

**ORDINANCE NO. 563
(AS AMENDED THROUGH 563.1)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO.
563 PROVIDING FOR THE IDENTIFICATION OF OWNERSHIP OF
AGRICULTURAL COMMODITIES**

The Board of Supervisors of the County of Riverside, State of California, do ordain as follows:

Section 1. PURPOSE AND INTENT. It is the purpose and intent of this ordinance to establish a means of identifying the owner of each commercial quantity of agricultural commodities so as to provide a means of preventing and controlling thefts of agricultural commodities within the County of Riverside.

Section 2. DEFINITIONS. As used in this ordinance, the following words or phrases shall have the following meanings:

- a. **"Agricultural Commissioner"** means the Agricultural representative.
- b. **"Agricultural Commodities"** means avocados, cabbage, citrus fruits, dates, deciduous fruits, eggs, grain, grapes, hay, lettuce, melons, nuts, onions, potatoes and sweet corn.
- c. **"Commercial Quantity of Agricultural Commodities"** means the quantity, exclusive of the container, ascribed to each agricultural commodity as follows:

Avocados	-	40 pounds or more;
Cabbage	-	100 pounds or more;
Citrus fruits	-	100 pounds or more;
Dates	-	40 pounds or more; 1 case (30 dozen) or more;
Grain	-	500 pounds or more;
Grapes	-	100 pounds or more;
Hay	-	500 pounds or more;
Lettuce	-	100 pounds or more;
Melons	-	200 pounds or more;
Nuts	-	40 pounds or more;
Onions	-	200 pounds or more;
Potatoes	-	200 pounds or more;
Sweet corn	-	00 pounds or more.

- d. **"Handler"** means any person, or authorized agent thereof, who grows, transports, distributes, wholesales or retails agricultural commodities, including but not limited to the following: grower, transporter, packer, and owner or operator of a wholesale or retail fruit stand.
- e. **"Person"** means any individual, firm, partnership, joint venture, corporation, association, club or organization.
- f. **"Sheriff"** means the Sheriff of Riverside County, or his designated representative.
- g. **"Transports"** means the movement or conveyance by any means whatsoever of a commercial quantity of agricultural commodities over any road, street or highway within the unincorporated area of the County of Riverside.

Section 3. STATEMENT OF OWNERSHIP. Every handler who transports a commercial quantity of agricultural commodities shall (1) cause a statement of ownership to be prepared and retain a copy of such statement in his possession at all times while transporting such agricultural commodities and (2) present a copy of such statement to each handler to whom the agricultural commodities are delivered. Such statement of ownership shall contain the following information:

- a. The name, address and telephone number of the owner and each successive handler of the agricultural commodities.
- b. The license number of the vehicle in which the agricultural commodities are being transported and the driver's license number of the operator of such vehicle.
- c. The date transportation of the agricultural commodities begins and the estimated time of delivery.
- d. The kind and quantity of agricultural commodities being transported.
- e. The points of origin and the destination.

Section 4. FALSE INFORMATION IN OR ALTERATION OF STATEMENT OF OWNERSHIP. No person shall knowingly include, or cause to be included, any false information in a statement of ownership, or alter, or cause to be altered, any information in a statement of ownership or any copy thereof.

Section 5. OBTAINING AND RETAINING THE STATEMENT OF OWNERSHIP. Every handler who receives a commercial quantity of agricultural commodities shall obtain a copy of the statement of ownership from the handler transporting such agricultural commodities. Every handler shall retain a copy of each statement of ownership for one year following the date transportation of such agricultural commodities begins and shall present such statement of ownership for inspection and review at any reasonable time by the Sheriff or the Agricultural Commissioner upon the request of either of them.

Section 6. PRESENTATION OF STATEMENT OF OWNERSHIP. Any peace officer, upon probable cause to believe a person is transporting a commercial quantity of agricultural commodities, may stop such person and inspect such agricultural commodities, whereupon, the statement of ownership shall be presented to such peace officer upon request.

Section 7. SEIZURE AND IMPOUNDMENT. Any peace officer, upon reasonable belief that a person is not in lawful possession of a commercial quantity of agricultural commodities, may seize such agricultural commodities without a warrant. Upon seizure, the peace officer shall take custody of the agricultural commodities and turn them over to the custody of the Sheriff. The Sheriff shall receive and provide for the care and safekeeping of such agricultural commodities.

Section 8. INVESTIGATION AND RELEASE TO RIGHTFUL OWNER. The Sheriff shall make a reasonable investigation to ascertain the ownership of any agricultural commodities which have been seized pursuant to the provisions of this ordinance. The Sheriff shall release custody of such agricultural commodities to the rightful owner pursuant to the provisions of Section 1413(b) of the Penal Code and after payment of a reasonable

charge sufficient to reimburse the Sheriff for costs incurred in storing such agricultural commodities.

Section 9. DISPOSITION BY SALE. If for any reason, a commercial quantity of agricultural commodities is not released to its rightful owner after being in the custody of the Sheriff for 5 days, the Sheriff may sell such agricultural commodities by public action, in the manner and upon the notice of sale as prescribed by law for the sale of perishable property under execution, after certification of compliance has been obtained pursuant to Article 2 (commencing with Section 44971), Chapter 9, Division 17 of the Food and Agriculture Code. Any such agricultural commodities remaining unsold after being offered at such auction may be destroyed or otherwise disposed of by the Sheriff. All the proceeds derived from the sale of such agricultural commodities shall be held by the Sheriff for a period of at least 6 months, during which time the rightful owner of such agricultural commodities may submit satisfactory proof of ownership and proper personal identification and obtain possession of the such proceeds after payment of a reasonable charge sufficient to reimburse the Sheriff for costs incurred for storage and sale of such agricultural commodities. After retention of the proceeds for a period of at least 6 months, the Sheriff shall deposit the proceeds in the General Fund of the County of Riverside.

Section 10. EXEMPTION. This ordinance shall not apply to the transportation of a commercial quantity of agricultural commodities, which has been certified, prior to such transportation, pursuant to Article 6 (commencing with Section 42791), Chapter 2, Division 17 or pursuant to Article 2 (commencing with Section 44971), Chapter 9, Division 17 of the Food and Agriculture Code.

Section 11. PENALTY. It shall be unlawful for any person to violate any provision of this ordinance. Any person violating any provision of this ordinance shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued, or permitted.

Any person so convicted shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (100.00) for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation. The third and any additional violations shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six (6) months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve a person from the responsibility for correcting the violation.

Adopted: 563 01/25/1977 (Eff: 02/24/1977)

Amended: 563.1 Item 3.4a of 05/23/1989 (Eff: 06/22/1989)