

File No. 210938

Committee Item No. 2

Board Item No. 10

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date Sept. 20, 2021

Board of Supervisors Meeting

Date Oct. 5, 2021

Cmte Board

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Completed by: Victor Young Date Sept. 16, 2021

Completed by: _____ Date _____

1 [Administrative Code - Due Date for Weights and Measurements Fees and Temporarily
2 Waiving Fees for Taximeter Devices]

3 **Ordinance amending the Administrative Code by setting March 31 as the annual due**
4 **date to pay registration fees for weighing and measuring devices and automated point**
5 **of sale stations used for commercial purposes; retroactively eliminating fees billed by**
6 **the Tax Collector on or after January 1, 2019, through fees otherwise due prior to**
7 **March 31, 2025, for each business with a taximeter device; refunding eliminated fees**
8 **paid to the City, and any penalties paid on such fees; and updating administrative fees**
9 **to conform with the State of California’s annual device administrative fee schedule.**

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

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

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

20 **SEC. 1.13-5. WEIGHTS AND MEASURES – ~~REGISTRATION PERMITS~~ AND FEES.**

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

1 ~~of the~~ California Business and Professions Code Section 12240 and to recover the cost of
2 carrying out California Business and Professions Code Section 12211. The initial fee shall be
3 due and payable immediately upon the commencement of the commercial use of the device. Thereafter,
4 the fee shall be due and payable annually on or before March 31, pursuant to Section 76.1 of Article 2
5 of the Business and Tax Regulations Code for the upcoming registration term commencing April 1. All
6 registrations for weighing and measuring devices issued prior to November 1, 2021, that were effective
7 on November 1, 2021, shall continue to be effective through March 31, 2022.

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

14 Beginning January 1, 2013, and thereafter, the registration fee shall be ~~one hundred~~
15 ~~dollars~~ (\$100) per business location, plus a device fee listed in subsections (c)(1) through
16 (c)(11) below.

17 (c) **Device Fees.**

18 (1) For large capacity weighing devices, other than livestock, with capacities of
19 10,000 pounds or greater, the device fee shall not exceed ~~two hundred fifty dollars~~ (\$250) per
20 device;

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

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

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

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

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

7 (7) For computing scales, the device fee shall not exceed ~~twenty~~ (\$203) per
8 device. For purposes of this subsection (7), a computing scale shall be a weighing device
9 with a capacity of less than 100 pounds that indicates the money value of any commodity
10 weighed, at predetermined unit prices, throughout all or part of the weighing range of the
11 scale. For the purposes of this subsection, the portion of the annual registration fee
12 consisting of the business location fee and the device fees authorized by this subsection shall
13 not exceed the sum of ~~one thousand dollars~~ (\$1,000) for each business location.

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

18 (9) For weighing devices, other than computing, jewelry, and prescription
19 scales, as defined in subsection (7) and (8), with capacities of at least 100 pounds, but less
20 than 2,000 pounds, the device fee shall not exceed ~~fifty dollars~~ (\$50) per device.

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

1 (A) This subsection (10) does not apply to odometers in rental passenger
2 vehicles, as defined by California Vehicle Code Section 465, that are subject to California Civil
3 Code Sections ~~1936-1939.01 et seq.~~ If a person files a complaint with the County Sealer ~~of~~
4 ~~Weights and Measures~~, regarding the accuracy of a rental passenger vehicle odometer, the
5 County Sealer may charge a fee to the operator of the vehicle rental business sufficient to
6 recover, but not to exceed, the reasonable cost of testing the device in investigation of the
7 complaint.

8 (B) For vehicle odometers utilized to charge mileage usage fees in
9 vehicle rental transactions involving nonpassenger vehicles that are not subject to California
10 Civil Code Sections ~~1936-1939.01 et seq.~~, the portion of the annual registration fee consisting of
11 the business location fee and the device fee authorized under this subsection (10) shall not
12 exceed ~~three hundred forty dollars (\$340)~~ for each business location.

13 (11) For all other commercial weighing or measuring devices not listed above,
14 the device fee shall not exceed ~~twenty dollars (\$20)~~ per device. For purposes of this
15 subsection ~~(e)~~(11), the total annual registration fee shall not exceed the sum of ~~one thousand~~
16 ~~dollars (\$1,000)~~ for each business location.

17 (d) **Business Locations.** For purposes of this Section 1.13-5, a single business
18 location is defined as:

19 (1) each vehicle, except for those vehicles that are employed in vehicle rental
20 transactions containing one or more commercial devices; or,

21 (2) (A) for vehicles that are employed in vehicle rental transactions that are
22 not subject to ~~California~~ Civil Code Sections ~~1936-1939.01 et seq.~~, each business location at
23 which vehicles are stored or maintained by a vehicle rental company for the purposes of
24 renting vehicles to customers.

1 (B) A facility that meets all of the following criteria shall not be considered
2 a business location for the purposes of this ~~paragraph~~ subsection (d)(2):

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

5 (ii) The facility is not operated or staffed by an employee of the
6 vehicle rental company.

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

9 ~~(C)~~ If a person files a complaint with the County Sealer regarding the
10 accuracy of an odometer in a vehicle found or located at a facility described in this subsection
11 (B), ~~above~~, the County Sealer may charge a fee to the operator of the vehicle rental company
12 sufficient to recover, but not to exceed, the reasonable cost of testing the device in
13 investigation of the complaint; or,

14 (3) each business location that uses different categories or types of commercial
15 devices that require the use of specialized testing equipment and that necessitates not more
16 than one inspection trip by a ~~w~~Weights and ~~m~~Measures official.

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

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

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

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

23 Marinas, mobile_home parks, recreational vehicle parks, and apartment complexes, for
24 which the above fees are assessed, shall be inspected and tested as frequently as required
25 by California Code of Regulations, title 4, Section 4070~~regulation~~.

1 (f) **State of California Fees.** In addition to the fees set forth above, the California
 2 Code of Regulations, ~~Title 4, Division 9, Chapter 3, Article 3,~~ Section 4075, requires each
 3 County Sealer ~~county office of weights and measures~~ to collect the ~~following~~ fees ~~therein, as amended~~
 4 ~~from time to time,~~ on behalf of the California Department of Food and Agriculture ("CDFA") for
 5 recovery of ~~the Department's~~ CDFA's administrative costs, and to remit these funds to CDFA~~the~~
 6 ~~Department.~~

<i>Device Category</i>	<i>Administrative Fee</i>
<i>Electric Submeter</i>	\$0.10
<i>Water Submeter</i>	\$0.10
<i>Vapor Submeter</i>	\$0.10
<i>CNG Meter</i>	\$1.10
<i>Fabric, Cordage, Wire Meter</i>	\$1.10
<i>Grease and Lube Meter</i>	\$1.10
<i>Odometer</i>	\$1.10
<i>Retail Motor Fuel Dispenser</i>	\$1.10
<i>Retail Meter</i>	\$1.10
<i>Retail Water Meter</i>	\$1.10
<i>Tank (Liquid Test)</i>	\$1.10
<i>Taximeter</i>	\$1.10
<i>Vehicle Meter</i>	\$1.10
<i>Wholesale Meter</i>	\$1.10
<i>Miscellaneous Measuring Device</i>	\$1.10
<i>Scales less than 2,000 pounds capacity</i>	\$1.10
<i>Liquified Gas Meter</i>	\$8.00

1	Scales 2,000 to 10,000 pounds capacity	\$8.00
2	Scales greater than 10,000 pounds capacity	\$12.00

3
4 (g) **Rules and Regulations.** The County Sealer shall promulgate such rules and
5 regulations as are reasonable and necessary to implement this ~~Section 1.13-5 ordinance~~.

6 (h) **Penalties.** The penalty for fees not paid within 30 days of billing shall be 100% of
7 the unpaid fees. The penalties in the foregoing sentence shall not be effective for fees in subsection (a)
8 for registrations effective on or after April 1, 2022. Rather, fees in subsection (a) for registrations
9 effective on or after April 1, 2022, shall be subject to the penalties under Section 76.1 of Article 2 of the
10 Business and Tax Regulations Code.

11 **(i) Temporary Waiver of Fees for Businesses with Taximeter Devices.**

12 (1) The business location fee and device fee components of the annual registration fees
13 billed by the Tax Collector on or after January 1, 2019, through fees otherwise due prior to March 31,
14 2025, shall be waived for each business with a taximeter device.

15 (2) This subsection (i) shall be retroactive to January 1, 2019.

16 (3) This subsection (i) shall expire by operation of law on March 31, 2025. After that
17 date, the City Attorney shall cause this subsection (i) to be removed from the Administrative Code.

18 **(j) Refund for Businesses with Taximeter Devices of Waived Fees and Associated Penalties**
19 **Paid to the City.**

20 (1) If a business with a taximeter device pays or has paid to the City any fee waived
21 under subsection (i), the Department of Public Health shall refund or cause to be refunded the amount
22 of that fee, plus any penalties paid with respect to that fee, without interest, upon request of that
23 business. Any refund requested under this subsection (j) must be filed in writing with the Department of
24 Public Health within the later of: (1) one year of payment of the fee or penalty; or (2) November 1,
25 2022.

1 (2) This subsection (j) shall expire by operation of law on March 31, 2025. After that
2 date, the City Attorney shall cause this subsection (j) to be removed from the Administrative Code.

3
4 Section 2. Chapter 115 of the Administrative Code is hereby amended by (1) revising
5 existing Sections 115.3, 115.4 (first section so numbered), 115.4 (second section so
6 numbered), 115.5, 115.7, and 115.8 , and (2) renumbering existing Sections 115.4 (second
7 section so numbered), 115.5, 115.6, 115.7, and 115.8, as Sections 115.5, 115.6, 115.7,
8 115.8, and 115.9, respectively, to read as follows:

9 **SEC. 115.3. DURATION – PROHIBITION OF TRANSFER OF REGISTRATION.**

10 (a) All registrations shall be valid for up to one year and expire on the last day of the
11 term of registration. The person holding the registration shall renew it in a manner similar to
12 the issuance of the original registration. ~~The Division of Weights and Measures shall consider~~
13 ~~registrations not renewed within thirty (30) days after the last day of the term of registration as~~
14 ~~expired, until such time as the Division receives the renewal fee and the applicable penalty fee.~~

15 (b) A Rregistrations may not be transferred between persons or locations. In the case
16 where a holder of a registration leases, sublets, subcontracts, or in any manner allows any
17 other person or entity to engage in activities regulated, all point of sale stations remain the
18 responsibility of the registrant. Otherwise, the other person or entity must obtain a separate
19 registration in accordance with the provisions of this Chapter 115.

20 **SEC. 115.4. ANNUAL REGISTRATION FEE.**

21 Each person registering a point of sale system for a business location in the City and
22 County shall pay an annual registration fee. The Board of Supervisors must ratify by
23 resolution any changes to the registration fee schedule. The annual registration fee shall be
24 ~~seventy five dollars (\$75)~~ per business location, plus ~~fourteen dollar (\$14)~~ fee for each point of
25

1 sale station. The point of sale station fee shall not exceed ~~seven hundred and seventy three~~
2 ~~dollars (\$773)~~ per business location.

3 **SEC. 115.54. REGISTRATION FEE, PENALTY FEE, PAYMENT, AND USE.**

4 (a) The registration fees required by Section 115.43 shall be due and payable annually
5 on or before March 31, pursuant to Section 76.1 of Article 2 of the Business and Tax Regulations Code
6 for the upcoming registration term commencing April 1 at the commencement of each term of
7 registration. For businesses commencing operations during the term of registration, the fees
8 shall be due and payable as of the date of commencement. ~~Fees are not pro-rated for portions of~~
9 ~~the term of registration.~~ All registrations issued prior to November 1, 2021, that were effective on
10 November 1, 2021, shall continue to be effective through March 31, 2022.

11 (b) The Division of Weights and Measures may charge a re-inspection fee, equal to
12 the City and Ceounty's cost of re-inspection or retesting, as determined by the Board of
13 Supervisors by resolution, for retail establishments that fail a standard inspection as defined in
14 ~~Section 13350, Division 5,~~ California Business and Professions Code Sections 13350 et seq ~~and its~~
15 ~~successor provisions.~~

16 (c) The fees collected shall be used by the Division of Weights and Measures solely to
17 implement and enforce this Chapter 115.

18 **SEC. 115.65. LATE REGISTRATION FEES.**

19 (a) In accordance with Sections 115.43 and 115.54, any registration or re-inspection fee
20 not paid within ~~thirty (30)~~ days after the last day of the term of registration is delinquent. The
21 original fee remains due and shall be subject to a penalty of ~~fifty percent (50%)~~ of the original
22 fee, and fees not paid after ~~sixty (60)~~ days past the original due date shall be subject to a
23 penalty amount equal to ~~one hundred percent (100%)~~ of the original fee to cover the additional
24 costs associated with late registration or payment.

1 **(b) The penalties in subsection (a) shall not be effective for fees in Section 115.4 for**
2 **registrations effective on or after April 1, 2022. Rather, fees in Section 115.4 for registrations effective**
3 **on or after April 1, 2022 shall be subject to the penalties under Section 76.1 of Article 2 of the Business**
4 **and Tax Regulations Code.**

5 **SEC. 115.76. VIOLATIONS.**

6 It shall be unlawful for any person or any employee or agent thereof to use point of sale
7 stations without obtaining and maintaining a current registration.

8 **SEC. 115.87. ENFORCEMENT.**

9 In order to protect the public from point of sale stations that are inaccurate or defective,
10 the Division of Weights and Measures will enforce violations of this Chapter 115 pursuant to
11 the penalty provisions ~~below~~ in Section 115.9 and pursuant to all applicable federal and state
12 law, including, but not limited to, ~~Division 5 of the~~ California Business and Professions Code
13 ~~(Sections 12001 et seq.)~~ and ~~Title 4, Division 9 of the~~ California Code of Regulations, title 4,
14 division 9.

15 **SEC. 115.98. PENALTIES.**

16 The City and County shall impose penalties for failure to obtain a registration certificate
17 or failure to have a valid current registration certificate as follows:

18 (a) Unless otherwise provided, any person violating any provision of this Chapter 115
19 shall be guilty of an infraction or misdemeanor as hereinafter specified.

20 (b) Any person so convicted shall be:

21 (1-) Guilty of an infraction offense and punished by a fine not exceeding ~~one~~
22 ~~hundred dollars~~ ~~(\$100.00)~~ and not less than ~~fifty dollars~~ ~~(\$50.00)~~ for a first violation of thise
23 Chapter 115;

1 (2) Guilty of an infraction offense and punished by a fine not exceeding ~~two~~
2 ~~hundred dollars~~ (\$200.00) and not less than ~~one hundred dollars~~ (\$100.00) for a second violation
3 of the same provision of ~~this~~ Chapter 115 within a 12-month period;

4 (3) Guilty of a misdemeanor for the third and any additional violation of the
5 same provision of ~~this~~ Chapter 115 within a 12-month period and punished by a fine not
6 exceeding ~~one thousand dollars~~ (\$1,000.00) and not less than ~~five hundred dollars~~ (\$500.00) or
7 six months in jail, or both.

8 (c) Notwithstanding the above, a first or second offense may be charged and
9 prosecuted as a misdemeanor.

10 (d) Payment of any fine or service of a jail sentence shall not relieve a person
11 from the responsibility of correcting the condition resulting from the violation.

12 (e) In addition to the above penalties, the court may order that the guilty party
13 reimburse the City and County for all its costs of investigating, analyzing, and prosecuting the
14 enforcement action against the guilty party. The court shall fix the amount of such
15 reimbursement upon submission of proof of such costs by the City and County.

16 (f) In addition to all other remedies provided by this Chapter 115 or state law, in
17 the event of continuing violation of the provisions of this Chapter 115, the Division of Weights
18 and Measures may seek injunctive relief to restrain further violation.

19
20 Section 3. Amendment of Uncodified Ordinance No. 49-21.

21 (a) The references to "Section 115.5" in Section 4(a) of uncodified Ordinance No. 49-
22 21 are hereby deleted and replaced by "Section 115.6."

23 (b) The Clerk of the Board of Supervisors is directed to place a notice of this
24 amendment of Ordinance No. 49-21 in the file for that ordinance, Board File No. 210138, and
25

1 to cause the notice to be included with the copy of Ordinance No. 49-21 posted on the
2 Board's website.

3
4 Section 4. Effective Date; Retroactivity.

5 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
6 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
7 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
8 Mayor's veto of the ordinance.

9 (b) Upon the effective date of this ordinance, the amendments in this ordinance to
10 subsection (i) of Section 1.13-5 of Chapter 1 of the Administrative Code shall be retroactive to
11 January 1, 2019, and the remainder of this ordinance shall be retroactive to November 1,
12 2021.

13
14 Section 5. Scope of Ordinance. Except as stated in Section 3 of this ordinance, in
15 enacting this ordinance, the Board of Supervisors intends to amend only those words,
16 phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts,
17 diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this
18 ordinance as additions, deletions, Board amendment additions, and Board amendment
19 deletions in accordance with the "Note" that appears under the official title of the ordinance.

20
21 Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word
22 of this ordinance, or any application thereof, to any person or circumstance, is held to be
23 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
24 shall not affect the validity of the remaining portions or applications of the ordinance. The
25 Board of Supervisors hereby declares that it would have passed this ordinance and each and

1 every section, subsection, sentence, clause, phrase, or word not declared invalid or
2 unconstitutional without regard to whether any other portion of this ordinance or application
3 thereof would be subsequently declared invalid or unconstitutional.
4

5 Section 7. Undertaking for the General Welfare. In enacting and implementing this
6 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
7 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
8 is liable in money damages to any person who claims that such breach proximately caused
9 injury.
10

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

13 By: /s/
14 VALERIE J. LOPEZ
15 Deputy City Attorney
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LEGISLATIVE DIGEST

[Administrative Code - Due Date for Weights and Measurements Fees and Temporarily Waiving Fees for Taximeter Devices]

Ordinance amending the Administrative Code by setting March 31 as the annual due date to pay registration fees for weighing and measuring devices and automated point of sale stations used for commercial purposes; retroactively eliminating fees billed by the Tax Collector on or after January 1, 2019, through fees otherwise due prior to March 31, 2025, for each business with a taximeter device; refunding eliminated fees paid to the City, and any penalties paid on such fees; and updating administrative fees to conform with the State of California's annual device administrative fee schedule.

Existing Law

Current law does not specify the annual due date for the payment of registration fees for weighing and measuring devices and automated point of sale stations used for commercial purposes. All weighing and measuring devices used for commercial purposes are required to be registered annually with the City. Each annual registration fee includes a business location fee component, a device fee component, and a State of California administrative charge. Similarly, a point of sale station used for commercial purposes is required to be registered annually with the City. A separate registration is required for each separate point of sale station. Each person registering a point of sale station for a business location is required to pay an annual registration fee. Failure to timely pay annual registration fees for weighing and measuring devices and automated point of sale stations used for commercial purposes are subject to penalties billed at 100% of the registration fee.

Amendments to Current Law

The proposed ordinance would set March 31 as the annual due date to pay registration fees for weighing and measuring devices and automated point of sale stations used for commercial purposes. Failure to timely pay annual registration fees will be subject to penalties under Section 76.1 of Article 2 of the Business and Tax Regulations Code. For businesses with taximeter devices, the business location fee and device fee components of the annual registration fees billed on or after January 1, 2019, through fees due prior to March 31, 2025, will be eliminated. The City will refund eliminated fees and penalties already paid by businesses with taximeter devices.

The proposed ordinance reflects the California Department of Food and Agriculture's revised annual weighing and measuring device fee schedule.

President, District 10
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-6516
Fax No. 554-7674
TDD/TTY No. 544-6546

Shamann Walton

PRESIDENTIAL ACTION

Date: 9/9/2021

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. 210938 Peskin

(Primary Sponsor)

Title. Administrative Code - Due Date for Weights and Measurements Fees and
Temporarily Waiving Fees for Taximeter Devices

Transferring (Board Rule No 3.3)

File No. [Redacted]

[Redacted]
(Primary Sponsor)

Title. [Redacted]

From: [Redacted] Committee

To: [Redacted] Committee


Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor: [Redacted] Replacing Supervisor: [Redacted]

For: [Redacted] Meeting
(Date) (Committee)

Start Time: [Redacted] End Time: [Redacted]

Temporary Assignment: Partial Full Meeting



Shamann Walton, President
Board of Supervisors

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Ben Rosenfield, Controller, Office of the Controller
Jose Cisneros, Treasurer, Office of the Treasurer and Tax Collector

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: September 16, 2021
SUBJECT: LEGISLATION INTRODUCED

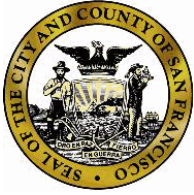
The Board of Supervisors' Rules Committee received the following proposed legislation:

File No. 210938

Ordinance amending the Administrative Code by setting March 31 as the annual due date to pay registration fees for weighing and measuring devices and automated point of sale stations used for commercial purposes; retroactively eliminating fees billed by the Tax Collector on or after January 1, 2019, through fees otherwise due prior to March 31, 2025, for each business with a taximeter device; refunding eliminated fees paid to the City, and any penalties paid on such fees; and updating administrative fees to conform with the State of California's annual device administrative fee schedule.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: victor.young@sfgov.org.

- c. Todd Rydstrom, Office of the Controller
Amanda Kahn Fried, Office of the Treasurer and Tax Collector



City and County of San Francisco

Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 210938 **File Type:** Ordinance **Status:** Pending Committee Action

Enacted: _____ **Effective:** _____

Version: 1 **In Control:** Rules Committee

File Name: Administrative Code - Due Date for Weights and Measurements Fees and Temporarily Waiving Fees for Taximeter Devices **Date Introduced:** 09/07/2021

Requester: _____ **Cost:** _____ **Final Action:** _____

Comment: _____ **Title:** Ordinance amending the Administrative Code by setting March 31 as the annual due date to pay registration fees for weighing and measuring devices and automated point of sale stations used for commercial purposes; retroactively eliminating fees billed by the Tax Collector on or after January 1, 2019, through fees otherwise due prior to March 31, 2025, for each business with a taximeter device; refunding eliminated fees paid to the City, and any penalties paid on such fees; and updating administrative fees to conform with the State of California’s annual device administrative fee schedule.

Sponsor: Peskin

History of Legislative File 210938

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	09/07/2021	ASSIGNED	Rules Committee		
<i>9/9/21 - President Walton waived the 30-day rule pursuant to Board Rule No. 3.22.</i>						

1 [Administrative Code - Due Date for Weights and Measurements Fees and Temporarily
2 Waiving Fees for Taximeter Devices]

3 **Ordinance amending the Administrative Code by setting March 31 as the annual due**
4 **date to pay registration fees for weighing and measuring devices and automated point**
5 **of sale stations used for commercial purposes; retroactively eliminating fees billed by**
6 **the Tax Collector on or after January 1, 2019, through fees otherwise due prior to**
7 **March 31, 2025, for each business with a taximeter device; refunding eliminated fees**
8 **paid to the City, and any penalties paid on such fees; and updating administrative fees**
9 **to conform with the State of California’s annual device administrative fee schedule.**

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

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

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

20 **SEC. 1.13-5. WEIGHTS AND MEASURES – ~~REGISTRATION PERMITS~~ AND FEES.**

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

1 ~~of the~~ California Business and Professions Code Section 12240 and to recover the cost of
2 carrying out California Business and Professions Code Section 12211. The initial fee shall be
3 due and payable immediately upon the commencement of the commercial use of the device. Thereafter,
4 the fee shall be due and payable annually on or before March 31, pursuant to Section 76.1 of Article 2
5 of the Business and Tax Regulations Code for the upcoming registration term commencing April 1. All
6 registrations for weighing and measuring devices issued prior to November 1, 2021, that were effective
7 on November 1, 2021, shall continue to be effective through March 31, 2022.

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

14 Beginning January 1, 2013, and thereafter, the registration fee shall be ~~one hundred~~
15 ~~dollars~~ (\$100) per business location, plus a device fee listed in subsections (c)(1) through
16 (c)(11) below.

17 (c) **Device Fees.**

18 (1) For large capacity weighing devices, other than livestock, with capacities of
19 10,000 pounds or greater, the device fee shall not exceed ~~two hundred fifty dollars~~ (\$250) per
20 device;

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

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

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

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

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

7 (7) For computing scales, the device fee shall not exceed ~~twenty~~ (\$203) per
8 device. For purposes of this subsection (7), a computing scale shall be a weighing device
9 with a capacity of less than 100 pounds that indicates the money value of any commodity
10 weighed, at predetermined unit prices, throughout all or part of the weighing range of the
11 scale. For the purposes of this subsection, the portion of the annual registration fee
12 consisting of the business location fee and the device fees authorized by this subsection shall
13 not exceed the sum of ~~one thousand dollars~~ (\$1,000) for each business location.

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

18 (9) For weighing devices, other than computing, jewelry, and prescription
19 scales, as defined in subsections (7) and (8), with capacities of at least 100 pounds, but less
20 than 2,000 pounds, the device fee shall not exceed ~~fifty dollars~~ (\$50) per device.

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

1 (A) This subsection (10) does not apply to odometers in rental passenger
2 vehicles, as defined by California Vehicle Code Section 465, that are subject to California Civil
3 Code Sections ~~1936-1939.01 et seq.~~ If a person files a complaint with the County Sealer ~~of~~
4 ~~Weights and Measures~~, regarding the accuracy of a rental passenger vehicle odometer, the
5 County Sealer may charge a fee to the operator of the vehicle rental business sufficient to
6 recover, but not to exceed, the reasonable cost of testing the device in investigation of the
7 complaint.

8 (B) For vehicle odometers utilized to charge mileage usage fees in
9 vehicle rental transactions involving nonpassenger vehicles that are not subject to California
10 Civil Code Sections ~~1936-1939.01 et seq.~~, the portion of the annual registration fee consisting of
11 the business location fee and the device fee authorized under this subsection (10) shall not
12 exceed ~~three hundred forty dollars (\$340)~~ for each business location.

13 (11) For all other commercial weighing or measuring devices not listed above,
14 the device fee shall not exceed ~~twenty dollars (\$20)~~ per device. For purposes of this
15 subsection ~~(e)~~(11), the total annual registration fee shall not exceed the sum of ~~one thousand~~
16 ~~dollars (\$1,000)~~ for each business location.

17 (d) **Business Locations.** For purposes of this Section 1.13-5, a single business
18 location is defined as:

19 (1) each vehicle, except for those vehicles that are employed in vehicle rental
20 transactions containing one or more commercial devices; or,

21 (2) (A) for vehicles that are employed in vehicle rental transactions that are
22 not subject to ~~California~~ Civil Code Sections ~~1936-1939.01 et seq.~~, each business location at
23 which vehicles are stored or maintained by a vehicle rental company for the purposes of
24 renting vehicles to customers.

1 (B) A facility that meets all of the following criteria shall not be considered
2 a business location for the purposes of this ~~paragraph~~ subsection (d)(2):

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

5 (ii) The facility is not operated or staffed by an employee of the
6 vehicle rental company.

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

9 ~~(C)~~ If a person files a complaint with the County Sealer regarding the
10 accuracy of an odometer in a vehicle found or located at a facility described in this subsection
11 (B), ~~above~~, the County Sealer may charge a fee to the operator of the vehicle rental company
12 sufficient to recover, but not to exceed, the reasonable cost of testing the device in
13 investigation of the complaint; or,

14 (3) each business location that uses different categories or types of commercial
15 devices that require the use of specialized testing equipment and that necessitates not more
16 than one inspection trip by a ~~w~~Weights and ~~m~~Measures official.

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

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

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

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

23 Marinas, mobile_home parks, recreational vehicle parks, and apartment complexes, for
24 which the above fees are assessed, shall be inspected and tested as frequently as required
25 by California Code of Regulations, title 4, Section 4070~~regulation~~.

(f) **State of California Fees.** In addition to the fees set forth above, the California Code of Regulations, ~~Title 4, Division 9, Chapter 3, Article 3,~~ Section 4075, requires each ~~County Sealer~~ ~~county office of weights and measures~~ to collect the ~~following~~ fees ~~therein, as amended from time to time,~~ on behalf of the California Department of Food and Agriculture ("CDFA") for recovery of ~~the Department's~~ CDFA's administrative costs, and to remit these funds to ~~CDFA~~ the Department.

<i>Device Category</i>	<i>Administrative Fee</i>
<i>Electric Submeter</i>	<i>\$0.10</i>
<i>Water Submeter</i>	<i>\$0.10</i>
<i>Vapor Submeter</i>	<i>\$0.10</i>
<i>CNG Meter</i>	<i>\$1.10</i>
<i>Fabric, Cordage, Wire Meter</i>	<i>\$1.10</i>
<i>Grease and Lube Meter</i>	<i>\$1.10</i>
<i>Odometer</i>	<i>\$1.10</i>
<i>Retail Motor Fuel Dispenser</i>	<i>\$1.10</i>
<i>Retail Meter</i>	<i>\$1.10</i>
<i>Retail Water Meter</i>	<i>\$1.10</i>
<i>Tank (Liquid Test)</i>	<i>\$1.10</i>
<i>Taximeter</i>	<i>\$1.10</i>
<i>Vehicle Meter</i>	<i>\$1.10</i>
<i>Wholesale Meter</i>	<i>\$1.10</i>
<i>Miscellaneous Measuring Device</i>	<i>\$1.10</i>
<i>Scales less than 2,000 pounds capacity</i>	<i>\$1.10</i>
<i>Liquified Gas Meter</i>	<i>\$8.00</i>

1	Scales 2,000 to 10,000 pounds capacity	\$8.00
2	Scales greater than 10,000 pounds capacity	\$12.00

3
4 (g) **Rules and Regulations.** The County Sealer shall promulgate such rules and
5 regulations as are reasonable and necessary to implement this ~~Section 1.13-5 ordinance~~.

6 (h) **Penalties.** The penalty for fees not paid within 30 days of billing shall be 100% of
7 the unpaid fees. The penalties in the foregoing sentence shall not be effective for fees in subsection (a)
8 for registrations effective on or after April 1, 2022. Rather, fees in subsection (a) for registrations
9 effective on or after April 1, 2022, shall be subject to the penalties under Section 76.1 of Article 2 of the
10 Business and Tax Regulations Code.

11 **(i) Temporary Waiver of Fees for Businesses with Taximeter Devices.**

12 (1) The business location fee and device fee components of the annual registration fees
13 billed by the Tax Collector on or after January 1, 2019, through fees otherwise due prior to March 31,
14 2025, shall be waived for each business with a taximeter device.

15 (2) This subsection (i) shall be retroactive to January 1, 2019.

16 (3) This subsection (i) shall expire by operation of law on March 31, 2025. After that
17 date, the City Attorney shall cause this subsection (i) to be removed from the Administrative Code.

18 **(j) Refund for Businesses with Taximeter Devices of Waived Fees and Associated Penalties**
19 **Paid to the City.**

20 (1) If a business with a taximeter device pays or has paid to the City any fee waived
21 under subsection (i), the Department of Public Health shall refund or cause to be refunded the amount
22 of that fee, plus any penalties paid with respect to that fee, without interest, upon request of that
23 business. Any refund requested under this subsection (j) must be filed in writing with the Department of
24 Public Health within the later of: (1) one year of payment of the fee or penalty; or (2) November 1,
25 2022.

1 (2) This subsection (j) shall expire by operation of law on March 31, 2025. After that
2 date, the City Attorney shall cause this subsection (j) to be removed from the Administrative Code.
3

4 Section 2. Chapter 115 of the Administrative Code is hereby amended by (1) revising
5 existing Sections 115.3, 115.4 (first section so numbered), 115.4 (second section so
6 numbered), 115.5, 115.7, and 115.8 , and (2) renumbering existing Sections 115.4 (second
7 section so numbered), 115.5, 115.6, 115.7, and 115.8, as Sections 115.5, 115.6, 115.7,
8 115.8, and 115.9, respectively, to read as follows:

9 **SEC. 115.3. DURATION – PROHIBITION OF TRANSFER OF REGISTRATION.**

10 (a) All registrations shall be valid for up to one year and expire on the last day of the
11 term of registration. The person holding the registration shall renew it in a manner similar to
12 the issuance of the original registration. ~~The Division of Weights and Measures shall consider~~
13 ~~registrations not renewed within thirty (30) days after the last day of the term of registration as~~
14 ~~expired, until such time as the Division receives the renewal fee and the applicable penalty fee.~~

15 (b) A Rregistrations may not be transferred between persons or locations. In the case
16 where a holder of a registration leases, sublets, subcontracts, or in any manner allows any
17 other person or entity to engage in activities regulated, all point of sale stations remain the
18 responsibility of the registrant. Otherwise, the other person or entity must obtain a separate
19 registration in accordance with the provisions of this Chapter 115.

20 **SEC. 115.4. ANNUAL REGISTRATION FEE.**

21 Each person registering a point of sale system for a business location in the City and
22 County shall pay an annual registration fee. The Board of Supervisors must ratify by
23 resolution any changes to the registration fee schedule. The annual registration fee shall be
24 ~~seventy five dollars (\$75)~~ per business location, plus ~~fourteen dollar (\$14)~~ fee for each point of
25

1 sale station. The point of sale station fee shall not exceed ~~seven hundred and seventy three~~
2 ~~dollars (\$773)~~ per business location.

3 **SEC. 115.54. REGISTRATION FEE, PENALTY FEE, PAYMENT, AND USE.**

4 (a) The registration fees required by Section 115.43 shall be due and payable annually
5 on or before March 31, pursuant to Section 76.1 of Article 2 of the Business and Tax Regulations Code
6 for the upcoming registration term commencing April 1 at the commencement of each term of
7 registration. For businesses commencing operations during the term of registration, the fees
8 shall be due and payable as of the date of commencement. ~~Fees are not pro-rated for portions of~~
9 ~~the term of registration.~~ All registrations issued prior to November 1, 2021, that were effective on
10 November 1, 2021, shall continue to be effective through March 31, 2022.

11 (b) The Division of Weights and Measures may charge a re-inspection fee, equal to
12 the City and Ceounty's cost of re-inspection or retesting, as determined by the Board of
13 Supervisors by resolution, for retail establishments that fail a standard inspection as defined in
14 ~~Section 13350, Division 5,~~ California Business and Professions Code Sections 13350 et seq and its
15 ~~successor provisions.~~

16 (c) The fees collected shall be used by the Division of Weights and Measures solely to
17 implement and enforce this Chapter 115.

18 **SEC. 115.65. LATE REGISTRATION FEES.**

19 (a) In accordance with Sections 115.43 and 115.54, any registration or re-inspection fee
20 not paid within ~~thirty (30)~~ days after the last day of the term of registration is delinquent. The
21 original fee remains due and shall be subject to a penalty of ~~fifty percent (50%)~~ of the original
22 fee, and fees not paid after ~~sixty (60)~~ days past the original due date shall be subject to a
23 penalty amount equal to ~~one hundred percent (100%)~~ of the original fee to cover the additional
24 costs associated with late registration or payment.

1 **(b) The penalties in subsection (a) shall not be effective for fees in Section 115.4 for**
2 **registrations effective on or after April 1, 2022. Rather, fees in Section 115.4 for registrations effective**
3 **on or after April 1, 2022 shall be subject to the penalties under Section 76.1 of Article 2 of the Business**
4 **and Tax Regulations Code.**

5 **SEC. 115.76. VIOLATIONS.**

6 It shall be unlawful for any person or any employee or agent thereof to use point of sale
7 stations without obtaining and maintaining a current registration.

8 **SEC. 115.87. ENFORCEMENT.**

9 In order to protect the public from point of sale stations that are inaccurate or defective,
10 the Division of Weights and Measures will enforce violations of this Chapter 115 pursuant to
11 the penalty provisions ~~below~~ in Section 115.9 and pursuant to all applicable federal and state
12 law, including, but not limited to, ~~Division 5 of the~~ California Business and Professions Code
13 ~~(Sections 12001 et seq.)~~ and ~~Title 4, Division 9 of the~~ California Code of Regulations, title 4,
14 division 9.

15 **SEC. 115.98. PENALTIES.**

16 The City and County shall impose penalties for failure to obtain a registration certificate
17 or failure to have a valid current registration certificate as follows:

18 (a) Unless otherwise provided, any person violating any provision of this Chapter 115
19 shall be guilty of an infraction or misdemeanor as hereinafter specified.

20 (b) Any person so convicted shall be:

21 (1-) Guilty of an infraction offense and punished by a fine not exceeding ~~one~~
22 ~~hundred dollars~~ ~~(\$100.00)~~ and not less than ~~fifty dollars~~ ~~(\$50.00)~~ for a first violation of thise
23 Chapter 115;

1 (2) Guilty of an infraction offense and punished by a fine not exceeding ~~two~~
2 ~~hundred dollars~~ (\$200.00) and not less than ~~one hundred dollars~~ (\$100.00) for a second violation
3 of the same provision of ~~thise~~ Chapter 115 within a 12-month period;

4 (3-) Guilty of a misdemeanor for the third and any additional violation of the
5 same provision of ~~thise~~ Chapter 115 within a 12-month period and punished by a fine not
6 exceeding ~~one thousand dollars~~ (\$1,000.00) and not less than ~~five hundred dollars~~ (\$500.00) or
7 six months in jail, or both.

8 (c) Notwithstanding the above, a first or second offense may be charged and
9 prosecuted as a misdemeanor.

10 (d) Payment of any fine or service of a jail sentence shall not relieve a person
11 from the responsibility of correcting the condition resulting from the violation.

12 (e) In addition to the above penalties, the court may order that the guilty party
13 reimburse the City and County for all its costs of investigating, analyzing, and prosecuting the
14 enforcement action against the guilty party. The court shall fix the amount of such
15 reimbursement upon submission of proof of such costs by the City and County.

16 (f) In addition to all other remedies provided by this Chapter 115 or state law, in
17 the event of continuing violation of the provisions of this Chapter 115, the Division of Weights
18 and Measures may seek injunctive relief to restrain further violation.

19
20 Section 3. Amendment of Uncodified Ordinance No. 49-21.

21 (a) The references to "Section 115.5" in Section 4(a) of uncodified Ordinance No. 49-
22 21 are hereby deleted and replaced by "Section 115.6."

23 (b) The Clerk of the Board of Supervisors is directed to place a notice of this
24 amendment of Ordinance No. 49-21 in the file for that ordinance, Board File No. 210138, and
25

1 to cause the notice to be included with the copy of Ordinance No. 49-21 posted on the
2 Board's website.

3
4 Section 4. Effective Date; Retroactivity.

5 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
6 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
7 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
8 Mayor's veto of the ordinance.

9 (b) Upon the effective date of this ordinance, the amendments in this ordinance to
10 subsection (i) of Section 1.13-5 of Chapter 1 of the Administrative Code shall be retroactive to
11 January 1, 2019, and the remainder of this ordinance shall be retroactive to November 1,
12 2021.

13
14 Section 5. Scope of Ordinance. Except as stated in Section 3 of this ordinance, in
15 enacting this ordinance, the Board of Supervisors intends to amend only those words,
16 phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts,
17 diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this
18 ordinance as additions, deletions, Board amendment additions, and Board amendment
19 deletions in accordance with the "Note" that appears under the official title of the ordinance.

20
21 Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word
22 of this ordinance, or any application thereof, to any person or circumstance, is held to be
23 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
24 shall not affect the validity of the remaining portions or applications of the ordinance. The
25 Board of Supervisors hereby declares that it would have passed this ordinance and each and

1 every section, subsection, sentence, clause, phrase, or word not declared invalid or
2 unconstitutional without regard to whether any other portion of this ordinance or application
3 thereof would be subsequently declared invalid or unconstitutional.
4

5 Section 7. Undertaking for the General Welfare. In enacting and implementing this
6 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
7 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
8 is liable in money damages to any person who claims that such breach proximately caused
9 injury.
10

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

13 By: /s/
14 VALERIE J. LOPEZ
15 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Due Date for Weights and Measurements Fees and Temporarily Waiving Fees for Taximeter Devices]

Ordinance amending the Administrative Code by setting March 31 as the annual due date to pay registration fees for weighing and measuring devices and automated point of sale stations used for commercial purposes; retroactively eliminating fees billed by the Tax Collector on or after January 1, 2019, through fees otherwise due prior to March 31, 2025, for each business with a taximeter device; refunding eliminated fees paid to the City, and any penalties paid on such fees; and updating administrative fees to conform with the State of California's annual device administrative fee schedule.

Existing Law

Current law does not specify the annual due date for the payment of registration fees for weighing and measuring devices and automated point of sale stations used for commercial purposes. All weighing and measuring devices used for commercial purposes are required to be registered annually with the City. Each annual registration fee includes a business location fee component, a device fee component, and a State of California administrative charge. Similarly, a point of sale station used for commercial purposes is required to be registered annually with the City. A separate registration is required for each separate point of sale station. Each person registering a point of sale station for a business location is required to pay an annual registration fee. Failure to timely pay annual registration fees for weighing and measuring devices and automated point of sale stations used for commercial purposes are subject to penalties billed at 100% of the registration fee.

Amendments to Current Law

The proposed ordinance would set March 31 as the annual due date to pay registration fees for weighing and measuring devices and automated point of sale stations used for commercial purposes. Failure to timely pay annual registration fees will be subject to penalties under Section 76.1 of Article 2 of the Business and Tax Regulations Code. For businesses with taximeter devices, the business location fee and device fee components of the annual registration fees billed on or after January 1, 2019, through fees due prior to March 31, 2025, will be eliminated. The City will refund eliminated fees and penalties already paid by businesses with taximeter devices.

The proposed ordinance reflects the California Department of Food and Agriculture's revised annual weighing and measuring device fee schedule.

President, District 10
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-6516
Fax No. 554-7674
TDD/TTY No. 544-6546

Shamann Walton

PRESIDENTIAL ACTION

Date: 9/9/2021

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,

Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No.

210938

Peskin

(Primary Sponsor)

Title.

Administrative Code - Due Date for Weights and Measurements Fees and
Temporarily Waiving Fees for Taximeter Devices

Transferring (Board Rule No 3.3)

File No.

(Primary Sponsor)

Title.

From:

Committee

To:

Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor:

Replacing Supervisor:

For:

(Date)

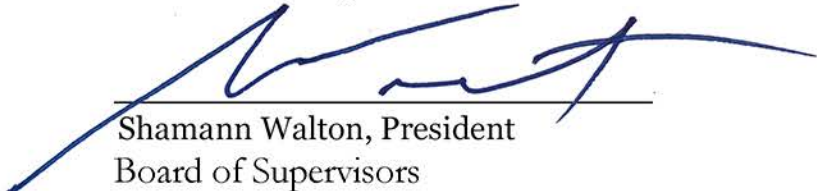
(Committee)

Meeting

Start Time:

End Time:

Temporary Assignment: Partial Full Meeting


Shamann Walton, President
Board of Supervisors

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

From: [Hepner, Lee \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [LOPEZ, VALERIE \(CAT\)](#); [Peskin, Aaron \(BOS\)](#); [Toran, Kate \(MTA\)](#)
Subject: FW: [Final Draft for Introduction] Taxi Regulatory Reform Legislation
Date: Tuesday, September 7, 2021 1:15:28 PM
Attachments: [ORD - Amend Admin Code Section 113-5 VJL Final.DOCX](#)
[LEG DIGEST - Amend Admin Code Section 113-5.DOCX](#)
[Introduction Form - Peskin - Ordinance - Administrative Code - Due Date for Weights and Measurements Fees and Temporarily Waiving Fees for Taximeter Devices.pdf](#)

Please see the attached legislation and corresponding introduction form attached hereto.

FYI Director Toran and DCA Lopez - President Walton's Office has agreed to waive the 30-day rule when this item comes to their desk, and we'll schedule it promptly.

-Lee

Lee Hepner
Legislative Aide
Supervisor Aaron Peskin
(415) 554-7419 | *pronouns: he, him, his*

[District 3 Website](#)

Sign up for our newsletter [here!](#)

From: Lopez, Valerie (CAT) <Valerie.Lopez@sfcityatty.org>
Sent: Tuesday, September 07, 2021 11:08 AM
To: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Hepner, Lee (BOS) <lee.hepner@sfgov.org>
Cc: PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>
Subject: [Final Draft for Introduction] Taxi Regulatory Reform Legislation

Good morning Supervisor Peskin,

Attached is your approved as to form legislation and legislative digest. Friendly reminder: since the ordinance is time sensitive, we advise that you ask the Board President to waive the 30-day hold.

Thank you,
Valerie

Valerie J. Lopez
Deputy City Attorney
Office of City Attorney Dennis Herrera
Please note that I am reachable by phone at (562) 221-8040.
www.sfcityattorney.org

Find us on: [Facebook](#) [Twitter](#) [Instagram](#)

Attorney-Client Communication - Do Not Disclose
Confidential Attorney Work Product - Do Not Disclose

From: Hepner, Lee (BOS) <lee.hepner@sfgov.org>
Sent: Thursday, September 2, 2021 10:27 AM
To: Lopez, Valerie (CAT) <Valerie.Lopez@sfcityatty.org>
Cc: Toran, Kate (MTA) <Kate.Toran@sfmta.com>; Tang, Katy (DPH) <katy.tang@sfdph.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>
Subject: Re: [Update] Taxi Regulatory Reform Legislation

Wonderful! Thanks, all. We'll review and proceed accordingly.

-Lee

Sent from my iPhone

On Sep 2, 2021, at 10:22 AM, Lopez, Valerie (CAT) <Valerie.Lopez@sfcityatty.org> wrote:

Hello Lee,

I write to provide you with an update regarding the pending amendment to the Administrative Code that will temporarily waive weights and measuring fees for taxis. Late yesterday afternoon, the draft ordinance was circulated to DPH, MTA, and TTX for review. Upon receipt of their feedback by 3 p.m. today, I will send the proposed final draft to my office's Legislative Analysis Unit (LAU) for review and approval. LAU's review typically takes 2 weeks, but we have asked them to expedite their review. Due to the upcoming holiday, and time crunch, the ordinance *may* be available for introduction for September 7th. Otherwise, we will aim for introduction on September 14th. I will know more the morning of September 7th. Lastly, since the ordinance is time sensitive, we advise

that Supervisor Peskin ask the Board President to waive the 30-day hold.

Please do not hesitate to contact me if you have any questions.

Thank you,
Valerie

<image002.jpg>

Valerie J. Lopez

Deputy City Attorney

Office of City Attorney Dennis Herrera

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www.sfcityattorney.org

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Attorney-Client Communication - Do Not Disclose
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From: Toran, Kate

Sent: Monday, August 30, 2021 11:06 AM

To: Hepner, Lee (BOS) <lee.hepner@sfgov.org>

Cc: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Cranna, Philip <Philip.Cranna@sfmta.com>

Subject: RE: Taxi Regulatory Reform

Hi Lee,

Thanks for checking. The DCAs from SFMTA, DPH and TTX have been drafting the legislation. My understanding is that it's on track and I should have more specific information on the timing shortly.

Kate Toran

Director

Taxis, Access & Mobility Services Division

<image009.png>

Office 415.701.5235

San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, 7th floor

San Francisco, CA 94103

[<image010.jpg>](#)

[<image011.jpg>](#)

[<image012.jpg>](#)

[<image013.png>](#)

From: Hepner, Lee (BOS) <lee.hepner@sfgov.org>

Sent: Monday, August 30, 2021 10:26 AM

To: Toran, Kate <Kate.Toran@sfmta.com>

Cc: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Cranna, Philip <Philip.Cranna@sfmta.com>

Subject: Re: Taxi Regulatory Reform

Thanks, Kate! Any word on getting the weights & measures leg introduced on 9/7 as well?

-Lee

Lee Hepner

Legislative Aide

Supervisor Aaron Peskin

Please feel free to reach me on my cell phone: (949) 412-7623.

From: Toran, Kate <Kate.Toran@sfmta.com>

Sent: Friday, August 27, 2021 3:45 PM

To: Chan, Connie (BOS) <connie.chan@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>

Cc: Groth, Kelly (BOS) <kelly.groth@sfgov.org>; Herzstein, Daniel (BOS) <daniel.herzstein@sfgov.org>; Hepner, Lee (BOS) <lee.hepner@sfgov.org>; Wright, Edward (BOS) <edward.w.wright@sfgov.org>; Kilgore, Preston (BOS) <preston.kilgore@sfgov.org>; McDonald, Courtney (BOS) <courtney.mcdonald@sfgov.org>; Imperial, Megan (BOS) <megan.imperial@sfgov.org>; Bintliff, Jacob (BOS) <jacob.bintliff@sfgov.org>; Beinart, Amy (BOS) <amy.beinart@sfgov.org>; Burch, Percy (BOS) <percy.burch@sfgov.org>; Chung, Lauren (BOS) <lauren.l.chung@sfgov.org>; Ramos, Joel (MTA) <Joel.Ramos@sfmta.com>; Martinsen, Janet (MTA) <Janet.Martinsen@sfmta.com>; Cranna, Philip (MTA) <Philip.Cranna@sfmta.com>; Hellman, Sarah (MTA)

[<Sarah.Hellman2@sfmta.com>](mailto:Sarah.Hellman2@sfmta.com)

Subject: RE: Taxi Regulatory Reform

Dear Supervisors and Aides,

As a follow up to my email below, I want to let you know that the SFMTA Taxi Services has completed the development of the next round of drafting taxi reform, vetted the draft reform proposals with the taxi industry, and we are now planning on bringing the reform package before the SFMTA Board on September 7th. Based on feedback from the taxi industry, we have revised many of the proposals. A brief summary of the proposed reforms includes:

- Standardize and streamline the administrative penalty structure for taxi-related infractions, generally grouping fines in three tiers (\$50, \$100 and \$150), and eliminate some fines that are seldom issued.
- Consolidate taxi permit renewal requirements into one section for clarity.
- Clarify that Pre-K Medallions are not eligible for surrender and modify the surrender program to eliminate eligibility for Post-K Medallion holders who are permanently disabled (due to an inconsistency with the full time driving requirement), while maintaining eligibility based on age. The surrender program allows medallion holders who received their medallion free off the waiting list to surrender for \$200,000 consideration. Surrender transactions can only occur if there is a buyer. There has not been a medallion sale since 2016, and purchased medallions will be sold first when there are buyers.
- Simplify Ramp Taxi requirements and provide Director of Transportation authority to update certain requirements to allow greater flexibility to adapt to changing conditions.
- Simplify and streamline reporting requirements.
- Clarify the Hearing Officer's authority is limited to the regulations established in Article 1100 and does not include the ability to set conditions or establish special circumstances.
- Establish a fare structure for shared trips that provides drivers the ability to charge up to a maximum of \$20 per person for passengers whose trip origin or destination are different, and authorize the Director of Transportation to establish a pilot program to test upfront fares. The upfront fare pilot is intended to provide customers a set fare in advance of trip based on estimated meter rate. This is intended to eliminate 'meter anxiety' and provide for a higher level of customer service.
- Non-substantive clean-up.

Please let me know if you have any questions or if you would like to set up a briefing to discuss.

Thank you.

Kate Toran

Director

Taxis, Access & Mobility Services Division

all pronouns welcome

<image014.png>

Office 415.701.5235

San Francisco Municipal Transportation Agency

1 South Van Ness Avenue, 7th floor

San Francisco, CA 94103

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[<image012.jpg>](#)

[<image013.png>](#)

From: Toran, Kate

Sent: Friday, April 16, 2021 2:56 PM

To: Connie.Chan@sfgov.org; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>;

Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Mar, Gordon (BOS)

<gordon.mar@sfgov.org>; 'Preston, Dean (BOS)' <dean.preston@sfgov.org>; Haney,

Matt (BOS) <matt.haney@sfgov.org>; Melgar, Myrna (BOS)

<myrna.melgar@sfgov.org>; 'Mandelman, Rafael (BOS)'

<rafael.mandelman@sfgov.org>; Ronen, Hillary (BOS) <hillary.ronen@sfgov.org>;

Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Safai, Ahsha (BOS)

<ahsha.safai@sfgov.org>

Cc: Groth, Kelly (BOS) <kelly.groth@sfgov.org>; 'Herzstein, Daniel (BOS)'

<daniel.herzstein@sfgov.org>; Hepner, Lee (BOS) <lee.hepner@sfgov.org>; Wright,

Edward (BOS) <edward.w.wright@sfgov.org>; Kilgore, Preston (BOS)

<preston.kilgore@sfgov.org>; Mcdonald, Courtney (BOS)

<courtney.mcdonald@sfgov.org>; Imperial, Megan (BOS)

<megan.imperial@sfgov.org>; Bintliff, Jacob (BOS) <jacob.bintliff@sfgov.org>; Beinart,

Amy (BOS) <amy.beinart@sfgov.org>; Burch, Percy (BOS) <percy.burch@sfgov.org>;

Chung, Lauren (BOS) <lauren.l.chung@sfgov.org>; Ramos, Joel

<Joel.Ramos@sfmta.com>; Martinsen, Janet <Janet.Martinsen@sfmta.com>; 'Cranna,

Philip' <Philip.Cranna@sfmta.com>; Sarah Hellman <Sarah.Hellman2@sfmta.com>

Subject: Taxi Regulatory Reform

Dear Supervisors and Aides,

As part of our on-going support of the taxi industry, we are engaged in another thorough review of the Article 1100 of Division II of the Transportation Code, which enumerates the regulations of the taxi industry. We anticipate bringing proposed amendments to the SFMTA Board after conducting outreach with the taxi industry. This is part of an ongoing effort to reform and modernize taxicab rules and regulations to ensure a high standard of public safety and customer service while updating requirements to better allow innovation and competition.

Code Reform Summary:

- Eliminate the surrender program: in order to focus medallion sales on purchased medallions, eliminate the ability for medallion holders who received their medallion free off the waiting list to surrender for \$200,000 consideration. Surrender transactions can only occur if there is a buyer. There has not been a medallion sale since 2016, and purchased medallions will be sold first when there are buyers.
- Ramp Taxi Requirements: simplify requirements and provide Director of Transportation authority to update certain requirements to allow greater flexibility to adapt to changing conditions
- Reporting Requirements: simplify and streamline reporting requirements
- Fares: update the rule regarding when drivers can charge 150% of the meter rate based on distance travelled outside SF boundaries, allow pilot to test upfront fare concept, which would provide customers a set fare in advance of trip based on estimated meter rate. This is intended to eliminate 'meter anxiety' and provide for a higher level of customer service.
- Non-substantive clean up

In addition to the code reform, we have been working to support the taxi industry during the pandemic. The SFMTA has provided the following support to the taxi industry:

- [Waive all taxi-related fees](#) for the next two fiscal years.
- Established the [Essential Trip Card \(ETC\) program](#) to provide discounted taxi trips for seniors and people with disabilities who would have otherwise taken the trip on Muni. Over 2,600 riders are currently signed up for this program and over 12,000 trips provided thus far.
- Created a [promotional video of ETC program](#). Supporting the Department of Environment's [Essential Worker Ride](#)

[Home program](#), which provides subsidized taxi trips for essential workers. SFMTA worked with the Transportation Authority and the Department of Environment staff to identify \$447,000 in funding that was reprogrammed to support this important program.

- [Provided personal protective equipment](#) (PPE) kits that include sanitizing fluid, paper towels, nitrile gloves, and face masks for taxi drivers.
- Training taxi company representatives and posted [training video on proper cleaning procedures](#).
- Ensuring that taxis are sanitized after each passenger trip.
- Procured and [distributed clear plastic shields](#) for vehicles at no charge to taxi companies. This plastic shield adds a layer of protection for both the driver and passenger.
- Publicizing the benefits of taking taxis via [Blog Post](#).
- Honoring outstanding [Every Day Heroes: Taxi Driver Corey Lamb](#).
- Increasing the per vehicle rebate up to \$7,700 in the SFMTA's [Clean Air Taxi program](#) and expanding eligibility to used vehicles. Over 96% vehicles in the taxi fleet are low-emission and play a critical role in meeting the City's ambitious climate goal of 80% of trips taken by sustainable means of travel by 2030.
- Including taxis in the expansion of the network of permanent transit only lanes, which will allow taxis to provide more efficient service to customers.
- Including taxis in the [emergency order](#) for [Temporary Transit Only Lanes](#) currently being implemented.
- Launched a pre-pilot to test concept of using taxis to provide work-related trips for city employees to replace non-revenue vehicle trips.
- Distributed [face mask stickers](#) to inform passengers that they must wear a face mask while riding in a taxi.
- Reprogrammed ~\$240,000 for a [taxi marketing campaign](#), which will be developed in spring/summer and is intended to provide sustained value over time, leveraging SFMTA's in-house marketing talent, access to on-board advertising, and public service announcements.
- SFMTA will now [pay the \\$600 cost](#) of the Substance Abuse Professional (SAP) evaluation for taxi drivers who failed the drug test as part of the driver permit renewal process
- Temporarily [suspended the Post-K full-time driving](#) requirement
- Temporarily [modified the insurance](#) requirements for a twelve-month period
- Published an [on-line map of the transit-only \(red\) lanes](#), which shows both taxi stands and red lanes that specifically allow taxis. This useful tool shows taxi drivers and potential riders how taxis are able to bypass normal vehicle restrictions with access to these lanes across the city.
- Provided information relevant to the taxi industry regarding Covid-

19 [crisis resources](#), [CARES Act](#) benefits, and [Pandemic Unemployment Assistance](#).

- Requested SF Federal Credit Union establish a [loan deferral](#) program for taxi medallion holders.
- Temporarily amended the [ramp taxi incentives at SFO](#) to make it easier to qualify for the benefit and limiting the number of short trips per month. The SFO Short pass allows eligible drivers to have a maximum of 15 short trips per month.
- Updated the SFO rules to only allow pick-ups in Purchased medallions and ramp taxis.
- Requested that taxi drivers get the vaccine shot as soon as possible, and be considered in the same group as Muni operators and paratransit drivers. Because San Francisco Transit First Policy includes Taxis as part of the transit network, as of [March 16, 2021, taxi drivers are eligible to receive vaccinations](#).
- Provided [additional access to taxi service](#) for those who use the [Essential Trip Card](#) for trips to/from vaccine appointments
- PPE Provided to the Taxi industry (minimum count) as of 3/11/21:
 - 14,504 gloves
 - 3,469 masks
 - 830 hand sanitizers
 - 87 gallons of disinfectant
 - 259 rolls of paper towels
 - 822 plastic shields installed between front and rear seat
- Established a [temporary taxi stand at Moscone Center South](#), a high-volume vaccination site.
- Support the [Board of Supervisors' ordinance](#) amending the Business and Tax Regulations Code to extend the temporary suspension of the business registration and fee for taxi drivers through fiscal year 2022.

Please let me know if you have any questions or would like to set up a briefing.

Thank you.

Kate Toran

Director

Taxis, Access & Mobility Services Division

all pronouns welcome

<image014.png>

Office 415.701.5235

San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, 7th floor
San Francisco, CA 94103

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1 [Administrative Code - Due Date for Weights and Measurements Fees and Temporarily
2 Waiving Fees for Taximeter Devices]

3 **Ordinance amending the Administrative Code by setting March 31 as the annual due**
4 **date to pay registration fees for weighing and measuring devices and automated point**
5 **of sale stations used for commercial purposes; retroactively eliminating fees billed by**
6 **the Tax Collector on or after January 1, 2019, through fees otherwise due prior to**
7 **March 31, 2025, for each business with a taximeter device; refunding eliminated fees**
8 **paid to the City, and any penalties paid on such fees; and updating administrative fees**
9 **to conform with the State of California’s annual device administrative fee schedule.**

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

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

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

20 **SEC. 1.13-5. WEIGHTS AND MEASURES – ~~REGISTRATION PERMITS~~ AND FEES.**

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

1 ~~of the~~ California Business and Professions Code Section 12240 and to recover the cost of
2 carrying out California Business and Professions Code Section 12211. The initial fee shall be
3 due and payable immediately upon the commencement of the commercial use of the device. Thereafter,
4 the fee shall be due and payable annually on or before March 31, pursuant to Section 76.1 of Article 2
5 of the Business and Tax Regulations Code for the upcoming registration term commencing April 1. All
6 registrations for weighing and measuring devices issued prior to November 1, 2021, that were effective
7 on November 1, 2021, shall continue to be effective through March 31, 2022.

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

14 Beginning January 1, 2013, and thereafter, the registration fee shall be ~~one hundred~~
15 ~~dollars~~ (\$100) per business location, plus a device fee listed in subsections (c)(1) through
16 (c)(11) below.

17 (c) **Device Fees.**

18 (1) For large capacity weighing devices, other than livestock, with capacities of
19 10,000 pounds or greater, the device fee shall not exceed ~~two hundred fifty dollars~~ (\$250) per
20 device;

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

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

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

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

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

7 (7) For computing scales, the device fee shall not exceed ~~twenty~~ (\$203) per
8 device. For purposes of this subsection (7), a computing scale shall be a weighing device
9 with a capacity of less than 100 pounds that indicates the money value of any commodity
10 weighed, at predetermined unit prices, throughout all or part of the weighing range of the
11 scale. For the purposes of this subsection, the portion of the annual registration fee
12 consisting of the business location fee and the device fees authorized by this subsection shall
13 not exceed the sum of ~~one thousand dollars~~ (\$1,000) for each business location.

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

18 (9) For weighing devices, other than computing, jewelry, and prescription
19 scales, as defined in subsections (7) and (8), with capacities of at least 100 pounds, but less
20 than 2,000 pounds, the device fee shall not exceed ~~fifty dollars~~ (\$50) per device.

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

1 (A) This subsection (10) does not apply to odometers in rental passenger
2 vehicles, as defined by California Vehicle Code Section 465, that are subject to California Civil
3 Code Sections ~~1936-1939.01 et seq.~~ If a person files a complaint with the County Sealer ~~of~~
4 ~~Weights and Measures~~, regarding the accuracy of a rental passenger vehicle odometer, the
5 County Sealer may charge a fee to the operator of the vehicle rental business sufficient to
6 recover, but not to exceed, the reasonable cost of testing the device in investigation of the
7 complaint.

8 (B) For vehicle odometers utilized to charge mileage usage fees in
9 vehicle rental transactions involving nonpassenger vehicles that are not subject to California
10 Civil Code Sections ~~1936-1939.01 et seq.~~, the portion of the annual registration fee consisting of
11 the business location fee and the device fee authorized under this subsection (10) shall not
12 exceed ~~three hundred forty dollars (\$340)~~ for each business location.

13 (11) For all other commercial weighing or measuring devices not listed above,
14 the device fee shall not exceed ~~twenty dollars (\$20)~~ per device. For purposes of this
15 subsection ~~(e)~~(11), the total annual registration fee shall not exceed the sum of ~~one thousand~~
16 ~~dollars (\$1,000)~~ for each business location.

17 (d) **Business Locations.** For purposes of this Section 1.13-5, a single business
18 location is defined as:

19 (1) each vehicle, except for those vehicles that are employed in vehicle rental
20 transactions containing one or more commercial devices; or,

21 (2) (A) for vehicles that are employed in vehicle rental transactions that are
22 not subject to ~~California~~ Civil Code Sections ~~1936-1939.01 et seq.~~, each business location at
23 which vehicles are stored or maintained by a vehicle rental company for the purposes of
24 renting vehicles to customers.

1 (B) A facility that meets all of the following criteria shall not be considered
2 a business location for the purposes of this ~~paragraph~~ subsection (d)(2):

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

5 (ii) The facility is not operated or staffed by an employee of the
6 vehicle rental company.

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

9 ~~(C)~~ If a person files a complaint with the County Sealer regarding the
10 accuracy of an odometer in a vehicle found or located at a facility described in this subsection
11 (B), ~~above~~, the County Sealer may charge a fee to the operator of the vehicle rental company
12 sufficient to recover, but not to exceed, the reasonable cost of testing the device in
13 investigation of the complaint; or,

14 (3) each business location that uses different categories or types of commercial
15 devices that require the use of specialized testing equipment and that necessitates not more
16 than one inspection trip by a ~~w~~Weights and ~~m~~Measures official.

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

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

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

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

23 Marinas, mobile_home parks, recreational vehicle parks, and apartment complexes, for
24 which the above fees are assessed, shall be inspected and tested as frequently as required
25 by California Code of Regulations, title 4, Section 4070~~regulation~~.

1 (f) **State of California Fees.** In addition to the fees set forth above, the California
 2 Code of Regulations, ~~Title 4, Division 9, Chapter 3, Article 3,~~ Section 4075, requires each
 3 County Sealer ~~county office of weights and measures~~ to collect the ~~following~~ fees ~~therein, as amended~~
 4 ~~from time to time,~~ on behalf of the California Department of Food and Agriculture ("CDFA") for
 5 recovery of ~~the Department's~~ CDFA's administrative costs, and to remit these funds to CDFA~~the~~
 6 ~~Department.~~

<i>Device Category</i>	<i>Administrative Fee</i>
<i>Electric Submeter</i>	\$0.10
<i>Water Submeter</i>	\$0.10
<i>Vapor Submeter</i>	\$0.10
<i>CNG Meter</i>	\$1.10
<i>Fabric, Cordage, Wire Meter</i>	\$1.10
<i>Grease and Lube Meter</i>	\$1.10
<i>Odometer</i>	\$1.10
<i>Retail Motor Fuel Dispenser</i>	\$1.10
<i>Retail Meter</i>	\$1.10
<i>Retail Water Meter</i>	\$1.10
<i>Tank (Liquid Test)</i>	\$1.10
<i>Taximeter</i>	\$1.10
<i>Vehicle Meter</i>	\$1.10
<i>Wholesale Meter</i>	\$1.10
<i>Miscellaneous Measuring Device</i>	\$1.10
<i>Scales less than 2,000 pounds capacity</i>	\$1.10
<i>Liquified Gas Meter</i>	\$8.00

1	Scales 2,000 to 10,000 pounds capacity	\$8.00
2	Scales greater than 10,000 pounds capacity	\$12.00

3
4 (g) **Rules and Regulations.** The County Sealer shall promulgate such rules and
5 regulations as are reasonable and necessary to implement this ~~Section 1.13-5 ordinance~~.

6 (h) **Penalties.** The penalty for fees not paid within 30 days of billing shall be 100% of
7 the unpaid fees. The penalties in the foregoing sentence shall not be effective for fees in subsection (a)
8 for registrations effective on or after April 1, 2022. Rather, fees in subsection (a) for registrations
9 effective on or after April 1, 2022, shall be subject to the penalties under Section 76.1 of Article 2 of the
10 Business and Tax Regulations Code.

11 **(i) Temporary Waiver of Fees for Businesses with Taximeter Devices.**

12 (1) The business location fee and device fee components of the annual registration fees
13 billed by the Tax Collector on or after January 1, 2019, through fees otherwise due prior to March 31,
14 2025, shall be waived for each business with a taximeter device.

15 (2) This subsection (i) shall be retroactive to January 1, 2019.

16 (3) This subsection (i) shall expire by operation of law on March 31, 2025. After that
17 date, the City Attorney shall cause this subsection (i) to be removed from the Administrative Code.

18 **(j) Refund for Businesses with Taximeter Devices of Waived Fees and Associated Penalties**
19 **Paid to the City.**

20 (1) If a business with a taximeter device pays or has paid to the City any fee waived
21 under subsection (i), the Department of Public Health shall refund or cause to be refunded the amount
22 of that fee, plus any penalties paid with respect to that fee, without interest, upon request of that
23 business. Any refund requested under this subsection (j) must be filed in writing with the Department of
24 Public Health within the later of: (1) one year of payment of the fee or penalty; or (2) November 1,
25 2022.

1 (2) This subsection (j) shall expire by operation of law on March 31, 2025. After that
2 date, the City Attorney shall cause this subsection (j) to be removed from the Administrative Code.

3
4 Section 2. Chapter 115 of the Administrative Code is hereby amended by (1) revising
5 existing Sections 115.3, 115.4 (first section so numbered), 115.4 (second section so
6 numbered), 115.5, 115.7, and 115.8 , and (2) renumbering existing Sections 115.4 (second
7 section so numbered), 115.5, 115.6, 115.7, and 115.8, as Sections 115.5, 115.6, 115.7,
8 115.8, and 115.9, respectively, to read as follows:

9 **SEC. 115.3. DURATION – PROHIBITION OF TRANSFER OF REGISTRATION.**

10 (a) All registrations shall be valid for up to one year and expire on the last day of the
11 term of registration. The person holding the registration shall renew it in a manner similar to
12 the issuance of the original registration. ~~The Division of Weights and Measures shall consider~~
13 ~~registrations not renewed within thirty (30) days after the last day of the term of registration as~~
14 ~~expired, until such time as the Division receives the renewal fee and the applicable penalty fee.~~

15 (b) ~~A R~~registrations may not be transferred between persons or locations. In the case
16 where a holder of a registration leases, sublets, subcontracts, or in any manner allows any
17 other person or entity to engage in activities regulated, all point of sale stations remain the
18 responsibility of the registrant. Otherwise, the other person or entity must obtain a separate
19 registration in accordance with the provisions of this Chapter 115.

20 **SEC. 115.4. ANNUAL REGISTRATION FEE.**

21 Each person registering a point of sale system for a business location in the City and
22 County shall pay an annual registration fee. The Board of Supervisors must ratify by
23 resolution any changes to the registration fee schedule. The annual registration fee shall be
24 ~~seventy five dollars (\$75)~~ per business location, plus ~~fourteen dollar (\$14)~~ fee for each point of
25

1 sale station. The point of sale station fee shall not exceed ~~seven hundred and seventy three~~
2 ~~dollars (\$773)~~ per business location.

3 **SEC. 115.54. REGISTRATION FEE, PENALTY FEE, PAYMENT, AND USE.**

4 (a) The registration fees required by Section 115.43 shall be due and payable annually
5 on or before March 31, pursuant to Section 76.1 of Article 2 of the Business and Tax Regulations Code
6 for the upcoming registration term commencing April 1 at the commencement of each term of
7 registration. For businesses commencing operations during the term of registration, the fees
8 shall be due and payable as of the date of commencement. ~~Fees are not pro-rated for portions of~~
9 ~~the term of registration.~~ All registrations issued prior to November 1, 2021, that were effective on
10 November 1, 2021, shall continue to be effective through March 31, 2022.

11 (b) The Division of Weights and Measures may charge a re-inspection fee, equal to
12 the City and Ceounty's cost of re-inspection or retesting, as determined by the Board of
13 Supervisors by resolution, for retail establishments that fail a standard inspection as defined in
14 ~~Section 13350, Division 5,~~ California Business and Professions Code Sections 13350 et seq and its
15 ~~successor provisions.~~

16 (c) The fees collected shall be used by the Division of Weights and Measures solely to
17 implement and enforce this Chapter 115.

18 **SEC. 115.65. LATE REGISTRATION FEES.**

19 (a) In accordance with Sections 115.43 and 115.54, any registration or re-inspection fee
20 not paid within ~~thirty (30)~~ days after the last day of the term of registration is delinquent. The
21 original fee remains due and shall be subject to a penalty of ~~fifty percent (50%)~~ of the original
22 fee, and fees not paid after ~~sixty (60)~~ days past the original due date shall be subject to a
23 penalty amount equal to ~~one hundred percent (100%)~~ of the original fee to cover the additional
24 costs associated with late registration or payment.

1 **(b) The penalties in subsection (a) shall not be effective for fees in Section 115.4 for**
2 **registrations effective on or after April 1, 2022. Rather, fees in Section 115.4 for registrations effective**
3 **on or after April 1, 2022 shall be subject to the penalties under Section 76.1 of Article 2 of the Business**
4 **and Tax Regulations Code.**

5 **SEC. 115.76. VIOLATIONS.**

6 It shall be unlawful for any person or any employee or agent thereof to use point of sale
7 stations without obtaining and maintaining a current registration.

8 **SEC. 115.87. ENFORCEMENT.**

9 In order to protect the public from point of sale stations that are inaccurate or defective,
10 the Division of Weights and Measures will enforce violations of this Chapter 115 pursuant to
11 the penalty provisions ~~below~~ in Section 115.9 and pursuant to all applicable federal and state
12 law, including, but not limited to, ~~Division 5 of the~~ California Business and Professions Code
13 ~~(Sections 12001 et seq.)~~ and ~~Title 4, Division 9 of the~~ California Code of Regulations, title 4,
14 division 9.

15 **SEC. 115.98. PENALTIES.**

16 The City and County shall impose penalties for failure to obtain a registration certificate
17 or failure to have a valid current registration certificate as follows:

18 (a) Unless otherwise provided, any person violating any provision of this Chapter 115
19 shall be guilty of an infraction or misdemeanor as hereinafter specified.

20 (b) Any person so convicted shall be:

21 (1-) Guilty of an infraction offense and punished by a fine not exceeding ~~one~~
22 ~~hundred dollars~~ ~~(\$100.00)~~ and not less than ~~fifty dollars~~ ~~(\$50.00)~~ for a first violation of thise
23 Chapter 115;

1 (2) Guilty of an infraction offense and punished by a fine not exceeding ~~two~~
2 ~~hundred dollars~~ (\$200.00) and not less than ~~one hundred dollars~~ (\$100.00) for a second violation
3 of the same provision of ~~thise~~ Chapter 115 within a 12-month period;

4 (3-) Guilty of a misdemeanor for the third and any additional violation of the
5 same provision of ~~thise~~ Chapter 115 within a 12-month period and punished by a fine not
6 exceeding ~~one thousand dollars~~ (\$1,000.00) and not less than ~~five hundred dollars~~ (\$500.00) or
7 six months in jail, or both.

8 (c) Notwithstanding the above, a first or second offense may be charged and
9 prosecuted as a misdemeanor.

10 (d) Payment of any fine or service of a jail sentence shall not relieve a person
11 from the responsibility of correcting the condition resulting from the violation.

12 (e) In addition to the above penalties, the court may order that the guilty party
13 reimburse the City and County for all its costs of investigating, analyzing, and prosecuting the
14 enforcement action against the guilty party. The court shall fix the amount of such
15 reimbursement upon submission of proof of such costs by the City and County.

16 (f) In addition to all other remedies provided by this Chapter 115 or state law, in
17 the event of continuing violation of the provisions of this Chapter 115, the Division of Weights
18 and Measures may seek injunctive relief to restrain further violation.

19
20 Section 3. Amendment of Uncodified Ordinance No. 49-21.

21 (a) The references to "Section 115.5" in Section 4(a) of uncodified Ordinance No. 49-
22 21 are hereby deleted and replaced by "Section 115.6."

23 (b) The Clerk of the Board of Supervisors is directed to place a notice of this
24 amendment of Ordinance No. 49-21 in the file for that ordinance, Board File No. 210138, and
25

1 to cause the notice to be included with the copy of Ordinance No. 49-21 posted on the
2 Board's website.

3
4 Section 4. Effective Date; Retroactivity.

5 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
6 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
7 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
8 Mayor's veto of the ordinance.

9 (b) Upon the effective date of this ordinance, the amendments in this ordinance to
10 subsection (i) of Section 1.13-5 of Chapter 1 of the Administrative Code shall be retroactive to
11 January 1, 2019, and the remainder of this ordinance shall be retroactive to November 1,
12 2021.

13
14 Section 5. Scope of Ordinance. Except as stated in Section 3 of this ordinance, in
15 enacting this ordinance, the Board of Supervisors intends to amend only those words,
16 phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts,
17 diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this
18 ordinance as additions, deletions, Board amendment additions, and Board amendment
19 deletions in accordance with the "Note" that appears under the official title of the ordinance.

20
21 Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word
22 of this ordinance, or any application thereof, to any person or circumstance, is held to be
23 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
24 shall not affect the validity of the remaining portions or applications of the ordinance. The
25 Board of Supervisors hereby declares that it would have passed this ordinance and each and

1 every section, subsection, sentence, clause, phrase, or word not declared invalid or
2 unconstitutional without regard to whether any other portion of this ordinance or application
3 thereof would be subsequently declared invalid or unconstitutional.

4
5 Section 7. Undertaking for the General Welfare. In enacting and implementing this
6 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
7 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
8 is liable in money damages to any person who claims that such breach proximately caused
9 injury.

10

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

13 By: /s/
14 VALERIE J. LOPEZ
15 Deputy City Attorney

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