

**CITY OF SHEBOYGAN
ORDINANCE 25-23-24**

BY ALDERPERSONS SALAZAR AND FELDE.

OCTOBER 16, 2023.

AN ORDINANCE amending section 14-1 Weights And Measures.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS
FOLLOWS:

SECTION 1: **AMENDMENT** “Sec 14-1 Weights And Measures” of the
Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 14-1 Weights And Measures

- (a) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial weighing or measuring devices means those 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.

Weight means net weight when used in reference to a commodity.

Weights and measures means all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliances and accessories associated with all such instruments and devices, except meters for the measuring of electricity, gas (natural and manufactured) or water when the same are operated in a public utility system.

- (b) *State ~~statutes~~ laws adopted.* The provisions of Wis. Admin. Code ATCP 92 and Wis. Stats. ch. 98 regulating weights and measures is adopted by reference as though fully set forth in this section.
- (c) *Systems to be used.* The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and one or the other of these systems shall be used for all commercial purposes in the city. The specifications, tolerances and regulations for commercial weighing and measuring devices issued by the National Institute of Standards and Technology shall apply in the city, except as modified by rules issued by the state weights and measures

department.

- (d) ~~Field standards and equipment.~~ The city shall supply such field standards and such equipment as may be found necessary to carry out the provisions of this chapter. The field standards shall be verified by the state weights and measures office upon their initial receipt, and at least once each two years thereafter. Weights and measures services. In lieu of a municipal sealer/inspector, the City shall contract with the Wisconsin Department of Agriculture, Trade, and Consumer Protection for weights and measures inspection services.
- (e) ~~Municipal sealer.~~ A municipal sealer/inspector position is established in the department of city development. The selection of the municipal sealer/inspector shall be from a list of applicants whose qualifications have been certified by the state, pursuant to civil service rules and regulations. Reserved.
- (f) *Device licenses.* No person shall operate or maintain weights and measures, weighing or measuring devices and systems and accessories relating thereto which are used commercially within the city in determining the weight, measure or count of commodities or things sold or offered or exposed for sale on the basis of weight, measure or count unless licensed by an annual weighing or measuring device license issued pursuant to the following:
 - (1) *Application.* The application for a weighing or measuring device license shall be made in writing on a form provided for such purpose by the building inspection ~~department~~division. 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 person is an individual, firm or corporation and, if a partnership, the names of partners together with their addresses and the signatures of the applicants.
 - (2) *Issuance; fees.* The city building inspection ~~department~~division shall issue a license to the applicant based on the total number of weighing and measuring devices operated by the applicant if the requirements of this section have been complied with upon payment to the building inspection division of the fee as set forth in the Weights and Measures Device License Fee Schedule on file with the building inspection division and city clerk. ~~required in the following fee schedule:~~
 - (3) *Expiration; renewal.* All weighing or measuring device licenses shall expire on December 31 in the year issued. Any application for license renewal not made by January 15 shall result in the applicant's paying a late fee, in addition to the annual license fee before being granted a license renewal.
 - (4) *Suspension for non-renewal.* It shall be the duty of the city building inspection ~~department~~division to notify the appropriate city officials and to order the immediate enforcement of the provisions of this article in cases involving failure to renew a weighing or measuring device license. The licensee shall be prohibited from operating or maintaining a weighing or measuring device until such time as a valid license has been applied for and obtained under the provisions of this article.
 - (5) *Display of license.* All persons licensed under the provisions of this article

shall immediately post their license upon some conspicuous part of the premises on which the business is carried on and the same shall remain posted during the period for which the license is valid.

(6) *Suspension of license.* Notwithstanding the other provisions of this article, whenever a contracted ~~sealer or~~ inspector determines that any business on any premises licensed under this article is conducted or managed in such a manner that there are serious or repeated violations of this Code, state law, or the National Institute of Standards and Technology relating to weights and measures, the ~~sealer or~~ inspector may:

- a. Without warning, notice or hearing, issue a written notice to the license holder, operator or employee in charge of the licensed premises, describing such condition and specifying the corrective action to be taken, and if deemed necessary such order shall state that the license is immediately suspended and all weighing and measuring operations are to be discontinued.
- b. Communicate the details of such violation to a city building inspector, who may then without warning, notice or hearing, issue a written notice to the license holder, operator or employee in charge of the licensed premises, describing such condition and specifying the corrective action to be taken, and if deemed necessary such order shall state that the license is immediately suspended and all weighing and measuring operations are to be discontinued.
- c. Any person to whom such an order is issued shall comply immediately but, upon written petition to the ~~chief city~~ administrator's office, shall be afforded a hearing before the ~~law and~~ licensing, hearings, and public safety committee within 21 days of such petition. Failure to allow an inspector immediate access to the premises to determine whether such grounds exist shall be grounds for suspension.

(7) *Revocation of licenses.* For serious or repeated violations of any of the requirements of this article, or violation of any city ordinances or regulations or laws or regulations of the state relating to weights and measures, or for interference with any city official, contracted or otherwise, in the performance of the official's duties, the city may revoke the license issued under this section. Prior to such action, the contracted ~~sealer/~~inspector or a building inspector shall notify the license holder in writing, stating the reasons for which the license is subject to revocation, and advising that the license shall be revoked at the end of ten days following service of such notice, unless a request for a hearing is filed with the law and licensing committee, by the license holder within such ten-day period.

(8) *Hearings.* The hearings provided for in this section shall be conducted by the licensing, hearings, and public safety committee at a time and place designated by the committee chairperson. Based upon the record of such hearing, the building inspection ~~department~~ division shall be charged with enforcing the decisions of the committee with the assistance of such other government

official as necessary. A written report of the hearing decision shall be furnished to the license holder by the committee chairperson.

- (g) *Other weighing or measuring device fees.* Notwithstanding the provision for the requirement of an annual license for weighing and measuring devices, whenever a special request is made for the inspection or testing of a noncategorized weighing or measuring device or a consultation, the actual expenses of same may be charged to the person or firm receiving the service. Such payment or charge shall be based on the current hourly rate.

(Code 1997, §§ 138-1—138-4, 138-11, 138-12, 138-14; Ord. No. 4-03-04, § 1, 6-2-2003; Ord. No. 22-04-05, § 1, 7-19-2004; Ord. No. 86-06-07, § 1, 2-19-2007; Ord. No. 44-09-10, § 1, 12-7-2009; Ord. No. 25-15-16, §§ 2, 3, 9-21-2015)

State law references—Weights and measures generally, Wis. Stats. ch. 98; municipal enforcement, etc., Wis. Stats. § 98.04.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3: EFFECTIVE DATE This Ordinance shall be in effect from and after its passage and publication according to law.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan