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ORDINANCE NO. 5260

AN ORDINANCE ADOPTING A REGULATORY PROGRAM FOR THE COUNTY SEALER TO REGISTER AND INSPECT AUTOMATED POINT-OF-SALE SYSTEMS TO PROTECT CONSUMERS AND RECOVER THE COUNTY'S REGULATORY COSTS

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO ORDAINS AS FOLLOWS:

Section 1. Chapter 5.55, entitled "Automated Point-of-Sale Regulation", is hereby added to the El Dorado County Ordinance Code as follows:

Sec. 5.55.010. Purpose and Authority

Retail establishments primarily use automated checkout systems, called "point-of-sale systems," to calculate the prices consumers pay for commodities. When these systems are inaccurate, consumers may be overcharged and unaware they have paid more than an advertised or quoted price. Business and Professions Code sections 13350 et seq. authorizes the County to adopt an ordinance to inspect point-of-sale systems. The Board of Supervisors finds and declares it is in the public interest for the County Sealer of Weights and Measures to register and inspect point-of-sale systems. This chapter provides a regulatory program for the County Sealer to register and inspect automated point-of-sale systems to protect consumers and to recover the County's regulatory costs. This chapter also makes it unlawful to fail to register a point-of-sale system used for commercial purposes.

Sec. 5.55.020 Definitions

For the purpose of this Chapter:

- A. *Commercial purpose* means determining the price consumers pay for retail products.
- B. *Commodity* means any product sold at retail to a consumer.
- C. *County Sealer* means the sealer appointed by the County Board of Supervisors and his or her duly authorized agents.

- D. *Point-of-sale station* means a checkout counter or other place in a retail establishment where a transaction occurs between a retailer and a consumer using a "point-of-sale system" to determine the price a consumer pays for an item.
- E. *Point-of-sale system* has the same meaning as "point-of-sale system" in Business and Professions Code section 13352, as it now reads or may thereafter be amended.
- F. *Registrant* means holding an annual registration certificate issued under Section 5.55.030.

Sec. 5.55.030 Registration

- A. Registration Required. A person shall not use any point-of-sale system for commercial purposes without having a current annual registration certificate for that system.
 - 1. All registration certificates issued pursuant to this Chapter is valid for one calendar year or fraction thereof and expires on December 31st of the calendar year that the certificate was issued.
 - 2. A separate certificate shall be required for each business location.
 - 3. The certificate shall be in addition to any other certificate, license or permit which may be required by the County or any other governmental entity.
- B. Application.
 - 1. An applicant shall submit a complete application for a registration certificate to the County Sealer in the form prescribed by him or her, along with the then-current applicable fee.
 - 2. The County Sealer shall, upon receipt of a completed application and the payment of the applicable fee, issue a current registration certificate.
 - 3. The registrant shall, in case of any change in mailing address or business telephone number, notify the County Sealer in writing.
 - 4. Renewal of a registration is the responsibility of the person who owns the business location that uses a point-of-sale system and shall be made in a manner similar to the original registration.
- C. Annual fee. An annual registration fee shall be charged for the year, or any part thereof, for all point-of-sale systems requiring a registration certificate. The annual registration fee shall be as established by resolution as determined by the Board of Supervisors.
- D. Transfer. A registration certificate is not transferable from one person to another, or one business location to another business location.
- E. Delinquency.
 - 1. If a registrant fails to renew a registration certificate on or before January 31 of each year, that registrant shall pay to County a delinquency penalty that is equal to 50 percent of the applicable registration fee that was in effect at that delinquency.

2. If any person fails to either obtain a registration certificate and pay the annual registration fee within 30 days of beginning to use any point-of-sale system for commercial purposes, that person shall pay to the County a delinquency penalty that is equal to 50 percent of the applicable registration fee that was in effect at that delinquency.
3. Payment of any delinquency penalty required by this subsection does not relieve a person or registrant from the obligation to obtain a current registration certificate and pay the applicable registration fee and does not prevent the County from pursuing any applicable remedies for a violation of this Chapter, including any remedies authorized by Chapter 9.02.

Sec. 5.55.040 Inspections

- A. Inspection. The County Sealer shall inspect all point-of-sale systems in retail establishments in El Dorado County to determine the pricing accuracy of the systems, under a schedule determined by the County Sealer. The County Sealer shall follow Business and Professions Code sections 13350 et seq. when conducting inspections under this chapter. The Sealer may reinspect any retail facility that has a compliance rate of less than 98%.
- B. Re-Inspection Fee. The County shall charge a re-inspection fee to recover the Sealer's cost for re-inspecting a point-of-sale station that failed the prior inspection. The Board of Supervisors shall establish the amount of the re-inspection fee by resolution.
- C. It shall be unlawful for any person using a point-of-sale system at a retail establishment for commercial purposes in El Dorado County to refuse to allow the County Sealer to conduct an inspection or to interfere with a Sealer's inspection under this chapter.

Sec. 5.55.050 Violations

It is unlawful for any person, including a registrant, or any employee or agent thereof, to use a point-of-sale system in violation of any provision of this Chapter.

Section 2. California Environmental Quality Act. The adoption of this Ordinance is not a Project for purposes of the California Environmental Quality Act because it can be seen with certainty that adopting a regulatory program for the County Sealer to register and inspect automated point-of-sale systems to protect consumers would not result in a direct or a reasonably foreseeable direct or indirect physical change in the environment.

Section 3. Effective Date. This ordinance shall become effective thirty (30) days following final adoption

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 12th day of May, 2026, by the following vote of said Board:

ATTEST

Kim Dawson

Clerk of the Board of Supervisors

Ayes: Laine, Veerkamp, Turnboo, Parlin, Ferrero

By Kyra Schaffneger

Deputy Clerk

Noes: None

Absent: ~~Ferrero~~ / None

Brian Veerkamp

Brian Veerkamp, Second Vice-Chair,
Board of Supervisors

APPROVED AS TO FORM

DAVID LIVINGSTON

COUNTY COUNSEL

By: [Signature]
Title: Deputy County Counsel