

**CITY OF PLATTEVILLE, WISCONSIN
CHAPTER 34, WEIGHTS AND MEASURES PROGRAM
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CHAPTER 34

WEIGHTS AND MEASURES PROGRAM

34.01 APPLICATION OF STATE CODES. Except as otherwise specifically provided in this section, the statutory provisions provided in this section, the statutory provisions of Chapter 98, Weights and Measures, Wisconsin Statutes and Wisconsin Administrative 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 Wisconsin Administrative Code provisions incorporated herein are intended to be made a part of this section. This section is adopted pursuant to the provisions of Wisconsin Statutes Chapter 98.

34.02 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 or such other Testing Entity under contract with the City of Platteville.

34.03 DEFINITIONS. (a) 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.

(b) Weights and Measures Program. The program that includes administration and enforcement of this section, Chapter 98, Wisconsin Statutes, and applicable Wisconsin Administrative Code provisions, and any related actions.

(c) Testing Entity. The City of Platteville or any other person, business organization, or any other entity, including the State of Wisconsin, under contract with the City of Platteville, that provides testing and related services for the City of Platteville Weights and Measures Program.

(d) Occasional Sale. An isolated and sporadic sale which takes place where the infrequency, in relation to the other circumstances, supports the inference that the seller is not pursuing a vocation, occupation or business or a partial vocation or occupation or part-time business as a vendor of items subject to weights and measures as covered by this chapter. Such occasional sale shall be for special events or temporary events operating infrequently and not a regular and/or permanent location for conducting transactions requiring the use of weighing and measuring devices. Sales occurring at a farmers' market or sales permitted by

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direct sellers, transient merchants, and solicitors are exempt from the Weights and Measures Program.

34.04 PARTICIPATION REQUIRED. (a) Except as provided in paragraph (b) and (c) of this section, each and every person, corporation, limited liability corporation, limited liability partnership, business, group, organization or other entity who holds, owns, possesses, operates and/or maintains weight and measures, weighing or measuring devices and/or systems and accessories related thereto which are used commercially within the City of Platteville in determining the weight, measure, count or cost of commodities or things sold or offered or exposed for sale on the basis of weight, measure or count is deemed to be a participant in the City of Platteville Weights and Measures Program subject to the provisions of this chapter.

(b) Occasional sales are exempt from the provisions of this chapter.

(c) Devices tested under the jurisdiction of another municipality or a non-City of Platteville related testing program by the State of Wisconsin and used temporarily in the City of Platteville for no more than five (5) consecutive days per year are exempt under this section from the provisions of this chapter.

34.05 ASSESSMENT/COST/FEES. (a) The City of Platteville Clerk and Treasurer and/or their designee shall annually assess costs and fees to each participant holding, owning, possessing, operating and/or maintaining such devices and utilizing the services provided in this chapter based on the number of weighing and measuring devices held as of the date of the last inspection and testing of such devices. Such assessment shall be determined no later than 120 days from the receipt of any billing received by the City of Platteville from the State of Wisconsin or other testing entity relating to weights and measurement testing and calibration. The total of the costs and fees assessed and collected shall not exceed the actual cost of the Weights and Measures Program bill to the City of Platteville together with a fifteen percent (15%) City administration cost which shall be added thereto. Such total assessment shall then be divided and assessed proportionately against each and every person, corporation, limited liability company, limited liability partnership, business, group, organization or other entity tested which gave rise to the City's expense.

(b) The City of Platteville Clerk and Treasurer and/or their designee shall prepare a statement of assessments and mail to each participant an invoice for the amount of the participant's assessment. Invoices shall be mailed by first class mail no later than 30 days after the assessments have been determined as set forth in paragraph (a) of this section. The charge to each participant shall be based on the total number of devices it holds, owns, possesses, operates or maintains, multiplied by the proportionately distributed individual assessment amount.

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- (c) Each and every participant who is subject to inspection and testing and/or holds, owns, possesses, operates or maintains devices subject to inspection and testing is subject to this chapter, liable for said assessment and the payment of such assessment, and shall pay to the City of Platteville the fee assessed no later than thirty (30) days from the date the invoice is mailed.
- (d) Schedules, statements, notices and invoices shall be considered mailed to a participant when mailed by first class mail to the location where the device was held, owned, possessed, operated, maintained and/or tested.

34.06 NON-PAYMENT OF ASSESSMENT. In the event that the assessed fee is not paid in full by the assessed participant within thirty (30) days of the mailing of the invoice, the City may charge and levy the amount of such unpaid assessment or part thereof or allocate such unpaid assessment(s) against the real estate tax bill under Wisconsin Statutes Section 66.0627 if not paid before the next immediately following first day of October. Any assessment fee or part thereof not paid within thirty (30) days of invoicing, shall accrue interest at the rate of one percent (1%) per month upon the outstanding delinquency until paid in full.

34.07 CHANGE OF OWNERSHIP. If the ownership of a commercial business subject to the Weights and Measures Program is transferred, the owner of the business as of July 1 shall be liable and responsible for the payment of the fee assessed under this chapter.