

ORDINANCE NO. C.S. 1054

AN ORDINANCE RELATING TO FEES CHARGED BY THE DEPARTMENT OF AGRICULTURE AND WEIGHTS AND MEASURES FOR REQUIRED AGRICULTURAL RELATED REGISTRATIONS

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. Chapter 9.45 of Title 9 is hereby amended in the Stanislaus County Code to read as follows:

"9.45 AGRICULTURAL REGISTRATIONS

9.45.010 Authority

California Food and Agricultural Code (FAC) Sections 11734, 11923, 12034, and California Labor Code Sections 1695 (a) (8) and 1695(b) authorizes the County Board of Supervisors to establish registration fees, to be paid to the Agricultural Commissioner, to recover the costs of processing required registrations for pest control businesses (including, but not limited to, maintenance gardeners and tree surgeons), pest control aircraft pilots, pest control advisers, and farm labor contractors, respectively.

FAC Sections 15204 and 15204.5 authorize the County Board of Supervisors to establish fees, to be paid to the Agricultural Commissioner, to recover the cost of processing required registrations of structural pest control businesses and their employees.

FAC Section 29044 requires the Secretary of Food and Agriculture to adopt registration fees for beekeepers, apiary operators, apiary owners, and other persons in possession of any apiary. The registration fee must

be paid when registering their bees with the Agricultural Commissioner. The County Board of Supervisors may waive the registration fee for any beekeeper, apiary operators, apiary owners, or person, who is a hobbyist. A hobbyist is not in the business of beekeeping and possesses nine or fewer bee colonies.

9.45.020 Costs of Registration

Registration fees collected by the Agricultural Commissioner help offset the costs associated with the registration process. The process includes but is not limited to, processing paperwork, issuance of proofs of registration, and verifying educational requirements and/or eligibility to register.

9.45.030 Fee Methodology

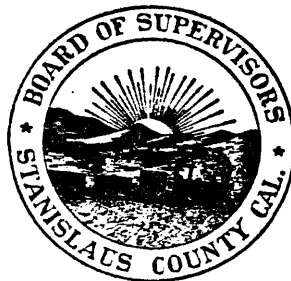
The registration fees collected by the Agricultural Commissioner shall meet the requirements set forth in the FAC Sections 11734, 11923, 12034, 15204, 15204.5 and 29044, and Labor Code Section 1695 and be listed in the Department of Agriculture and Weights and Measures Fee Schedule as adopted by the Board of Supervisors. Any beekeeper, apiary operators, apiary owners, or person, who is a hobbyist is exempt from annual registration fees as set forth in FAC Section 29044.”


Section 2. Fees to be collected by the Department of Agriculture and Weights and Measures are adopted and amended as set forth in the fee schedule attached hereto as Exhibit A, and added to the most current Department of Agriculture and Weights and Measures Fee Schedule, and incorporated by reference, a copy of which is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying in that office in accordance with the California Public Records Act.

Section 3. This Ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor Monteith, seconded by Supervisor Chiesa, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 5th day of May, 2009, by the following called vote:

AYES: Supervisors: O'Brien, Chiesa, Grover, Monteith, and
Chairman DeMartini
NOES: Supervisors: None
ABSENT: Supervisors: None

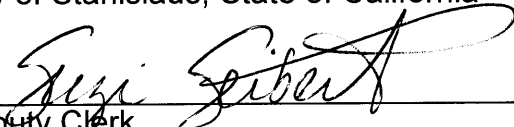




Jim DeMartini, Chairman of the Board of Supervisors of the County of Stanislaus, State of California

ATTEST:


Christine Ferraro Tallman
Clerk of the Board of Supervisors of the
County of Stanislaus, State of California

By 

Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING, County Counsel

By 

Deirdre McGrath
Deputy County Counsel

Exhibit "A"

**Department of Agriculture and Weights and Measures
Fee Schedule**

ACTIVITY	FEE AUTHORITY ⁽¹⁾	FEE AMOUNT	
Pest Exclusion - Plant Quarantine			
Phytosanitary Certification/Related Inspections	F&A 5202-5207; SC 9.81, 9.82	\$55.00	for each inspector per hour of inspection (Min. 1/2 Hr.) and travel time (Min. 1/4 Hr.).
Phytosanitary Certification/Related Inspections (After hours)	F&A 5202-5207; SC 9.81, 9.82	\$80.00	for each inspector per hour of inspection (Min. 1/2 Hr.) and travel time (Min. 1/4 Hr.).
Phytosanitary Certificate	F&A 5202-5207; SC 9.81, 9.82	\$40.00	per certificate
Apple Maggot Trapping	F&A 5202, 5204, 6303; SC 9.39, 9.81, 9.82	Based on Actual Cost	Hourly rate is converted into a cost per trap charge.
Fruit & Vegetable Quality Control			
Certified Farmers' Market Certificate	F&A 47020; SC 9.80	\$150.00	per certificate
Certified Producers' Certificate & Inspection	F&A 47020; SC 9.80	\$30.00	per certificate and
		\$55.00	per hr. of inspection/certificate review (Min. 1/2 Hr.) and travel time (Min. 1/4 Hr.) if applicable.
Certified Producers' Certificate Amendment & Inspection	F&A 47020; SC 9.80	\$30.00	per certificate and
		\$55.00	per hr. of inspection/certificate review (Min. 1/2 Hr.) and travel time (Min. 1/4 Hr.) if applicable.
Standardization Inspections	F&A 42793; CCR3 1400.10.0; SC 9.82	\$55.00	for each inspector per hour of inspection (Min. 1/2 Hr.) and travel time (Min. 1/4 Hr.)
Agricultural Registrations			
Apiary Registration (hobbyist w/9 or fewer colonies are exempt)	F&A 29044; SC 9.45	\$10.00	per registration
Farm Labor Contractor Registration	LC 1695 (b); SC 9.45	\$25.00	per registration
Pest Control Advisor Registration-Home County	F&A 12034; SC 9.45	\$10.00	per registration
Pest Control Advisor Registration-Out of County	F&A 12034; SC 9.45	\$5.00	per registration
Pest Control Business Registration	F&A 11734; SC 9.45	\$50.00	per registration
Pest Control Business (Maintenance Gardener Registration)	F&A 11734/11704; SC 9.45	\$25.00	per registration
Pest Control Aircraft Pilot Registration - Home County	F&A 11923; SC 9.45	\$10.00	per registration

ACTIVITY	FEE AUTHORITY ⁽¹⁾	FEE AMOUNT	
Pest Control Aircraft Pilot Registration - Out of County	F&A 11923; SC 9.45	\$5.00	per registration
Structural Pest Control Business – Branch 1 Registration (Operators & Field Representatives included)	F&A 15204.5; SC 9.45	\$25.00	per registration
Structural Pest Control Business – Branch 2 and/or 3 Registration (Qualifying Manager included)	F&A 15204; SC 9.45	\$10.00	per registration
Vertebrate Pest Control Program			
Diphacinone .01% - 25 pound bag	SC 9.46	\$1.85	per pound
Diphacinone .005% - 25 pound bag	SC 9.46	\$1.80	per pound
Zinc Phosphide 2% - 50 pound bag	SC 9.46	\$2.10	per pound
Weights and Measures			
Commercial Device - Test at Request of Owner/User	B&P 12210.5; SC 9.82	Established by the CA Secretary of Agriculture	
Non-commercial Device - Test at Request of Owner/User	B&P 12210 (b); SC 9.82	\$55.00	for each inspector per hour of inspection (Min. 1/2 Hr.) and travel time (Min. 1/4 Hr.).
Service Agent Testing	B&P 12540 (c); CCR4 4083	\$35.00	Fee set by Secretary of Department of Food and Agriculture
Device Registration Fee Schedule			
Device Type		Device Fee	Business Location Fee
All devices not specifically mentioned below	B&P 12240; SC 4.36.060	\$20 per device	\$100
Livestock Scales	B&P 12240; SC 4.36.060	2K to 10K - \$100 each	\$100
	B&P 12240; SC 4.36.060	>10K - \$150 each	\$100
Other Scales	B&P 12240; SC 4.36.060	2K to 10K \$150each	\$100
	B&P 12240; SC 4.36.060	>10K - \$250 each	\$100
Vehicle Meters	B&P 12240; SC 4.36.060	\$25 per meter	\$100 per vehicle
LPG Meters (stationary)	B&P 12240; SC 4.36.060	\$175 per meter	\$100
LPG Meters (vehicle)	B&P 12240; SC 4.36.060	\$175 per meter	\$100
Utility Meters at Marinas, Mobile home Parks, RV Parks, Apartment complexes	B&P 12240; SC 4.36.060	\$2 per meter	\$100
Residential utility meters not specifically mentioned in B&P 12240	B&P 12240; SC 4.36.060	\$2 per meter	\$0
Scales operated from a non-fixed location and tested at office	B&P 12240; SC 4.36.060	\$20 per scale	\$0
Applied Labor Rate			
Weighted Labor Rate	CGC 54985; SC 9.82	\$55.00/Hour – 8 am – 4:30 pm ⁽²⁾	\$80.00/Hours - outside of regular work schedule of 8 am – 4:30 pm ⁽²⁾

Note: A business location for which a location fee is charged is defined as:

- a) A location with at least one commercial device

- b) Each vehicle containing one or more commercial devices
- c) Each trip to a business location necessitated by devices requiring specialized equipment
(Example: 1 vehicle scale and 1 LPG meter at the same location = 2 business locations)

LPG – Liquefied Petroleum Gas

K = 1000 lbs (2K to 10K = 2,000 lbs to 10,000 lbs)

- (1) B&P = California Business and Professions Code
 - CCR3 = California Code of Regulations, Title 3
 - CCR4 = California Code of Regulations, Title 4
 - CGC = California Government Code
 - F&A = California Food and Agricultural Code
 - LC = California Labor Code
 - SC = Stanislaus County Code

- (2) Calculated based on Stanislaus County Auditor's Office model. For current fee information contact the Department of Agriculture and Weights and Measures by phone at (209) 525-4730 or by mail at 3800 Cornucopia Way, Suite B, Modesto, California 95358.

ORDINANCE C.S. 1054

Upon motion of Supervisor Monteith, seconded by Supervisor Chiesa, Ordinance C.S. 1054 was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 5th day of May 2009, by the following called vote:

AYES: SUPERVISORS: O'Brien, Chiesa, Grover, Monteith and Chairman DeMartini
NOES: None
ABSENT: None
ABSTAINING: None

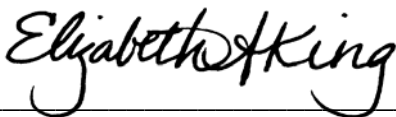
Ordinance C.S. 1054 establishes and amends Agricultural Registration Fees related to structural pest control for the Stanislaus County Department of Agriculture and Weights and Measures. A full copy of the ordinance is available for review at the Clerk of the Board's Office, 1010 10th Street, Suite 6700, Modesto, California. For further information, contact Gary Caseri, Stanislaus County Agricultural Commissioner/Sealer at (209) 525-4730 or at 3800 Cornucopia Way, Suite B, Modesto, CA.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: May 5, 2009

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
of the Board of Supervisors
of the County of Stanislaus,
State of California

BY:



Elizabeth A. King, Assistant Clerk of the Board

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

May 11, 2009

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

MODESTO, California on

May 12th, 2009

(Signature)



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Pub Dates May 11, 2009

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