

ORDINANCE NO. 832

(AS AMENDED THROUGH 832.1)

**AN ORDINANCE OF THE COUNTY OF RIVERSIDE
IMPOSING CHARGES FOR ANNUAL REGISTRATION
OF PACKERS AND POINT OF SALE STATIONS**

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

SECTION 1: TITLE.

This ordinance shall be known as the “Consumer Protection Business Permit Ordinance of the County of Riverside”.

SECTION 2: PURPOSE AND AUTHORITY.

The purpose of this ordinance is to establish permitting requirements to identify, monitor and impose penalties on: (1) those persons commercially engaged in the packaging of commodities in advance of sale; and (2) those persons utilizing for commercial purposes automated systems for retail sale commodity pricing commonly referred to as “scanners”. The authority for this ordinance is: California Business and Professions Code Sections 12009, 12011, 12011.6, 12012.1, 12013, 12015, 12015.3, 12015.5, 12024.2, 12024.3, 12024.6, 12103.5, 12211, 12609, 13301, 13303, 13350, and 13352; California Government Code Section 25132; and California Code of Regulations, Title 4, Division 9, Chapter 10, Section 4500 et seq.

SECTION 3: DEFINITIONS.

Unless otherwise specifically provided or required by the next context, certain terms or expressions used herein have meanings as set forth below:

“Advertise” means a notice to attract public attention.

“Commercial purpose” means any sale of a commodity or thing by a person.

“Commodity” means any article of commerce or anything that is bought or sold.

“Department” means the Weights and Measures Division of the County of Riverside.

“Location” means any room, enclosure, building, vehicle, space or area at a single place.

“Packer” means any person engaged in wrapping or packaging of a commodity within the County of Riverside prior to and for the purpose of sale wherein the item wrapped or packaged is sold on the basis of weight, count, volume or area.

“Person” means any person, firm, corporation, or association.

“Point of sale station” means any computer or electronic system used by a retail establishment such as, but not limited to, Universal Product Code scanners, price lookup codes, or an electronic price lookup system as a means for determining the price of the item being purchased by a consumer.

“Sell” or “sale” means barter, exchange, trade, rent, lease, keep for sale, offer for sale, or expose for sale, in any of their variant forms.

SECTION 4: PERMIT REQUIRED.

The following must obtain a permit in accordance with the provisions of this ordinance prior to the sale of any commodity: (1) any packer; and (2) any person who uses a point of sale station.

Separate permits are required if a person is a packer and also uses a point of sale station. A separate permit is required for each location. The permit shall be in

addition to any other certificate, license, or permit which may be required by the County or any other public entity.

Permits shall be issued upon written application to the Department on a form furnished by the Department and payment of applicable fees.

The following shall be exempt from this permit requirement: Packers of less than ten thousand (10,000) packages per year; and wholesale agricultural packers.

SECTION 5: PERMIT TERM.

The term of each permit shall be from July 1 through June 30 of the following year.

Renewal of a permit shall be made in a manner similar to the issuance of the original permit. Permits not renewed by July 31 shall be considered expired until such time as the permit fee and applicable penalty have been received by the Department.

Permits shall be readily available to any official of the Department.

SECTION 6: PERMIT NOT TRANSFERABLE.

Permits shall not be transferable between persons or locations. Permits shall not be used by subcontractors or sublessees. Only permit holders (including their employees) shall be allowed to engage in activities regulated under the permit.

SECTION 7: PERMIT FEES.

A. The fee for any packer or person using a point of sale station shall be as follows:

1. Packers:

Packers of less than ten thousand (10,000) packages per year: Exempt

Packers of ten thousand (10,000) or more packages per year: \$300.00

2. Point of Sale Stations:

1 to 3 stations: \$160.00

4 to 9 stations: \$240.00

More than 9 stations: \$300.00

B. To any permit fee not submitted by July 31 of the year for which the fee is due, there shall be added a late fee as follows:

1. To any permit fee paid late between July 31 and September 30 of the year for which the fee is due, there shall be added a penalty fee of fifty dollars (\$50.00).
2. If a permit fee is not paid by September 30 of the year for which the fee is due, then the permit shall become invalid and the permit shall be reinstated only upon payment of an amount which is double the amount of the permit fee due.

SECTION 8: LOST PERMIT.

If a current permit has been lost, the person to whom it was issued may obtain a replacement from the Department upon payment of a replacement fee of ten dollars (\$10.00).

SECTION 9: VIOLATIONS - PENALTIES.

It shall be unlawful for any person to violate any provision of this ordinance, or to violate the provisions of any permit granted pursuant to this ordinance. Any person violating any provision of this ordinance or the provisions of any permit granted pursuant to 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 or the provisions of any permit granted pursuant to this ordinance, is committed, continued or permitted.

Any person so convicted shall be: (1) guilty of an infraction offense and punishable by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense and punishable by a fine not exceeding two hundred dollars (\$200.00) for a second violation within one year of the first violation. The third violation within one year of the first violation 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 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.

SECTION 10: SEVERABILITY.

If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 11: EFFECTIVE DATE.

This ordinance shall be effective thirty (30) days after adoption.

Adopted: 832 Item 9.1 of 06/08/2004 (Eff: 07/08/2004)

832.1 Item 3.7 of 10/02/2018 (Eff: 10/31/2018)