

CITY OF TWO RIVERS

ORDINANCE

An Ordinance to amend Chapters 1-2-1 of the Municipal Code of the City of Two Rivers, Wisconsin, fees, based on the recommendation of the City Manager and the City Council and create section 6-15 of the Municipal Code titled “Weights and Measures”:

The Council of the City of Two Rivers, Wisconsin, ordains as follows:

SECTION 1. Subsection 1-2-1 of the Municipal Code of the City of Two Rivers, Wisconsin, is hereby amended by creating the following fee schedule entries under a new heading titled “Weights and Measures Device Fees”:

Weights and Measures Annual License Fees (\$25.00)

Weights and Measures Device Fees (DATCP Inspection Cost Recovery)

Annual Weights & Measures License for devices located or used within the City for the purpose of computing a charge or payment for services rendered on the basis of weight or measure. Operators of these weights and measures shall pay to the City the actual cost of incurred by the City in connection with inspecting said weights and measures.

SECTION 2. Subsection 6-15 of the Municipal Code of the City of Two Rivers, Wisconsin, is hereby established under heading titled “Weights and Measures ”:

A. Application of State Codes. The provisions of Ch. 98, Wis. Stats., and Wis. Adm. Code Ch. ATCP 92 are 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 section without the necessity of a specific amendment hereto. This section is adopted under the authority of § 98.04(1), Wis. Stats.

B. 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.

C. Weights and Measures License Required.

1. License Requirements. Except as provided in subsection (C)(2) of this section, 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 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 section 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 section.

D. 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.

E. 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.

F. License Term. A license issued under this section shall expire on December 31st of each year.

G. Enforcement for Violations. In the event that the city clerk is informed of violations of this section 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.

H. Failure to Procure or Renew a License. Any person failing to obtain or renew a license as required under this section shall be subject to injunctive relief as well as to assessment of a forfeiture of not more than \$100.00 per device.

I. A per-device fee, as set in Sec. 1-2-1, is established to recover the City's annual costs to the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) for inspection and sealing services performed pursuant to a memorandum of agreement, together with the City's administrative costs to process and administer licenses.

J. The fees shall apply to all types of weights and measures devices used to compute a charge or payment by weight or measure in the City, including but not limited to the device types listed above.

K. The City Manager or designee may recommend adjustments to the per-device fee amounts by resolution of the Council to reflect changes in (i) the City's costs under its agreement with DATCP, or (ii) the City's administrative costs, provided that any such changes continue to be based on cost recovery principles and the allocation of time and cost by device type.

L. Inspections. Inspections and sealers' services shall be furnished by DATCP pursuant to a memorandum of agreement renewed in accordance with State law. The City shall remit payment to DATCP in the amount necessary to cover the agreed cost of such services.

M. Cost Recovery. The fees established herein are intended solely to recover the City's costs of DATCP services and City administrative expenses related to the licensing and regulation of weights and measures devices. This ordinance does not establish penalties for non-payment or non-compliance; other enforcement mechanisms, if any, shall be as provided by applicable law.

SECTION 3: Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 4: Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

Adopted by the Council of the City of Two Rivers, Manitowoc County, Wisconsin this
____ day of _____, 2025.

Scott Stechmesser
President, City Council

Kyle Kordell
City Manager

Attest:

Amanda Baryenbruch, City Clerk

Approved as to form and legality:

Sean P. Griffin
City Attorney