

DEPARTMENT OF

AGRICULTURE, WEIGHTS AND MEASURES

Promoting and protecting agriculture, environmental quality, and ensuring equity in the marketplace.

Stacy K. Carlsen
AGRICULTURAL COMMISSIONER
DIRECTOR OF WEIGHTS AND
MEASURES

April 16, 2013

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Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, California 94901

**SUBJECT: FIRST READING TO AMEND THE WEIGHING AND MEASURING
DEVICE ORDINANCE**

Dear Supervisors:

RECOMMENDATION: Request clerk to read ordinance by title only and schedule merit hearing for April 30, 2013, at 10:30 a.m.

SUMMARY: The original Weighing and Measuring Device program was passed by ordinance by the Marin County Board of Supervisors in the early 1970's to protect consumers and help provide a level playing field in the business community.

The Marin County Department of Agriculture and Weights and Measures protects the interests of the consumer and the marketplace to ensure the honesty and integrity of routine business transactions which are based on weight, measure, or count. This is accomplished through education and our continuous and systematic inspection of all equipment that is used to weigh or measure a commodity within the County of Marin. Our society receives significant value for a very small investment in weights and measures inspection programs, the cost nationally averaging approximately 70 cents per person per year.

On December 6, 2011, the Board of Supervisors approved amendments to the Weighing and Measuring Device ordinance (Chapter 5.44 of Title 5 of the Marin County Code). A key revision was to allow the Department of Agriculture/Weights and Measures to make fee changes by resolution of the Board of Supervisors. Required language was included under all sections except Section 5.44.030 – Application fees, subsection (b). The following revisions are being proposed to be added to this section:

- **5.44.030 – Application fees.**
 - (a) Application. Applications for device registration permits and renewals thereof shall be filed with the director of weights and measures upon such forms as may be prescribed.
 - (b) Fees. The permit fee for the calendar year or any part thereof during which the permitted activity is carried on and for renewal thereof shall be that established by ordinance, which may be modified by resolution of the Board of Supervisors.

- (c) Reinspection fee. Fees are hereby authorized for re-inspection of a retail establishment that fails the prior inspection. Re-inspection fees for retesting devices shall not exceed the total cost of actually inspecting or testing the devices as required by law. The fee shall be established by resolution of the Board of Supervisors.
- (d) Reschedule fee. The Marin County Department of Agriculture and Weights and Measures may schedule inspection appointments, at a mutually acceptable time to the department and the business owner/user, to test and inspect commercial and non-commercial weighing or measuring instruments. A Rescheduling Fee is defined as a fee charged to an owner or owner's representative canceling a mutually agreed upon appointment less than 24 hours ahead of the scheduled meeting time, or showing up more than thirty (30) minutes late to the scheduled appointment. The fee shall be established by resolution of the Board of Supervisors.

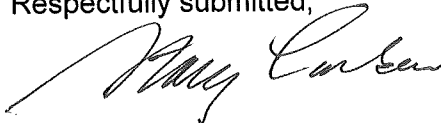
Standby fee. The Marin County Department of Agriculture and Weights and Measures is authorized to charge a fee for the time that the department personnel are requested to stand by with necessary equipment either for the removal of contaminated, mislabeled or substandard motor fuel, or for the convenience of the owner, distributor, or service agent of any commercial or non-commercial weighing and measuring instruments while such instruments are put into proper condition to be inspected or tested. A Standby Fee is defined as a fee charged to a business when an owner or owner's representative is fifteen (15) to thirty (30) minutes late to a mutually agreed upon scheduled appointment time. *When a business owner or representative is over thirty (30) minutes late, they shall be charged a Rescheduling Fee.* The fee will be established by resolution of the Board of Supervisors.

FISCAL IMPACT: N/A

ALTERNATIVE TO RECOMMENDED ACTION: not adopting the proposed ordinance amendment would result in the department having to request fee changes by ordinance and other fees by resolution for the same ordinance.

REVIEWED BY:	()	Auditor-Controller	(X)	N/A
	(X)	County Counsel	()	N/A
	()	Human Resources	(X)	N/A

Respectfully submitted,



Stacy K. Carlsen
 Agricultural Commissioner
 Director of Weights and Measures

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