

Meeting Date: May 24, 2023 (03)

ORDINANCE NO.: 10849 (N.S.)

AN ORDINANCE AMENDING SECTION 364.3 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO FEES CHARGED BY THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors (Board) finds and determines that the Department of Agriculture, Weights and Measures' costs of doing business has increased since the hourly rate that serves as the basis for many of the Department's current fees was established. The Board also finds and determines that it is necessary to adopt new fees to existing programs. Accordingly, the Board of Supervisors finds and determines that it is necessary to adjust the fees, charged by the Department, to recover as much of the Department's costs as feasible for the programs and services it provides. The Board further finds and determines that the new and adjusted fees do not exceed the reasonable costs of providing the affected programs and services.

Section 2. Section 364.3 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 364.3. FEES FOR THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES.

The following fees shall be paid to the Department of Agriculture, Weights and Measures for the specified applications, permits, registrations, inspections, and other related services:

FEES FOR THE DEPT. OF AGRICULTURE, WEIGHTS AND MEASURES

ACTIVITY	FEE AUTHORITY ⁽¹⁾	FEE AMOUNT ⁽²⁾
Land Use		
Verification of Agriculture	//////////	//////////
Application Processing	CC Article 11 § 7	\$159/application
Follow-up Site Visit ⁽³⁾	CC Article 11 § 7	\$112/hour
Agricultural Enterprise Registration	CC Article 11 § 7	\$15/year
Pest Exclusion		
Desert Native Plant Permit	//////////	//////////
Yucca brevifolia (Joshua Tree)	FAC § 80101	\$2/plant
All Other Native Plants	FAC § 80101	\$1/plant
Yucca schidigera	FAC § 80101	\$3/ton
Export Certification of Plant Shipments for Quarantine Compliance	//////////	//////////

ACTIVITY	FEE AUTHORITY ⁽¹⁾	FEE AMOUNT ⁽²⁾
Domestic Plant Shipment Certification	FAC § 5202	\$47/certificate
International Plant Shipment Certification	FAC § 5202	\$107/certificate
Domestic Counter Service Certification	FAC § 5202	\$39/certificate
International Counter Service Certification	FAC § 5202	\$84/certificate
Specialized Field Inspections, Including: Field Growing Season, Destination Point (Sealed Load), Export/Import Shipment Treatment/ Inspection, Voluntary Systems Approach for Nursery Certification, Pre-quarantine ⁽³⁾	FAC § 6303 (d); Title 3 CCR, § 3160 (b)	\$156/hour
After Hours Inspections (1 Hour Minimum) ⁽³⁾	FAC § 5202	\$234/hour
Missed Appointment Fee	FAC § 5202	\$78
Pesticide Regulation		
Agricultural Pest Control Business Registration	FAC § 11734	\$75/year
Agricultural Pest Control Adviser Registration-San Diego Headquarters	FAC § 12034	\$10/year
Agricultural Pest Control Adviser Registration-Out of County Headquarters	FAC § 12034	\$5/year
Agricultural Pest Control Pilot Registration-San Diego Headquarters	FAC § 11923	\$10/year
Agricultural Pest Control Pilot Registration-Out of County Headquarters	FAC § 11923	\$5/year
Maintenance Gardener Registration	FAC § 11704 and FAC § 11734	\$25/year
Structural Pest Control Business Registration	FAC § 15204 and § 15204.5	\$10/year
Certification of Farm Labor Contractors	CLC § 1695 (b)	\$75/year
Hazardous Materials Inventory		
Base Registration	H&S § 25404.5	\$533/year
Inventory Item Registration	H&S § 25404.5	\$96/item/year
Certified Farmers Market (Direct Marketing)		
Certified Farmers Market Certification	FAC § 47020	\$202/certificate/year
Certified Producer's Certification	FAC § 47020	\$60/certificate/year
Additional County Listing on Certified Producer's Certificate	FAC § 47020	\$13/certificate
Certified Producer's Certificate Change or Addition	FAC § 47020	\$13/amended certificate
Certified Producer Inspections ⁽³⁾	FAC § 47020	\$182/hour

ACTIVITY	FEE AUTHORITY ⁽¹⁾	FEE AMOUNT ⁽²⁾
Certified Farmers Market Inspections ⁽³⁾	FAC § 47020	\$182/hour
Industrial Hemp Cultivation ⁽⁵⁾		
Industrial Hemp Cultivation ⁽³⁾	FAC § 81005 (c)	\$146/hour
Industrial Hemp Cultivation License	FAC § 81005 (c)	\$214/year
Apiary ⁽⁴⁾		
Apiary Certification (½ Hour Minimum) ⁽³⁾	FAC § 29143	\$150/hour
Weights and Measures		
Price Verification	//////////	//////////
Tier 1 (1-3 Point-of-Sale Stations) Registration	BPC § 13350 (d)	\$160/location/year
Tier 2 (4-9 Point-of-Sale Stations) Registration	BPC § 13350 (d)	\$218/location/year
Tier 3 (10+ Point-of-Sale Stations) Registration	BPC § 13350 (d)	\$272/location/year
Re-inspection ⁽³⁾	BPC § 13350 (e)	\$168/hour
Devices	//////////	//////////
Inspection/Testing of Non-Commercial Devices by Request of Owner/User, Including: Small Capacity Scales, Large Capacity Scales, Retail Motor Fuel Dispensers, Wholesale Petroleum Meters, Liquefied Petroleum Gas Meters, All Other Devices ⁽³⁾	BPC § 12210 (b)	\$168/hour
Inspection/Testing of Commercial Water Submeters by Request of Owner/User, including: Outside Established Inspection Frequency, Not Placed into Service Within Six Months, or For Use in a Different County	BPC § 12210.3 (b)	\$168/hour
Inspection/Testing of Commercial Devices by Request of Owner/User When Testing Could Be Performed by a Registered Service Agency ⁽³⁾	BPC § 12210.5 (b)	Established by the Secretary of California Dept. of Food and Agriculture ⁽⁶⁾
Business Location Registration	BPC § 12240 (f), (u)	Maximum amount authorized in BPC ⁽⁷⁾
Device Annual Administrative Fee ⁽⁸⁾	BPC § 12241	Maximum amount authorized in BPC ⁽⁷⁾
Device Registration (by device type)	//////////	//////////
Animal Scales	BPC § 12240 et seq.	Maximum amount authorized in BPC ⁽⁷⁾
Class II Scales	"	"
Compressed Natural Gas (CNG) Meters	"	"
Computing Scales	"	"

ACTIVITY	FEE AUTHORITY ⁽¹⁾	FEE AMOUNT ⁽²⁾
Counter Scales	"	"
Crane Scales	"	"
Dormant/Portable Platform Scales	"	"
Electric Submeters	"	"
Electric Vehicle Charging Stations	"	"
Fabric/Wire/Cordage Meters	"	"
Forklift/Belt Scales	"	"
Grease/Lube Meters	"	"
Hanging Scales	"	"
High-Flow Motor Fuel Meters	"	"
Hopper/Tank Scales	"	"
Hydrogen Meters	"	"
Liquefied Natural Gas (LNG) Meters	"	"
Liquefied Petroleum Gas (LPG) Meters	"	"
Livestock Scales	"	"
Monorail/Meat Beam Scales	"	"
Odometers	"	"
Other Measuring Devices	"	"
Other Weighing Devices	"	"
Prescription/Jewelry Scales	"	"
Railway Scales	"	"
Retail Meters	"	"
Retail Motor Fuel Meters	"	"
Retail Water Meters	"	"
Tanks (Liquid Test)	"	"
Taximeters	"	"
Vapor Submeters	"	"
Vehicle Meters	"	"
Vehicle Scales	"	"
Water Submeters	"	"
Wholesale Meters	"	"
Reschedule Fee	CCRO § 21.1711	\$20

(1) BPC = California Business and Professions Code

CC = California Constitution

CCR = California Code of Regulations

CCRO = County of San Diego Code of Regulatory Ordinances

FAC = California Food and Agricultural Code

H&S = California Health & Safety Code

CLC = California Labor Code

(2) Fees are nonrefundable.

- (3) Includes travel time.
- (4) The Board waives California Department of Food and Agriculture Apiary Registration fee per Section 29044 of the Food and Agricultural Code for hobbyists not in the business of beekeeping and who possesses nine or fewer bee colonies.
- (5) Industrial Hemp Annual Registration fee per FAC § 81005 (c) and CCR § 4900 as established by the Secretary of California Department of Food and Agriculture, follow these links:
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=81005&lawCode=FAC
[https://govt.westlaw.com/calregs/Document/I216910A20E40497FB34F42452C8ECE0A?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I216910A20E40497FB34F42452C8ECE0A?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))
- (6) For current BPC § 12210.5 fee information, follow this link:
<https://www.cdfa.ca.gov/dms/notices/devices/2018/D-18-01.pdf>
- (7) For current BPC § 12240 and 12241 fee information, follow this link:
http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=BPC&division=5.&title=&part=&chapter=2.&article=2.1
- (8) Device Annual Administrative Fee defined by BPC § 12241 is collected on behalf of the State of California, with up to 12% of the total administrative fees collected to recover the cost of assessing, collecting, and remitting administrative fees in accordance with 4 CCR § 4075.

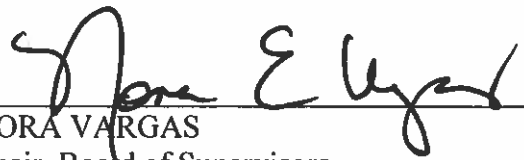
Section 3. This ordinance shall take effect and be in force 30 days after its passage, and before the expiration of fifteen days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

Section 4. Operative Date: This Ordinance shall be operative on July 1, 2023.

APPROVED AS TO FORM AND LEGALITY
CLAUDIA G. SILVA, COUNTY COUNSEL

BY: Justin Crumley, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 24th day of May 2023.



NORA VARGAS
Chair, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Vargas, Anderson, Desmond
NOT PRESENT: Lawson-Remer
ABSENT: (District 4 Seat Vacant)

ATTEST my hand and the seal of the Board of Supervisors this 24th day of May 2023.

ANDREW POTTER
Clerk of the Board of Supervisors

By 

Savannah Perez, Deputy



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