vehicle meters, the device fee shall not exceed \$75 per  
24 device.

25 (G) For computing scales, the device fee shall be \$0 per device. For purposes of

1 this subsection (G), a computing scale shall be a weighing device with a capacity of less than  
2 100 pounds that indicates the money value of any commodity weighed, at predetermined unit  
3 prices, throughout all or part of the weighing range of the scale.

4 (H) For jewelry and prescription scales, the device fee shall not exceed \$80 per  
5 device. For purposes of this subsection (H), a jewelry or prescription scale is a scale that  
6 meets the specifications, tolerances, and sensitivity established pursuant to California  
7 Business and Professions Code Section 12107.

8 (I) For weighing devices, other than computing, jewelry, and prescription scales,  
9 as defined in subsections (2)(G) and (2)(H), with capacities of at least 100 pounds, but less  
10 than 2,000 pounds, the device fee shall be \$0 per device.

11 (J) For vehicle odometers utilized to charge mileage usage fees in vehicle rental  
12 transactions or in computing other charges for service, including, but not limited to,  
13 ambulance, towing, or limousine services, the device fee shall not exceed \$60 per device.

14 (i) This subsection (J) does not apply to odometers in rental passenger  
15 vehicles, as defined by California Vehicle Code Section 465, that are subject to California Civil  
16 Code Sections 1939.01 et seq. If a person files a complaint with the County Sealer regarding  
17 the accuracy of a rental passenger vehicle odometer, the County Sealer may charge a fee to  
18 the operator of the vehicle rental business sufficient to recover, but not to exceed, the  
19 reasonable cost of testing the device in investigation of the complaint.

20 (ii) For vehicle odometers utilized to charge mileage usage fees in vehicle  
21 rental transactions involving nonpassenger vehicles that are not subject to California Civil  
22 Code Sections 1939.01 et seq., the portion of the annual registration fee consisting of the  
23 business location fee and the device fee authorized under this subsection (J) shall not exceed  
24 \$340 for each business location.

25 (K) For all other commercial weighing or measuring devices not listed above in

1 this subsection (b)(2), the device fee shall be \$0 per device.

2 (c) **Business Locations.** For purposes of this Section 1.13-5, a single business  
3 location is defined as:

4 (1) ~~e~~Each vehicle, except for those vehicles that are employed in vehicle rental  
5 transactions containing one or more commercial devices; or,

6 (2) (A) ~~f~~For vehicles that are employed in vehicle rental transactions that are not  
7 subject to California Civil Code Sections 1939.01 et seq., each business location at which  
8 vehicles are stored or maintained by a vehicle rental company for the purposes of renting  
9 vehicles to customers.

10 (B) A facility that meets all of the following criteria shall not be considered a  
11 business location for the purposes of this subsection (c)(2):

12 (i) The facility is not wholly, or in any part, owned, leased, or operated by the  
13 vehicle rental company.

14 (ii) The facility is not operated or staffed by an employee of the vehicle rental  
15 com-pany.

16 (iii) The facility stores or main-tains, on a temporary basis, vehicles at the  
17 loca- tion for customer convenience.

18 If a person files a complaint with the County Sealer regarding the accuracy of  
19 an odometer in a vehicle found or located at a facility described in this subsection (c)(2)(B),  
20 the County Sealer may charge a fee to the operator of the vehicle rental company sufficient to  
21 recover, but not to exceed the reasonable cost of testing the device in investigation of the  
22 complaint; or,

23 (3) ~~e~~Each business location that uses different categories or types of commercial  
24 devices that require the use of specialized testing equipment and that necessitates not more  
25 than one inspection trip by a Weights and Measures official.

1 (d) **Utility Meters.** For marinas, mobile home parks, recreational vehicle parks, and  
2 apartment complexes, where the owner of the marina, park, or complex owns and is  
3 responsible for the utility meters, the device fee shall not exceed the following, as may be  
4 adjusted annually in accordance with subsection (i) of this Section 1.13-5:

5 (1) For water submeters, \$~~26~~ per device per space or apartment.

6 (2) For electric submeters, \$3 per device per space or apartment.

7 (3) For vapor submeters, \$~~410~~ per device per space or apartment.

8 Marinas, mobile home parks, recreational vehicle parks, and apartment complexes,  
9 for which the above fees are assessed, shall be inspected and tested as frequently as  
10 required by California Code of Regulations, title 4, Section 4070.

11 (e) **State of California Fees.** In addition to the fees set forth above, the California  
12 Code of Regulations, title 4, Section 4075, requires each County Sealer to collect the fees  
13 therein, as amended from time to time, on behalf of the California Department of Food and  
14 Agriculture (“CDFA”) for recovery of CDFA’s administrative costs, and to remit these funds to  
15 CDFA.

16 (f) **Rules and Regulations.** The County Sealer shall promulgate such rules and  
17 regulations as are reasonable and necessary to implement this Section 1.13-5.

18 (g) **Penalties.** Fees in subsection (a) for registrations effective on or after April 1,  
19 2022, shall be subject to the penalties under Section 76.1 of Article 2 of the Business and Tax  
20 Regulations Code.

21 (h) **Waiver of Fees for Businesses with Taximeter Devices.** The business  
22 location fee and device fee components of the annual registration fees billed by the Tax  
23 Collector on or after January 1, 2019 shall be waived for each business with a taximeter  
24 device.

25 (i) **Annual Adjustment of Device Fees.** Beginning on April 1, 2027, and every year

1 thereafter, the device fees listed in subsections (b)(2)(A)-(F), (b)(2)(H), (b)(2)(J), and (d)(1)-(3) of this  
2 Section 1.13-5 may be revised without further action of the Board of Supervisors to equal the maximum  
3 device fee allowable under Business and Professions Code Section 12240, as may be amended from  
4 time to time. No later than May 15th of each year, the Controller shall submit a report to the Board of  
5 Supervisors reporting the new fee schedule and certifying that: (1) the fees produce sufficient revenue  
6 to support the costs of providing the services for which each fee is assessed, and (2) the fees do not  
7 produce revenue that exceeds the costs of providing the services for which each fee is assessed.

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9 Section 2. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
10 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
11 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
12 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
13 additions, and Board amendment deletions in accordance with the “Note” that appears under  
14 the official title of the ordinance.

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16 Section 3. Effective Date. This ordinance shall become effective on the 31st day after  
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
19 of Supervisors overrides the Mayor’s veto of the ordinance.

20  
21 APPROVED AS TO FORM:  
22 DAVID CHIU, City Attorney

23 By: /s/ Bradley A. Russi  
24 BRADLEY A. RUSSI  
25 Deputy City Attorney

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