

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 (\$20)~~
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 Ceounty Ssealer regarding the
10 accuracy of an odometer in a vehicle found or located at a facility described in this subsection
11 (B), ~~above~~, the Ceounty Ssealer 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, ~~Fi~~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 CDFAthe
 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	<i>Scales 2,000 to 10,000 pounds capacity</i>	\$8.00
2	<i>Scales greater than 10,000 pounds capacity</i>	\$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 1st 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 County'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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City and County of San Francisco
Tails
Ordinance

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

File Number: 210938

Date Passed: October 05, 2021

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.

September 20, 2021 Rules Committee - RECOMMENDED

September 28, 2021 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

October 05, 2021 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 210938

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 10/5/2021 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

10/15/21
Date Approved