



Legislation Text

File #: 36651, Version: 1

Fiscal Note

There may be a small increase in General Fund revenues as partial-year licensing fees are eliminated in lieu of full, annual fees. No appropriation is required.

Title

Amending Sections 22.07(3), 22.14(2) and (3), 22.20(1), and 22.21(1)(c) of the Madison General Ordinances to update the Madison General Ordinances so that they are consistent with the Wisconsin State Administrative Code regarding weights and measures.

Body

DRAFTER'S ANALYSIS: These amendments update the Madison General Ordinances so that they are consistent with the Wisconsin State administrative code regarding weights and measures. Additionally, it removes the option of obtaining a weighing or measuring device license for a six month period of time as that option is unavailable due to the current design of the computer program that controls the administration of these licenses.

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

1. Subsection (3) of Section 22.07 entitled "Method of Sale of Commodities" of the Madison General Ordinances is amended to read as follows:
 "(3) It shall be unlawful to advertise, offer for sale, or sell within the City ~~firewood, fireplace wood, slabwood, or stovewood in any other manner than by the cord, fractions of a cord, volumetric measure or by weight.~~
 (a) ~~Mill ends, lumber scraps, and irregular pieces when sold for fuel, shall be sold by net weight.~~
 (b) A "cord" is hereby defined as the amount of wood, or a combustible, fibrous growth, which is contained in a space of 128 cubic feet, when the wood is ranked and well stowed.
 1. ~~Per custom, 128 cubic feet generally means a stack of wood 4 x 4 x 8 feet. "Ranked and well stowed" shall be construed to mean when pieces of wood are placed in a line or row, with individual pieces touching and parallel to each other, and stacked in a compact manner 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."~~
2. Subsection (2) entitled "Bulk Deliveries Sold to and Delivered by Vehicle to the Ultimate Consumer" of Section 22.14 of the Madison General Ordinances is amended to read as follows:
 (2) ~~Fireplace Wood and Stovewood. As heretofore set forth in Section 22.07(3) of this chapter, firewood, fireplace wood, slabwood or stovewood shall be sold only in units of a cord, fractions of a cord, volumetric measure or by weight~~ fireplace wood or stovewood shall be sold only in accordance with Wisconsin ATCP 91 (91.03)(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. Subsection (3) entitled "Heating Oil and Motor Fuels" of Section 22.14 of the Madison General Ordinances is amended to read as follows:
 "(3) Heating Oil and Motor Fuels. All heating oils and motor fuels shall be sold by liquid measure ~~or by net weight.~~ In the case of each delivery of liquid fuel not in package form, and in an amount greater than 10 gallons ~~in the case of sale by liquid measure or 100 pounds in the case of sale by weight,~~ 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 or per pound, as the case may be) of the fuel delivered, and 5) in the case of sale by liquid measure, 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, and 6) in the case of sale by weight, the net weight of the delivery, together with any scale readings from which such net weight has been computed, expressed in terms of tons or pounds avoirdupois.

3. Subdivision (c) of Subsection (1) of Section 22.21 entitled "Prohibited Acts; Penalty; Injunction" of the Madison General Ordinances is amended to read as follows:

"(c) 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."

4. Subsection (1) entitled "Fees" of Section 22.20 entitled "Weights and Measures" of the Madison General Ordinances is amended to read as follows:

"(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 of commodities or things sold or purchased or offered or exposed for sale on the basis of weight, measure or count unless licensed pursuant to the provisions of this ordinance. A license shall be valid for one year and shall expire on December 31. ~~A new license for six months of the license year or less shall be 50% of the annual license fee; all others shall be for the full amount.~~ 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 dollars (\$3), 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."