

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF YOLO AMENDING TITLE 3, CHAPTER 10, ARTICLES 1-3
OF THE YOLO COUNTY CODE, RELATING TO WEIGHTS AND MEASURES**

The Board of Supervisors of the County of Yolo hereby ordains as follows:

SECTION 1. Purpose. The Board of Supervisors adopted an ordinance regulating commercial weighing and measuring devices in 1987 and, in 2003, adopted an ordinance establishing an automated point of sale inspection program. The ordinances are codified in Title 3 of the County Code, in Articles 1-3 of Chapter 10 thereof. The purpose of this Ordinance is to amend Articles 1-3, mostly in minor respects, to ease the burden of administering these programs and facilitate full cost recovery.

SECTION 2. Amendments to Title 3, Chapter 10, Articles 1-3 of the Yolo County Code.

Title 3, Chapter 10, Articles 1-3 of the Yolo County Code shall be replaced in their entirety with the text included as Attachment 1 to this Ordinance, incorporated herein by this reference. Article 3 is deleted as a result of the changes, as Articles 1-2 are collapsed into Article 1.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. Conflicting Enactments. To the extent that there is any conflict between the provisions of this Ordinance and the provisions of any other County Code, ordinance, resolution or policy, all such conflicting provisions shall be suspended.

SECTION 5. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after its passage, and prior to expiration of fifteen (15) days after its passage thereof, shall be published by title and summary only in the Davis Enterprise together with the names of members of the Board of Supervisors voting for and against the same.

Introduced at a Board of Supervisors regular meeting held on September 22, 2026, and subsequently approved following a second reading on October 6, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTION:

Sheila A. Allen, Chair
Yolo County Board of Supervisors

Attest: Julie Dachtler, Senior Deputy Clerk
Yolo County Board of Supervisors

Approved as to Form:

By: _____
Deputy (Seal)

By:  _____
Philip J. Pogledich, County Counsel

Title 3; Chapter 10
WEIGHTS AND MEASURES

Article 1. Commercial Weighing and Measuring Devices

Sec. 3-10.101. Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

- (a) "Weighing and measuring instrument" and "weighing and measuring device" are used interchangeably, and shall have the same meaning, and shall mean "weighing instruments" and "measuring instruments" as defined by Section 12500 of the Business and Professions Code of the State, excepting any retail scale used primarily for the purposes of weighing feed and seed.
- (b) "Commercial purpose(s)" shall have the meaning assigned to it by Section 12500 of the Business and Professions Code of the State.
- (c) "Sealer" shall mean the Agricultural Commissioner/Sealer of the County.
- (d) "Person" means any person, firm, corporation, business or association.
- (e) "Department" means the Yolo County Department of Agriculture/Weights and Measures.

Sec. 3-10.102. Authority; Date of enforcement.

This Article is enacted pursuant to Section 12210 and 12240 of the Business and Professions Code of the State to establish a system for registering commercial weighing and measuring devices and to recover the costs of inspecting and testing such instruments.

Sec. 3-10.103. Registration certificates: Issued upon receipt of payment and at request of business.

No person shall use any weighing or measuring instrument for commercial purposes without having paid their annual registration fee. Upon receipt of payment and at the request of the business owner the Department shall issue a current registration certificate for such instrument pursuant to this article. Such certificate shall be in addition to any other certificate, license, permit, or other entitlement which may be required by the State, County, or any other public entity.

Sec. 3-10.104. Registration certificates: Term.

A registration certificate shall expire on December 31 for each calendar year following the date of its issuance and may thereafter be renewed on an annual basis upon the payment of the applicable fees and the submission of a properly completed and current application.

Sec. 3-10.105. Fees.

- (a) An annual registration fee shall be charged for the calendar year, or any part thereof, for all weighing and measuring instruments as provided for in California Business and Professions Code Section 12240. The annual registration fee shall be set at the amount necessary to recover the costs incurred in inspecting or testing the devices. The fee amounts shall not exceed the County's total cost of actually inspecting or testing the devices as required by law, up to the maximum amounts set in California Business and Professions Code Section 12240 as may be amended from time to time.

(b) Any person failing to pay the annual registration fee before using any weighing or measuring instrument for commercial purposes within 60 days upon receipt, shall be required to pay, in addition to the registration fee, a penalty fee of fifty percent (50%) of the fee due. Penalty fees may be waived or reduced for good cause at the discretion of the Sealer.

(c) Re-inspection Fee: After any commercial weighing or measuring device has been tested and found to be outside the tolerances and specifications set by the California Department of Food and Agriculture, and including devices not able to be tested at the time of an initial inspection, the sealer may re-inspect, retest and recertify such device to determine if it is within those tolerance and specifications. The fee for such inspection and testing shall be at the Sealer's hourly rate as established by the Board of Supervisors.

Sec. 3-10.106. Registration certificates: Corporations: Fictitious names.

A registration certificate may be issued to a corporation duly authorized to transact business in the State or to any person operating under a fictitious name who has complied with the provisions of Chapter 5 of Part 3 of Division 7 of the Business and Professions Code of the State. A certificate issued to a corporation shall designate such corporation by the exact name which appears in the Articles of Incorporation of such corporation. Except as otherwise provided in this section, all registration certificates shall be issued in the true name of the applicant.

Sec. 3-10.107. Registration certificates: Transferability.

Registration certificates shall not be transferable from one person to valid only for another. A registration certificate shall be the particular instruments specified therein and, if the instruments are to be used at a fixed location, for the specific location for which the registration certificate is issued.

Article 2. Automated Point of Sale Inspection Program

Sec. 3-10.201. Definitions.

For the purpose of this Article, in addition to the defined terms included in Article 1 of this Chapter, the following words and phrases are defined and shall be construed as having the following meaning:

- (a) "Advertise" means a notice to attract public attention.
- (b) "Commercial Purpose, in addition to the meaning set forth in Article 1 of this Chapter, includes the selling of any commodity by a person to a consumer.
- (c) "Commodity" means one or more products, merchandise, goods, articles of commerce, wares, materials, or any consumer items that are bought or sold.
- (d) "Consumer" means a customer, purchaser, or buyer.
- (f) "Location" means a premise on which a single business operates one or more point of sale stations.
- (h) "Point of sale station" mean individual and separate equipment that can recover electrically stored price information that is used to charge consumers for the purchase of commodities. "Point of sale stations" shall include, but is not limited to, equipment that uses Universal Product Code scanners, price look-up codes, or any other system that relies on the retrieval of electronically stored information to complete a transaction of commerce between a retailer and consumer.

(i) "Scanner" means an automated system for retail commodity price charging.

(j) "Sell" includes barter, exchange, trade, keep for sale, offer for sale or expose for sale in any of their variant forms.

Sec. 3-10.202. Inspection Requirement.

Any location that utilizes a scanner in Yolo County, at a point of sale station, is subject to annual inspection and cost recovery as authorized by this Article. Nothing in this Article shall require an annual inspection if the Department does not have the resources necessary to complete such annual inspections. Nothing in this Article shall prohibit more frequent inspections and/or re-inspections if the Department deems such additional inspections to be necessary. Other than annual or re-inspections for which the Board of Supervisors has set a fee, the Department, consistent with guidelines established by Board Resolution, may waive any additional inspection fees.

Sec. 3-10.203. Re-inspection Fee.

For the purposes of defraying additional inspection costs incurred by the Department when a point of sale station used by a person fails an initial inspection, the Department may charge a re-inspection fee to the person upon return to verify that corrective actions have been taken and no additional violations are occurring.

Sec. 3-10.204. Fees.

An annual registration fee for any person utilizing a point-of-sale system shall be established by resolution of the Board of Supervisors from time to time, in accordance with applicable provisions of law, in an amount not to exceed the costs incurred by the County in performing the inspection. Re-inspection fees shall be at the Sealer's hourly rate as established by the Board of Supervisors.

Sec. 3-10.205. Failure to Pay Annual Registration Fees and Re-Inspection Fees.

Any annual registration fee or re-inspection fee is due and payable upon receipt and if not paid within 60 days of receipt, there shall be added a late fee as follows:

(a) For any annual registration fee paid later than 60 days upon receipt, there shall be added a penalty fee of fifty percent (50%) of the fee due.

(b) For any re-inspection fee paid more than 60 days after the due date there shall be added a penalty fee in the amount of the sum equal to 50% of the inspection fee.

(c) The foregoing penalty fees may be waived reduced for good cause in the discretion of the Sealer.

Sec. 3-10.206. Violations.

(a) It shall be unlawful to charge, at the time of sale, a price that is more than the price that is advertised or posted.

(b) It shall be unlawful for any person, employee or agent thereof to:

(1) Fail to post the telephone number as specified in Section 3-10.208.

(2) Fail to submit to any reasonable inspection as required by Sections 3-10.202 and 3-10.203.

(3) Fail to pay any fee as required by Section 3-10.205.

Sec. 3-10.207. Additional Penalties.

(a) In addition to all other remedies provided by this Article or State law, the Department may impose civil penalties pursuant to Section 12015.3 of the California Business and Professions Code or request criminal prosecution pursuant to Section 12024.2 of the California Business and Professions Code, as those sections may be amended from time to time.

(b) In addition to all other remedies provided by this Article or State law, in the event of continuing violation of the provisions of this Article, the Department may seek civil injunctive relief to restrain further violations.

Sec. 3-10.208. Notice to Consumer.

In addition to the inspection fee requirements of this Article, every person who uses a point of sale station for Commercial Purposes shall post, at a location clearly visible to the general public, a notice which will be provided by the Department and which will contain at least the following information:

“Attention Consumer: You are entitled to the lowest advertised or posted price offered at this location. For information or complaints, you may call the Yolo County Agricultural Commissioner/Sealer of Weights and Measures at 530-666-8140.”

Sec. 3-10.209. Posting of Price Accuracy Compliance: Public Notification.

Upon the completion of an inspection as provided for in this Article, the inspected location involved may request the Department to provide a notice of compliance that will be in a format suitable for posting and which will indicate that the location is in compliance with the provisions of this Article. Presentation of a notice of compliance by the Department is not intended to be, and shall not be construed as, an endorsement or recommendation of the location by the Department or the County.