

## **12.16 WEIGHTS AND MEASURES REGULATION.**

- (a) APPLICATION OF STATE CODES. Except as otherwise specifically provided in this section, the statutory provisions of Ch. 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 future 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 Ch. 98, Wis. Stats.
- (b) 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.
- (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 Measures Program." The program that includes administration and enforcement of this section, Ch. 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 subs. (d)(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 Dodgeville for determining the weight, measure or count of commodities or things sold or offered or displayed for sale on the basis of 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.
  - (2) Exemptions. Occasional sales temporarily permitted by a special event permit, or sales permitted at the Farmers Market established pursuant to this chapter, or sales permitted by Direct Sellers, Transient Merchants and Solicitors are exempt from licensing under this section.
- (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-Treasurer and shall be signed by the owner of the commercial business, or by its authorized agent. Such application shall state the type and number of weighing and measuring devices to be licensed, the 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 thereof.
- (f) ISSUANCE OF LICENSE AND FEES. Upon compliance with this section, the City Clerk-Treasurer shall issue a license to the applicant upon payment of an annual license fee as set forth in Sec. 25.045.

Each store or other 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 December 31 of each year.

(h) ENFORCEMENT FOR NONRENEWAL. It shall be the duty of the City Clerk-Treasurer to notify the appropriate City officials and to order the immediate enforcement of the provisions of this section in cases involving a failure to renew a weights and measures license. A 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.

(i) FEES ASSESSMENT.

(1) Annual Assessment. The Council shall annually assess fees to each licensee based on the number and types of weighing and measuring devices licensed as of January 1 of each year. The total of the fees assessed and the fees collected shall not exceed the actual costs of the Weights and Measures Program.

(2) Clerk-Treasurer to Prepare Assessment Schedule. The City Clerk-Treasurer shall at least annually prepare a proposed schedule of assessments and the Clerk-Treasurer's proposed schedule shall be submitted to the 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) Council Determines Assessment. At least 10 days after such mailing, the Council shall consider the Clerk-Treasurer's proposed schedule of assessments and determine the schedule of assessments on a reasonable basis. The City Clerk-Treasurer shall mail to each licensee an invoice for the amount of the fee assessed to the licensee as determined by the Council and each licensee shall pay the fee assessed within 30 days after the date the invoice is mailed.

(4) Failure to Pay Assessment. If the assessed fee is not paid within 30 days of the date of mailing of the invoice, an additional administrative collection charge of 10% of the fee shall be added to the amount due, plus interest shall accrue thereon at the rate of 1% 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 §66.0627, Wis. Stats. No license 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 mailed 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 January 1 of the license year shall be liable and responsible for the payment of the fees assessed under this section.