

BOARD of SUPERVISORS



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MEMORANDUM

TO: Planning Department
Environmental Review Officer

FROM: Angela Calvillo, Clerk of the Board *by my*

DATE: February 20, 2013

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Budget and Finance Committee

The Board of Supervisors Budget and Finance Committee has received the following, which is being referred to the Planning Department for determination as to whether the proposed legislation will impact the environment.

Please provide your findings within 10 days from the date of referral.

File: 130132

Administrative Code - Weights and Measures Fees

Please return this cover sheet with the Commission's response to **Victor Young, Clerk, Budget and Finance Committee.**

C: Nannie Turrell, Major Environmental Analysis
Monica Pereira, Environmental Analysis
Joy Navarrete, Environmental Analysis

RESPONSE FROM PLANNING DEPARTMENT - Date: February 21, 2013

No Comment
 Recommendation Attached

Nannie R. Sorell for
Bill Wycko, Environmental Review Officer

*Statutory Exemption CEQA
guide lines, Article 18,
Section 15273, Rates, tolls,
Fares and Charges.*

1 [Administrative Code - Weights and Measures Fees]

2
3 **Ordinance amending the Administrative Code, Section 1.13-5, to revise registration**
4 **fees for inspecting and testing weighing and measuring devices as provided by State**
5 **law; and making environmental findings.**

6 NOTE: Additions are single-underline italics Times New Roman;
7 deletions are ~~strike-through italics Times New Roman~~.
8 Board amendment additions are double-underlined;
9 Board amendment deletions are ~~strikethrough-normal~~.

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

11 Section 1. The Planning Department has determined that the actions contemplated in
12 this ordinance comply with the California Environmental Quality Act (California Public
13 Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the
14 Board of Supervisors in File No. ___ and is incorporated herein by reference.

15 Section 2. The San Francisco Administrative Code is hereby amended by Section
16 1.13-5, to read as follows:

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

18 (a) **Registration Fees.** All weighing and measuring devices used for commercial
19 purposes, as defined in subdivision (e) of Section 12500 of the Business and Professions
20 Code, shall be registered annually with the County Sealer of Weights and Measures. The fee
21 charged by the County Sealer for such registration shall be used to offset the costs of
22 inspecting and testing of said devices pursuant to Section 12240 of the Business and
23 Professions Code and to recover the cost of carrying out Business and Professions Code
24 Section 12211.

1 (b) **Calculation of Fees.** The amount of the fees shall be set to recover the total
2 costs of inspection and testing incurred by the County Sealer for each annual registration, but
3 shall not exceed the maximum annual charges authorized under California Business and
4 Professions Code Section 12240. Each registration fee shall include *both* a business location
5 component; *and* a device fee component; and a State of California administrative charge. The
6 registration fees shall be according to the following schedule:

7 Beginning January 1, 2008~~13~~, and thereafter, the registration fee shall be one hundred
8 dollars (\$100) per business location, plus a device fee listed in subsection (c) below.

9 (c) **Device Fees.**

10 (1) For large capacity weighing devices, other than livestock, with capacities of
11 10,000 pounds or greater, the device fee shall not exceed two hundred fifty dollars (\$250) per
12 device;

13 (2) For smaller capacity weighing devices, other than livestock scales, with
14 capacities of a least 2,000 pounds but less than 10,000 pounds, the device fee shall not
15 exceed one hundred fifty dollars (\$150) per device;

16 (3) For livestock scales with capacities of 10,000 pounds or greater, the device
17 fee shall not exceed one hundred fifty dollars (\$150) per device;

18 (4) For livestock scales with capacities of at least 2,000 pounds but less than
19 10,000 pounds, the device fee shall not exceed one hundred dollars (\$100) per device;

20 (5) For liquefied petroleum gas meters, truck mounted or stationary, the device
21 fee shall not exceed one hundred ~~seventy~~eighty-five dollars (~~\$175~~185) per device.

22 (6) For wholesale and vehicle meters, the device fee shall not exceed
23 ~~twenty~~seventy-five dollars (~~\$25~~75) per device;

24 (7) For computing scales, the device fee shall not exceed twenty (\$20) per device. For
25 purposes of this subsection, a computing scale shall be a weighing device with a capacity of less than

1 100 pounds that indicates the money value of any commodity weighed, at predetermined unit prices,
2 throughout all or part of the weighing range of the scale. For the purposes of this subsection, the
3 portion of the annual registration fee consisting of the business location fee and the device fees
4 authorized by this subsection shall not exceed the sum of one thousand dollars (\$1000) for each
5 business location.

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

10 (9) For weighing devices, other than [computing,] jewelry and prescription scales as
11 defined in subsection (7), with capacities of at least 100 pounds, but less than 2,000 pounds, the device
12 fee shall not exceed fifty dollars (\$50) per device.

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

16 (A) This subsection does not apply to odometers in rental passenger vehicles,
17 as defined by California Vehicle Code Section 465, that are subject to California Civil Code Section
18 1936. If a person files a complaint with the County Sealer of Weights and Measures, regarding the
19 accuracy of rental passenger vehicle odometer, the County Sealer may charge a fee to the operator of
20 the vehicle rental business sufficient to recover, but not to exceed, the reasonable cost of testing the
21 device in investigation of the complaint.

22 (B) For vehicle odometers utilized to charge mileage usage fees in vehicle
23 rental transactions involving nonpassenger vehicles that are not subject to California Civil Code
24 Section 1936, the portion of the annual registration fee consisting of the business location fee and the
25

1 device authorized under subsection (10) shall not exceed three hundred forty dollars (\$340) for each
2 business location.

3 (711) For all other commercial weighing or measuring devices not listed above,
4 the device fee shall not exceed twenty dollars (\$20) per device. For purposes of this
5 subsection (c)(712), the total annual registration fee shall not exceed the sum of one thousand
6 dollars (\$1,000) for each business location.

7 (d) **Business Locations.** For purposes of this Section, a single business location is
8 defined as:

9 (1) Each vehicle, except for those vehicles that are employed in vehicle rental transactions
10 containing one or more commercial devices; or,

11 (2) (A) for vehicles that are employed in vehicle rental transactions that are not subject to
12 Cal Civil Code Section 1936, each business location at which vehicles are stored or maintained by a
13 vehicle rental company for the purposes of renting vehicles to customers.

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

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

18 (ii) The facility not operated or staffed by an employee of the vehicle rental
19 company.

20 (iii) The facility stores or maintains, on a temporary basis, vehicles at the
21 location for customer convenience.

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

1 (B3) each business location that uses different categories or types of commercial
2 devices that require the use of specialized testing equipment and that necessitates not more
3 than one inspection trip by a weights and measures official.

4 (e) **Utility Meters.** For marinas, mobilehome parks, recreational vehicle parks, and
5 apartment complexes, where the owner of the marina, park, or complex owns and is
6 responsible for the utility meters, the device fee shall not exceed the following:

7 (1) For water submeters, two dollars (\$2) per device per space or apartment.

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

9 (3) For vapor submeters, four dollars (\$4) per device per space or apartment.

10 Marinas, mobilehome parks, recreational vehicle parks, and apartment complexes for
11 which the above fees are assessed, shall be inspected and tested as frequently as required
12 by regulation.

13 (f) State of California Fees. In addition to the fees set forth above, the California Code of
14 Regulations, Title 4, Division 9, Chapter 3, Article 3, Section 4075, requires each county office of
15 weights and measures to collect the following fees on behalf of the California Department of Food and
16 Agriculture for recovery of the Department's administrative costs, and to remit these funds to the
17 Department.

<u>Device Category</u>	<u>Administrative Fee</u>
<u>Electric Submeter</u>	<u>\$0.10</u>
<u>Water Submeter</u>	<u>\$0.10</u>
<u>Vapor Submeter</u>	<u>\$0.10</u>
<u>CNG Meter</u>	<u>\$1.10</u>
<u>Fabric, Cordage, Wire Meter</u>	<u>\$1.10</u>
<u>Grease and Lube Meter</u>	<u>\$1.10</u>
<u>Odometer</u>	<u>\$1.10</u>

1	<u>Retail Motor Fuel Dispenser</u>	<u>\$1.10</u>
2	<u>Retail Meter</u>	<u>\$1.10</u>
3	<u>Retail Water Meter</u>	<u>\$1.10</u>
4	<u>Tank (Liquid Test)</u>	<u>\$1.10</u>
5	<u>Taximeter</u>	<u>\$1.10</u>
6	<u>Vehicle Meter</u>	<u>\$1.10</u>
7	<u>Wholesale Meter</u>	<u>\$1.10</u>
8	<u>Miscellaneous Measuring Device</u>	<u>\$1.10</u>
9	<u>Scales less than 2,000 pounds capacity</u>	<u>\$1.10</u>
10	<u>Liquefied Gas Meter</u>	<u>\$8.00</u>
11	<u>Scales 2,000 to 10,000 pounds capacity</u>	<u>\$8.00</u>
12	<u>Scales greater than 10,000 pounds capacity</u>	<u>\$12.00</u>

14 (fg) **Rules and Regulations.** The County Sealer shall promulgate such rules and
15 regulations as are reasonable and necessary to implement this ordinance.

16 (gh) **Penalties.** The penalty for fees not paid within 30 days of billing shall be 100
17 percent.

18 Section 3. Effective Date. This ordinance shall become effective 30 days from the
19 date of passage.

20 Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to
21 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
22 punctuation, charts, diagrams, or any other constituent part of the Administrative Code that
23 are explicitly shown in this legislation as additions, deletions, Board amendment additions,
24 and Board amendment deletions in accordance with the "Note" that appears under the official
25 title of the legislation.

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APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
VIRGINIA DARIO ELIZONDO
Deputy City Attorney

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