

ORDINANCE NO. 2009-03

**An Ordinance Amending Chapter 16 of Title 7 of Code of Ordinances
Pertaining to Weights and Measures**

The Common Council of the City of Cedarburg, Wisconsin, hereby ordains as follows:

SECTION 1. Section 16 of the City of Cedarburg Municipal Code is hereby amended to read as follows:

“Chapter 16

Weights and Measures Regulations

SEC. 7-16-1 DEFINITION.

Commercial Weighing or Measuring Devices. Devices used or employed in establishing the size, quantity, extent, area or measurement of quantities, things, produce or articles for sale, hire or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure.

SEC. 7-16-2 WEIGHTS AND MEASURES REGULATIONS.

The statutory provisions of Chapter 98, Weights and Measures, Wis. Stats. and Wis. Adm. Code, ATCP 92, Weighing and Measuring Devices are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any Statute or Code incorporated herein by reference is required or prohibited by this section. Any further amendments, revisions or modifications of the Statutes incorporated herein or Wis. Adm. Code provisions incorporated herein are intended to be made a part of this section. This section is adopted pursuant to the provisions of Chapter 98, Wis. Stats.

SEC. 7-16-3 APPOINTMENT OF INSPECTORS.

In order to assure compliance with this section, the City hereby grants the authority and duties of sealers and inspectors required by this section to the State of Wisconsin Department of Agriculture, Trade and Consumer Protection.

SEC. 7-16-4 WEIGHTS AND MEASURES LICENSE REQUIRED.

- (a) License Requirements. Except as provided in subs. (b), no person shall operate or maintain any commercial weighing or measuring devices or any other weights and measures systems and related accessories which are used commercially within the City of Cedarburg for determining the weight, measure or count unless each such device is licensed by an annual weights and measures license issued pursuant to the provisions of this section.

- (b) Exemptions. Sales permitted at a Farmers' Market or sales permitted by Direct Sellers, Transient Merchants and Solicitors are exempt from licensing under this section.

SEC. 7-16-5 APPLICATION FOR LICENSE.

An application for a weights and measures license shall be made in writing on a form provided for such purpose by the City of Cedarburg ~~Treasurer~~ Clerk and shall be signed by the owner of the commercial business, or by its authorized agent. The application shall be returned to the City of Cedarburg ~~Treasurer's~~ Clerk's Office by June 30. Such applications shall state the type and number of weighing and measuring devices to be licensed, location of the devices, the applicant's full name and post office address, and whether such applicant is an individual, partnership, limited liability company, corporation or other entity. If the applicant is a partnership, the application shall state the names and addresses of each partner. If the applicant is a corporation or limited liability company, the application shall state the name and address of all officers and agents of the applicant, including the registered agent.

SEC. 7-16-6 LICENSE TERM.

A license issued under this section shall expire on June 30 of each year.

SEC. 7-16-7 FEES ASSESSMENT.

- (a) The annual assessment shall be determined based on the number and types of weighing and measuring devices licensed as of July 1 each year along with a \$20 annual license fee. Payment of the fee shall be returned with the application to the City ~~Treasurer's~~ Clerk's Office by June 30. The total of the fees assessed and fees collected shall not exceed the actual costs of the Weights and Measures Program.
- (b) Fees charged shall be \$5.00 per device and \$20 annual license fee and shall be calculated at the time the application is filed with the City ~~Treasurer's~~ Clerk's Office.
- (c) If the assessed fee is not paid within 30 days of the due date, June 30, interest shall accrue thereon at the rate of 1.5% per month until paid. If the licensee is the owner of the real estate premises where the licensed weights and measures devices are located, any delinquent assessment shall be extended upon the current or the next tax roll as a charge against the real estate premises for current services, as provided in Sec. 66.0627, Wis. Stats. No licenses shall be issued or renewed under this section if the licensee is delinquent in the payment of a fee assessed under this section.
- (d) Upon receipt of application and assessment payment, the City ~~Treasurer's~~ Clerk's Office shall issue a license to the applicant. Each business location shall require a separate license. The license fee shall not be prorated for a partial year.

SEC. 7-16-8 ENFORCEMENT FOR NON-RENEWAL.

It shall be the duty of the City of Cedarburg ~~Treasurer's~~ Clerk's Office to notify the City Attorney and other appropriate City officials and to order the immediate enforcement of the provisions of this section in cases involving failure to renew a weighing or measuring device license. Said licensee shall be prohibited from operating or maintaining a weighing or measuring device until such time as a valid license has been obtained under the provisions of this section.

SEC. 7-16-9 CHANGE OF OWNERSHIP

If the ownership of a commercial business licensed under this section is transferred during a license year, the owner of the business as of July 1 of the license year shall be liable and responsible for the payment of the fees assessed under this section.

(State Law Reference: Chapter 98, Wis. Stats.)

SEC. 7-16-10 THROUGH SEC. 7-16-29 RESERVED FOR FUTURE USE.”

SECTION 2. This ordinance shall take effect on upon publication as provided by law.

Passed and adopted this 23rd day of February 2009.

Steven H. Glamm, Acting Mayor

Attest:

Constance K. McHugh, City Clerk

Approved as to form:

Kaye K. Vance, City Attorney