

**LEGISTAR #53927 - Body**

DRAFTER'S ANALYSIS: This revision includes updates to maintain accuracy with state statutes, administrative codes, and Department of Commerce handbooks regarding weights and measures. The amendment also updates the fee structure for weights and measures licensing. The revision reduces unnecessary duplication of state statutes. For example, although the amendment deletes language regarding service for disabled individuals at motor fuel dealers, the legal requirement for that service remains unchanged because it is required under state law. The revision does not create new titles or officials, but clarifies language throughout the Chapter to refer to weights and measures officials in a uniform and consistent manner. This ordinance shall be effective April 1, 2019.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Chapter 22 entitled "Consumer Protection and Weights and Measures" of the Madison General Ordinances

**"CHAPTER 22 CONSUMER PROTECTION AND WEIGHTS AND MEASURES.**

**22.01 FEDERAL STANDARDS, STATE STATUTES AND RULES ADOPTED BY REFERENCE.**

The subsequent federal standards, Wisconsin Statutes and Section thereof, and Wisconsin Rules are adopted by reference and shall be enforced under this ordinance with violations of same subject to penalties set forth in Section 22.21 of this ordinance:

- (1) Wis. Stat. ch. 98, "Weights and Measures."
- (2) ~~Chapter ATCP 90, Wisconsin Administrative Code~~ Wis. Admin. Code ch. ATCP 90, "Fair Packaging and Labeling."
- (3) ~~Chapter ATCP 91, Wisconsin Administrative Code~~ Wis. Admin. Code ch. ATCP 91, "Methods of Sale of Selling Commodities by Weight, Measure or Count."
- (4) ~~Chapter ATCP 92, Wisconsin Administrative Code~~ Wis. Admin. Code ch. ATCP 92, "Weighing and Measuring Devices Weights and Measures."
- (5) National Institute of Standards and Technology (NIST) Handbook 44, U.S. Department of Commerce, "Specifications, Tolerances and Other Technical Requirements for ~~Commercial~~ Weighing and Measuring Devices."
- (6) NIST Handbook 133, U.S. Department of Commerce, "Checking the Net Contents of Packaged Goods."
- (7) ~~Sections of Wis. Stat. ch. 97, pertaining to product labeling, as follows: 97.03 "Standards; Misbranding," 97.07 "Interpretation," 97.09 "Rules," and 97.12 "Enforcement."~~
- (8) ~~Sections of Chapter 100, Wisconsin Statutes, pertaining to advertising as follows: Wis. Stat. § 100.18, "Fraudulent Advertising Representations," and Wis. Stat. § 100.183, "Fraud, Advertising Foods."~~
- (9) ~~Wis. Stat. § 100.51(5).~~
- (10) ~~Sections of NIST Handbook 130, U.S. Department of Commerce, Uniform Laws and Regulations, pertaining to "Examination Procedure for Price Verification."~~

**22.02 DEFINITIONS.**

As used in this Chapter, unless the context requires otherwise:

"Department" means the Department of Planning and Community and Economic Development.

"Incorrect" as applied to weights and measures and commodities includes any failure to comply with the requirements of this Chapter or rules issued thereunder.

~~"Motor vehicle" has the meaning given in Sec. 340.01, Wis. Stats.~~

"Pump" means a device used to dispense motor fuel for sale at retail.

"Sell", "sale" and "sold" include barter or exchange, and any offering or exposing for sale or possession with intent to sell.

~~"City Sealer" and "Deputy Sealer" means a Sealer of weights and measures and a Deputy Sealer of weights and measures of the City of Madison.~~

"City Weights and Measures Officials" includes the City Sealer and Weights and Measures Inspectors of the City of Madison.

"Temporary Vendor" includes "transient merchants" as defined in Sec. 9.17(2), "truckers" as defined in Sec. 9.15(1)(a), and "hawkers" and "peddlers" as defined in Sec. 9.15(1)(b) and also includes any individual, partnership, limited liability company, or corporation who engages in the sale of produce or other perishable products at retail or wholesale in this state temporarily.

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

"Weights and Measures" means weights and measures of every kind, instruments and devices for weighing and measuring, electronic scanners used to record the price of a commodity or thing, and any appliances and accessories used with any or all such instruments and devices, except meters for the measurement of electricity, gas (natural or manufactured) or water when the same are operated in a public utility system, ~~and scales under the control of the grain and warehouse commission.~~

#### **22.03 FIELD STANDARDS AND EQUIPMENT: SPECIFICATIONS AND TOLERANCES.**

- (1) There shall be supplied by the City such "field standards" and such equipment as may be found necessary to carry out the provisions of this ~~e~~Chapter. The field standards shall be verified by the State Department of Agriculture, Trade and Consumer Protection or an accredited metrology lab upon their initial receipt and at least once each two (2) years thereafter.
- (2) The specifications, tolerances and regulations for commercial weighing and measuring devices issued by the National ~~Bureau of Standards~~ Conference on Weights and Measures shall apply in this City except as modified by rules issued by the State Department of Agriculture, Trade and Consumer Protection.

#### **22.04 ~~CITY SEALERS AND WEIGHTS AND MEASURES INSPECTORS.~~**

~~The City Sealer and Weights & Measures Inspectors~~ shall be appointed by the Director of the Building Inspection Division of the Department of Planning and Community and Economic Development subject to confirmation by the Common Council. The Department shall keep a complete record of its work and annually shall file a report thereof with the State Department of Agriculture, Trade and Consumer Protection.

#### **22.05 ENFORCEMENT AUTHORITY.**

- (1) There is conferred upon the ~~Sealer and Weights & Measures Inspectors of weights and measures, City Weights and Measures Officials~~ police power. Such ~~Sealer and Weights & Measures Inspectors~~ City Weights and Measures Officials shall be provided with suitable badges or insignia of authority and in the exercise of their functions shall exhibit the same, upon demand, to any person questioning their powers and they may make arrests, with or without formal warrant, of any persons violating any statute or ordinance relating to weights and measures.
- (2) The ~~Sealer and Weights & Measures Inspectors~~ City Weights and Measures Officials may enter and go into or upon any structure or premises, and may stop any person or vehicle for the purpose of enforcing this ~~e~~Chapter. They shall inspect and test any weights or commodities which are sold or used commercially as often as necessary to secure compliance with this ~~e~~Chapter. The ~~Sealer and Weights & Measures Inspectors~~ City Weights and Measures Officials shall approve for use and may seal or mark with appropriate devices such weights and measures as found upon inspection and test to be correct, and shall reject and mark or tag as rejected such weights and measures found to be incorrect, but which in their best judgment are susceptible of satisfactory repair. Weights and measures that have been rejected or condemned may be confiscated and may be destroyed by the ~~Sealer~~ City Weights and Measures Officials if not corrected as required ~~by the Sealer,~~ or if used or disposed of contrary to this ordinance.
- (3) The ~~Sealer or Weights & Measures Inspector~~ City Weights and Measures Officials shall have the power to issue stop orders, stop-sale orders, and disposal orders with respect to weights and measures being, or susceptible of being, commercially used, and to issue stop-sale orders and disposal orders with respect to packages or amounts of commodities

kept, offered, or exposed for sale, sold, or in process of delivery, whenever in the course of their enforcement of the provisions of this ordinance they deem it necessary or expedient to issue such orders. No person shall use, remove from the premises specified, or fail to remove from the premises specified, any weight, measure, or package or amount of commodity contrary to the terms of a stop-use order, stop-sale order, or disposal order issued under the authority of this section.

- (4) ~~The Sealer or his/her designee~~ City Weights and Measures Officials shall investigate complaints made to ~~him/her~~ them concerning violations of the provisions of this ~~e~~Chapter, and shall, upon ~~his/her~~ their own initiative, conduct such investigations as ~~he/she~~ they deems appropriate and advisable to develop information on prevailing procedures in commercial quantity determination and on possible violations of the provisions of this ~~e~~Chapter, and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.
- ~~(5) In accordance with the provisions of Section 9.16, Madison General Ordinances, the Sealer or his/her designee shall inspect the physical inventory of merchandise to be sold to insure same to be in agreement with that inventory as submitted in the affidavit of application. Upon completion of such inspection the Sealer or his/her designee shall submit a written report of his/her findings to the City Clerk.~~
- (65) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this ~~e~~Chapter may be assessed seventy-five dollars (\$75) per compliance inspection, as defined in Sec. 27.03(2), MGO, that does not result in compliance with the order. A thirty-five dollar (\$35) charge may be assessed when an inspector fails to gain entry to carry out a compliance inspection.
- ~~(76)~~ The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0627.

## 22.06 RESPONSIBILITIES OF EQUIPMENT OWNERS OR USERS.

The owner, operator or user of any commercial weights and measures equipment, devices or associated equipment is responsible for the accuracy and maintenance of same.

- (1) It shall be the duty of every owner, operator or user to notify the ~~City Sealer~~ City Weights and Measures Officials in writing of the acquisition of any commercial weighing or measuring device, whether new, rebuilt or used. Said notification shall be by application for use and payment of the appropriate fee and shall be prior to use of said device.
- (2) Commercial weights and measures devices regulated by this ordinance shall bear security seals appropriately affixed to any adjustment mechanisms designed to be sealed. The security seals shall bear the mark or imprint of the ~~Sealer or Deputy Sealer, or other City wWeights and mMeasures eOfficials,~~ or service persons authorized by the ~~Sealer Department of Agriculture, Trade and Consumer Protection.~~ Said security seal may only be removed to facilitate repairs of devices. Any service person who removes a security seal shall replace it and reseal the device with ~~his/her~~ their own imprint. The ~~Sealer or Deputy Sealer~~ City Weights and Measures Officials shall be notified of said repairs and removal of the seal within ~~seventy-two (72)~~ seventy-two (72) hours of removal, or of the introduction of a new, rebuilt or used device per Subsection (1) above so that said device may be reinspected.
- (3) ~~Transient merchants~~ Temporary Vendors, purchasing or selling commodities or services by weight or measure either from bulk or in packaged form shall notify the ~~Sealer~~ City Weights and Measures Officials and ~~receive the~~ for approval of the ~~Sealer~~ before purchasing or selling activities may begin ~~commenced~~. At the ~~Sealer's~~ City Weights and Measures Officials' discretion the ~~transient merchant~~ temporary vendor may be approved for a calendar year and the subsequent notification requirement may be waived. Sellers of

farm produce and seafood vendors operating from other than a continuous, permanent location shall also meet these requirements.

- (4) Every owner or operator shall secure the gas pump(s) electronic and payment processing area(s) under their control or ownership by installing a lock(s) that is unique to the pump(s) under their control.

#### **22.07 METHOD OF SALE OF COMMODITIES.**

Wis. Admin. Code ch. ATCP 91, as adopted in Sec. 22.01(3), applies to all method of sale requirements.

- ~~(1) Commodities in liquid form shall be sold by liquid measure and commodities not in liquid form shall be sold by weight, provided that liquid commodities may be sold by weight and commodities not in liquid form may be sold by count or measure if such methods are in general use and give accurate information as to the quantity of commodity sold.~~
- ~~(2) Berries and small fruits may be sold by measure only if in containers having capacities of one-half dry pint, one dry pint, or one dry quart.~~
- ~~(3) It shall be unlawful to advertise, offer for sale, or sell within the City any fireplace or stove wood that is not in accordance with Wisconsin ATCP 91 (91.03)(3)(h) which references NIST Handbook 130, ch. IV.B, section 2.4.~~
- ~~(4) This section shall not apply to commodities sold in compliance with a state or federal law which prescribes another method of sale or to commodities for immediate consumption on the premises where sold.~~

#### **22.08 DECLARATION OF QUANTITY.**

Wis. Stat. ch. 98 and Wis. Admin. Code ch. ATCP 90 as adopted in Secs. 22.01(1) and (2), apply for all declaration of quantity requirements.

- ~~(1) No commodity which is marked, tagged or labeled, or for which a sign is displayed, with a selling price, shall be sold unless the weight, measure or count of the commodity is conspicuously declared on the commodity or its tag, label or sign, but a declaration of count is not required if the selling price is for a single unit, or a set or combination of commodities customarily sold to and understood by consumers as a single unit, or if the commodity is packaged prior to sale and the package contains six (6) units or less which can be easily counted without opening the package.~~
- ~~(2) No commodity shall be wrapped or its container made, formed or filled so as to mislead the purchaser; nor shall the qualifying term "when packaged," or the terms "jumbo" or "giant" or "full", or words of similar import that tend to mislead the purchaser as to the amount of the commodity, be used in connection with a declaration of quantity.~~
- ~~(3) In addition to the declarations required by this section, any commodity in package form, the package being one of a lot containing random weights, measures or counts of the same commodity and bearing the total selling price of the package, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure or count.~~

#### **22.09 ~~VARIATIONS FROM DECLARED QUANTITY~~ WEIGHING AND MEASURING DEVICES: GENERAL REQUIREMENTS.**

~~The magnitude of permitted variations from declared quantity shall be determined by rules set forth by the Wisconsin Department of Agriculture, Trade and Consumer Protection and the facts in the individual case.~~

Weighing and measuring devices shall comply with applicable specifications, tolerances, and other technical requirements set forth in NIST Handbook 44.

#### **~~22.10 ADVERTISING COMMODITIES FOR SALE.~~**

~~Whenever a commodity in bulk or packaged form is advertised in any manner and the price of the commodity is stated in the advertisement, there shall be closely and conspicuously associated with such statement of price a declaration of the quantity; of contents offered in the case of packaged commodity; or of the price per unit and the unit it is based upon in the case of a bulk commodity.~~

- ~~(1) — When the commodity is in packaged form, the quantity, as it appears on the package, shall likewise appear in the advertisement, provided that where the law or regulation requires a dual declaration that sets forth the quantity in terms of a smaller unit of weight or measure, both declarations that are required to appear on the package must also appear in the advertisement.~~
- ~~(2) — Whenever any commodity is advertised as described above, the appropriate Method of Sale, as set forth in Section 22.07 of this ordinance, and in state statutes and rules adopted by reference, shall also be applied in the advertisement.~~
- ~~(3) — There shall not be included as part of the declaration required under this section such qualifying terms as "when packaged", "minimum", "not less than", or any other terms of similar import, nor any term qualifying a unit of weight, measure, or count (for example, "jumbo", "giant", "full", and the like) that tends to exaggerate the amount of commodity in the package.~~

#### **22.11 MISREPRESENTATION OF PRICE.**

Wis. Stat. § 98.26(1)(c) and Wis. Admin. Code ATCP 91.04 as adopted in Secs. 22.01(1) and (3) apply to this section.

Whenever any commodity or service is sold or is offered, exposed, or advertised for sale, by weight, measure or count, the price shall not be misrepresented, nor shall the price be represented in any manner which may mislead or deceive an actual or prospective purchaser. No person shall represent in any manner a false quantity or price in connection with the purchase or sale, or any advertising thereof, of any commodity, thing or service. Whenever an advertised, posted, or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and width of the numerals representing the whole cents.

#### **22.12 RESERVED FOR FUTURE USE.**

#### **22.13 RESERVED FOR FUTURE USE.**

#### **22.14 BULK DELIVERIES SOLD TO AND DELIVERED BY VEHICLE TO THE ULTIMATE CONSUMER.**

- ~~(1) — All coal, coke and charcoal shall be sold by weight. Unless the fuel is delivered to the purchaser in package form, each delivery of coal, coke or charcoal to an individual purchaser shall be accompanied by duplicate tickets on which, in ink or other indelible substance, there is clearly stated 1) the name and address of the vendor, 2) the name and address of the purchaser, and 3) the net weight of the delivery and the gross and tare weights from which the net weight is computed, each expressed in pounds. One of these tickets shall be retained by the vendor and the other shall be delivered to the purchaser at the time of delivery of the fuel, or shall be surrendered on demand to the Sealer or Deputy Sealer who, if he/she desires to retain it as evidence, shall issue a weight slip in lieu thereof for delivery to the purchaser. If the purchaser carries away his/her purchase, the vendor shall be required only to give to the purchaser, at the time of sale, a delivery ticket stating the number of pounds of fuel delivered to him/her.~~
- ~~(2) — Fireplace Wood and Stovewood. As heretofore set forth in Section 22.07(3) of this chapter, fireplace wood or stovewood shall be sold only in accordance with Wisconsin ATCP 91.04(03)(3)(h). Further, a delivery ticket or invoice shall be presented by the seller to the purchaser whenever any nonpackaged fireplace wood or stovewood is sold. The delivery ticket or sales invoice shall clearly and legibly state in ink or other indelible substance the following information: 1) name and address of seller, 2) name and address of purchaser, 3) date of delivery, 4) quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity, 5) the price of the amount delivered, 6) the identity of the wood in the most descriptive terms commercially practicable, including any quantity representation made in connection with the sale.~~

- ~~(3) Heating Oil and Motor Fuels. All heating oils and motor fuels shall be sold by liquid measure. In the case of each delivery of liquid fuel not in package form, and in an amount greater than 10 gallons, there shall be rendered to the purchaser, either at the time of delivery or within a period mutually agreed upon in writing or otherwise between the vendor and the purchaser, a delivery ticket or a written statement on which, in ink or other indelible substance, there shall be clearly and legibly stated: 1) the name and address of the vendor, 2) the name and address of the purchaser, 3) the identity of the type of fuel comprising the delivery, 4) the unit price (the price per gallon) of the fuel delivered, and 5) the liquid volume of the delivery, together with the print meter readings from which such liquid volume has been computed, expressed in terms of the gallon and its binary or decimal subdivisions.~~

**~~22.15 MOTOR FUEL, HEATING OILS, AND SOLVENTS SALES ON PREMISES OF SELLER.~~**

- ~~(1) Every wholesaler, retailer, and every other person selling or distributing motor fuel, heating oil or solvents in the City of Madison shall keep posted in a conspicuous place at her/his their place of business, and on every pump from which delivery is made, a placard, sign or the like clearly stating the identity of each product dispensed, including the grade, blend or mixture of the product, the net selling price, and the amount of all taxes per gallon. No such placard shall be required on a computer pump whereon the aforementioned information is legibly shown on the face. All motor fuel pumps shall be marked conspicuously to indicate the blend or mixture so contained.~~
- ~~(2) Motor Vehicles Used by Persons with Disabilities; Service.~~
- ~~(a) A motor fuel dealer shall have an employee dispense motor fuel into a motor vehicle at the same price as the motor fuel dealer charges the general public for the same grade of motor fuel dispensed from a self-service pump, if all of the following apply:~~
- ~~1. The motor vehicle displays special registration plates issued under Sec. 341.14(1), (1a), (1m), (1g) or (1r)(a) or a special identification card issued under Sec. 343.51, Wis. Stats., or is a motor vehicle registered in another jurisdiction and displays a registration plate, card or emblem issued by the other jurisdiction that designates that the vehicle is used by a person with a physical disability.~~
  - ~~2. The driver of the motor vehicle asks for the same prices as charged for motor fuel dispensed from a self-service pump.~~
  - ~~3. The motor fuel dealer sells motor fuel at retail from both full-service and self-service pumps.~~
- ~~(b) An employee of a motor fuel dealer who dispenses motor fuel under Subdivision (a) need not provide any other services that are not provided to a customer who uses a self-service pump.~~
- ~~(c) A motor fuel dealer shall keep posted in a conspicuous place at her/his place of business, a placard or sign, clearly visible to customers from within their vehicle, informing them of the provisions of this ordinance and of Sec. 100.51(5), Wis. Stats. Each such placard or sign shall contain the international symbol of accessibility.~~

**22.16 RESERVED FOR FUTURE USE.**

**22.17 RESERVED FOR FUTURE USE.**

**22.18 PRESUMPTIVE EVIDENCE.**

For the purpose of this ordinance, proof of the existence of a weight or measure or a weighing or measuring device in or about any building, enclosure, stand or vehicle, in which or from which it is shown that buying or selling is commonly carried on, shall in the absence of evidence to the contrary, be presumptive proof of the regular use of such weight or measure or weighing or measuring device for commercial purposes and of such use by the person in charge of such building, enclosure, stand, or vehicle.

**22.19 ~~ISSUANCE OF CITATIONS FOR VIOLATIONS OF THIS CHAPTER AND SCHEDULE OF CASH DEPOSITS.~~**

~~Pursuant to the authority of Sec. 66.0119, Wis. Stats., the City of Madison hereby elects to use the citation method of enforcement and authorizes the use of a citation that comports with Sec. 4.08(2) of the Madison General Ordinances.~~

**22.20 WEIGHTS AND MEASURES LICENSING.**

- (1) Fees. No person, firm or corporation shall operate weights and measures, weighing or measuring devices and systems and accessories relating thereto, which are used commercially within the City of Madison in determining the weight, measure, ~~or~~ count, or price of commodities or things sold or purchased or offered or exposed for sale on the basis of weight, measure, ~~or~~ count, or price unless licensed pursuant to the provisions of this ordinance. A license shall be valid for one year and shall expire on December 31. No license fee shall be refunded once a license or permit has been granted. A late filing fee of 15% of the license fee or a minimum of ~~three~~ twenty dollars (\$~~320~~), whichever is greater, shall be required paid prior to the granting of the license for each of the following:
  - (a) Each renewal application received by the City Clerk after December 31;
  - (b) Each application for which deficiencies in the application process are corrected after December 31.
- (2) Application. Application for a weighing or measuring device license shall be made in writing on a form provided for such purpose by the Department of Planning and Community and Economic Development. The application shall state the specific descriptions and identifications of each weighing and measuring device to be licensed, the location of the devices, the applicant's full name and post office address and whether the 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. No device shall be added to any premises and put into use during the license year unless application is made for such device and the fee paid.
- (3) Issuance of License and Fees. The Department of Planning and Community and Economic Development by its City ~~Sealer or~~ Weights and Measures ~~Inspectors~~ Officials shall annually 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 ~~e~~Chapter have been complied with and upon payment to the City (Treasurer) the fee required according to the following schedule:

<b>FEE SCHEDULE WEIGHTS AND MEASURES</b>	
ADVP Counterweight	\$ 3.00
Baby Scales	\$ 22.00
<del>Beam Scales (Table Top)</del>	<del>\$ 27.00</del>
<del>Beam Scales (Floor)</del>	<del>\$ 42.00</del>
Computing Scales	\$ 27.00
<del>Counter or Bench Scales: Class III (up to less than or equal to 30 lbs. capacity)</del>	<del>\$ 27.00</del> <u>30.00</u>
<u>Scales: Class III, Temporary Vendor</u>	<u>\$20.00</u>
<del>Counter or Bench Scales (over greater than 30 lbs. capacity)</del>	<del>\$ 42.00</del> <u>50.00</u>
<u>Scales/Balances: Class I or II High Precision</u>	<u>\$50.00</u>
Customer Operated Aluminum Recycling Machines	\$ 47.00
Dormant Scales	\$ 67.00

Electronic Scanners (three or fewer)	<del>\$60.00, plus \$16.00/scanner</del> <u>\$75.00</u>
Electronic Scanners ( <del>more than three</del> <u>4 to 12</u> )	<del>\$125.00, plus \$16.00/scanner</del> <u>\$200.00</u>
<u>Electronic Scanners (13 or more)</u>	<u>\$400.00</u>
<del>Equal Arm Balances</del>	<del>\$ 22.00</del>
<del>Farmers Market Scale</del>	<del>\$ 20.00</del>
<del>Floor Scales</del>	<del>\$ 67.00</del>
<del>Fuel Bulk Meter</del>	<del>\$ 100.00</del>
<del>Gas Pumps</del>	<del>\$ 38.00</del>
<u>Grain &amp; Metric Scales</u>	<u>\$ 50.00</u>
<u>Hanging Scales (up to 30 lbs. capacity)</u>	<u>\$ 27.00</u>
<del>Hanging Scales (over 30 lbs. capacity)</del>	<del>\$ 37.00</del>
<del>High Precision Scales/Balances</del>	<del>\$ 50.00</del>
<del>High Speed Gas Fuel Pump</del>	<del>\$ 60.00</del>
<del>Measuregraphs</del>	<del>\$ 15.00</del>
<del>Personal Scales</del>	<del>\$ 37.00</del>
<del>Platform Scales</del>	<del>\$ 47.00</del>
<del>Prepack Scales</del>	<del>\$ 27.00</del> <u>75.00</u>
<del>Prescription Scales &amp; Weights &amp; Glassware</del>	<del>\$ 50.00</del>
<del>Special Fees</del>	<del>\$50.00/hr</del>
<del>Spring Scales</del>	<del>\$ 27.00</del>
<del>Stationary Meters</del>	<del>\$100.00</del>
<del>Taxi Meters</del>	<del>\$ 33.00</del>
<del>Timing Devices (Car Washes &amp; Clothes Dryers)</del>	<del>\$ 12.00</del>
<del>Vehicle Scales</del>	<del>\$ 62.00</del>
<del>Vehicle Tank Meters</del>	<del>\$100.00</del>
<del>Weigh Buggies</del>	<del>\$ 37.00</del>
<del>Yard Measures</del>	<del>\$ 7.00</del>
<del>Miscellaneous Devices</del>	<del>\$ 15.00</del>

- (4) Special Fees. Notwithstanding the provision for the requirement of an annual license for weighing and measuring devices, whenever a special request is made for consultation or the inspection or testing of a noncategorized weighing or measuring device, the actual expenses may be charged to the person or firm receiving the service. Such payment or charge shall be based on the current hourly rate.
- (5) Display of License. The persons licensed under the provisions of this ordinance shall immediately post their license upon some conspicuous part of the premises on which the business is conducted and said license shall remain posted for the period the license is in force.



- (6) Suspension of License. Notwithstanding the other provisions of this ordinance, whenever ~~the City Sealer~~ Weights and Measures Officials finds that a business on any licensed premises is conducted or managed in such a manner that there are serious or repeated violations of this ordinance, or violation of any ordinances or regulations of the City of Madison, the laws of the State of Wisconsin, or regulations of the National ~~Bureau of Standards~~ Conference on Weights and Measures relating to weights and measures, ~~he/she~~ they may without warning, notice or hearing, issue a written notice to the license holder, operator or employee in charge of the licensed premises citing such condition and specifying the corrective action to be taken. If deemed necessary, such order shall state that the license is immediately suspended and all weighing and measuring operations are to be discontinued. Any person to whom such an order is issued shall comply immediately but may appeal such order to the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals by following the procedures established in Section 29.18 of these ordinances. Failure to allow ~~an inspector~~ City Weights and Measures Officials 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 ordinance, or for interference with the City ~~Sealer~~ Weights and Measures Officials in the performance of ~~his/her~~ their duties, the City ~~Sealer~~ Weights and Measures Officials may permanently revoke the license. Prior to such action, the City ~~Sealer~~ Weights and Measures Officials 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 permanently revoked at the end of five (5) days following service of such notice unless a request for a hearing under Section 29.18, Madison General Ordinances, is filed with the Director of the Building Inspection Division by the license holder within such five (5) day period.
- (8) Transfer of Licenses. No license may be transferred unless otherwise provided for by the ordinances of the City. No license shall be issued to or used by any person acting as agent for or in the employ of another.
- (9) Hearings. The hearings provided for in this section shall be conducted by the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals in accordance with the provisions of Section 29.18, Madison General Ordinances.

## 22.21 PROHIBITED ACTS; PENALTY; INJUNCTION.

- (1) Pursuant to the authority of Wis. Stat. § 66.0113, the City of Madison hereby elects to use the citation method of enforcement and authorizes the use of a citation that comports with Sec. 1.08(2), MGO.
- (42) A person who does any of the following acts shall forfeit not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000):
- Hinders, obstructs or impersonates the ~~Sealer or Deputy Sealer~~ City Weights and Measures Officials.
  - Uses or has in possession for use in buying or selling any commodity or service, or sells any incorrect weight or measure or causes a weight or measure to be incorrect.
  - Represents in any manner a false quantity or price in connection with the purchase or sale, or any advertising thereof, of any commodity, thing or service.
  - Uses or disposes of any rejected weight or measure or commodity, or removes therefrom any official tag, seal, stamp or mark, without written authority from the ~~Sealer or Inspector~~ City Weights and Measures Officials.
  - Uses any weighing or measuring device in determining the quantity of any commodity or service to be sold or purchased without having said device approved and sealed by the ~~Sealer~~ City Weights and Measures Officials and the proper certificate and license obtained in accordance with this ordinance, including operating without a license.
  - Deals in or installs new or used weighing or measuring equipment or represents such equipment to be properly repaired following official rejection, if said equipment is inaccurate on inspection.

~~(g) — Violates Section 22.15 of this ordinance.~~

- (23) Any person who violates any provision of this ~~e~~Chapter not specifically enumerated in subsection (4~~2~~) or fails to comply with any of its requirements shall, upon conviction thereof, be subject to a forfeiture of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. Each day such violation continues shall be considered a separate offense.
- (34) In addition to commencing an action for the violations of the provisions of this ~~e~~Chapter, the City Attorney, on behalf of the City of Madison, is authorized to seek a temporary or permanent injunction restraining any person from violating any provision of this ~~e~~Chapter.”

2. Subdivision (a) of Subsection (3) entitled “Schedule of Deposits” of Section 1.08 entitled “Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended by creating and amending therein the following:

<u>Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
<del>Possession of incorrect weight or measure or representation of a false subsequent quantity in connection with the purchase, sale or advertising</del> <u>Weights and measures violations.</u>	<del>22.21(4<del>2</del>)(b) or (e)</del>	<del>\$200, 1st</del> \$500, 2nd or
<del>Impersonate or hinder sealer or deputy sealer.</del>	<del>22.21(1)(a)</del>	<del>\$200</del>
<del>Operating weighing or measuring device without license.</del>	<del>22.21(1)(e)</del>	<del>\$200</del>

3. Paragraph 2. of Subdivision (b) of Subsection (4) entitled “Registration” of Section 9.17 entitled “Regulating Transient Merchants” of the Madison General Ordinances is amended to read as follows:

“2. A city certificate of examination and approval from the ~~City sealer or w~~Weights and m~~Measures Officials~~ where applicant's business requires use of weighing and measuring devices approved by the ~~City Sealer~~ Weights and Measures Officials.”

4. The introductory paragraph of Paragraph 1. of Subdivision (c) entitled “Meter Taxicab Rates” of Subsection (9) entitled “Rates of Fares” of Section 11.06 entitled “Licensing and Regulating Public Passenger Vehicles, for Hire” of Madison General Ordinances is amended to read as follows:

“1. Taximeter Required. Every meter taxicab shall contain a taximeter in good repair, inspected by the ~~City Sealer or~~ Weights and Measures Inspector Officials as required in Subsection (10)(c)2. The taximeter shall be set to measure only the rates listed below:”

5. Paragraph 2. of Subdivision (c) entitled “Inspection of the Condition of the Vehicles for Public Conveyance” of Subsection (10) entitled “Vehicles” of Section 11.06 entitled “Licensing and Regulating Public Passenger Vehicles, for Hire” of Madison General Ordinances is amended to read as follows:

“2. Every taximeter being operated in a taxicab in the City of Madison shall be inspected by the ~~City Sealer or~~ Weights and Measures Inspectors Officials within ten (10) days after any new rate goes into effect and at such other times as the Inspectors or Director of Transportation may require.”

6. Section 29.14 entitled “Building Inspection Division of the Department of Planning and Community and Economic Development” of the Madison General Ordinances is amended to read as follows:

**“29.14 BUILDING INSPECTION DIVISION OF THE DEPARTMENT OF PLANNING AND COMMUNITY AND ECONOMIC DEVELOPMENT.**

There is hereby established a Building Inspection Division of the Department of Planning and Community and Economic Development. The Building Inspection Division shall be responsible for the supervision of the plumbing, electrical and building codes of the City of Madison, the safety inspection of all premises, including structures and appurtenances located thereon, the enforcement of the zoning ordinances, and shall include the work of the Smoke and Heating Plant Inspector and the City Sealer of Weights and Measures Officials. The Building Inspection Division shall be under the supervision of the Director of the Building Inspection Division.”

7. Subsection (1) of Section 29.15 entitled “Powers and Duties of Director of the Building Inspection Division” of the Madison General Ordinances is amended to read as follows:

“(1) The Building Inspection Division of the Department of Planning and Community and Economic Development shall be under the supervision of the Director of the Building Inspection Division or such other person designated by the Director of the Department of Planning and Community and Economic Development who shall be held to be the same officer as is referred to in the Statutes as Building Inspector, and who shall have the same powers and duties. S/he shall have, except where otherwise provided herein, the general management and control of all matters pertaining to the Building Inspection Division, and shall enforce all state laws, City ordinances and lawful orders relating to the construction, alteration, repair, removal, safety and use of buildings and permanent building equipment. S/he shall have full power to pass upon any question arising under the provision of building, plumbing and electrical codes and zoning ordinances, subject to conditions contained herein. S/he shall be responsible for the issuances of all permits and the inspection of all work done under the provisions of the plumbing, electrical and building codes of the City and the safety inspection of all premises, including structures and appurtenances located thereon, shall see to it that the Zoning Ordinance of the City of Madison is enforced and complied with, and direct the work of the Smoke and Heating Plant Inspector and the City Sealer of Weights and Measures Officials.”

8. The ordinance shall become effective April 1, 2019.