

Chapter 15

Weights and Measures Regulations

7-15-1 Weights and Measures Regulations

Sec. 7-15-1 Weights and Measures Regulations.

- (a) **Application of State Codes.** The provisions of Ch. 98, Wis. Stats., and Wis. Adm. Code Ch. ATCP 92 are hereby adopted and incorporated herein by reference as the regulations of the City pertaining to weights and measures. All performance required thereunder shall be required in the City and all acts thereunder prohibited shall also be prohibited in the City. In addition, should either the statute or administrative code chapter be amended, revised, modified or replaced, any such amendments, revisions, modifications and replacement provisions shall be enforced under this Ordinance without the necessity of a specific amendment hereto. This Ordinance is adopted under the authority of §98.04(1), Wis. Stats.
- (b) **Appointment of Inspectors.** Pursuant to §98.04(2), Wis. Stats., enforcement of this Ordinance shall be performed in the City by the Department of Agriculture, Trade and Consumer Protection in accord with a contract entered for that purpose in the City.
- (c) **Definitions.**
 - (1) **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.
 - (2) **Weights and Measurers Program.** The program that includes administration and enforcement of this section, Chapter 98, Wis. Stats., and applicable Wis. Adm. Code provisions, and any related actions.
- (d) **Weights and Measures License Required.**
 - (1) **License Requirements.** Except as provided in sub. (2), no person shall operate or maintain any commercial weighing or measuring devices or any other weights and measures or systems and accessories related thereto which are used commercially within the City of Onalaska for determining the weight or measure of count unless each device is licensed by an annual weights and measures license issued pursuant to the provisions of this section.
 - (2) **Exemptions.** Sales which are otherwise exempted by law from operation of this Ordinance and the statute and administrative code provisions incorporated by reference, including those taking place at farmers markets and under Direct Sellers, Transient Merchants and Solicitors regulations are exempted from the licensing requirements under this Ordinance.

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- (e) **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 Clerk and shall be signed by the owner of the commercial business, or by its authorized agent. 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 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 thereof.
- (f) **Issuance of License and Fees.** Upon compliance with this section, the City Clerk shall issue a license to the applicant upon payment of an annual license fee as established by the City Council by resolution. Each separate store or business location shall require a separate license. The license fee shall not be prorated for a partial year.
- (g) **License Term.** A license issued under this section shall expire on June 30 of each year.
- (h) **Enforcement for Violations.** In the event that the City Clerk is informed of violations of this Ordinance and/or statutes and administrative code provisions incorporated herein by reference, the City Clerk shall refer the alleged violation to the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection for enforcement.
- (i) **Failure to Renew a License.** Any person failing to obtain or renew a license as required under this Ordinance shall be subject to injunctive relief as well as to assessment of a forfeiture as provided in Section 1-1-7 of the Code of Ordinances.
- (j) **Fee Assessment.**
 - (1) **Annual Assessment.** On an annual basis, the Common Council shall assess the costs of enforcement against those licensees whose activities required such enforcement activity during the preceding year. Each licensee shall be responsible for all of the charges levied against the City by the State of Wisconsin for enforcement activities pertaining to that particular licensee's regulated weighing and measuring activities under this Ordinance. For purposes of this Ordinance, each year shall run from July 1 to June 30.
 - (2) **Clerk to Prepare Assessment Schedule.** Annually, the City Clerk shall prepare a proposed schedule of assessments and the Clerk's proposed schedule shall be submitted to the Common Council. A copy of the proposed schedule together with notice of the date and time at which the Council will consider the assessments shall be mailed to each licensee.
 - (3) **Common Council Determines Assessment.** No sooner than ten (10) days after such mailing, the Common Council shall consider the Clerk's proposed schedule of assessments and determine the schedule of assessments on a reasonable basis. The City Clerk shall mail to each licensee an invoice for the amount of the fee assessed to the licensee as determined by the Common Council and each licensee shall pay the fee assessed within thirty (30) days after the date the invoice is mailed.

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- (4) **Failure to Pay Assessment.** If the assessed fee is not paid within thirty (30) days of the date of mailing of the invoice, an additional administrative collection charge of ten percent (10%) of the fee shall be added to the amount due, plus interest shall accrue thereon at the rate of one percent (1%) per month or fraction thereof 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 §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.
 - (5) **Mailing of Notices.** Schedules, notices and invoices shall be considered delivered to a licensee when mailed by first class mail, postage prepaid, to the licensee at the licensee's address as shown on the application form.
 - (6) **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.
- (k) **Penalty.** Any person violating any provision of this chapter or any rule or regulation made hereunder may be subject to penalties as provided in Section 1-1-7 of the Code of Ordinances.

Code in effect 2/12/19