

**VILLAGE OF GRAFTON
ORDINANCE NO. 011, SERIES 2023
AN ORDINANCE OF THE VILLAGE BOARD AMENDING MUNICIPAL CODE
CHAPTER 25.04: WEIGHTS AND MEASURES**

The Village Board of the Village of Grafton does hereby ordain as follows:

Part 1. Amend Municipal Code Section 25.04 Weights and Measures as follows:

CHAPTER 25.04 WEIGHTS AND MEASURES

25.04.010. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL WEIGHING OR MEASURING DEVICES — 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 within the Village of Grafton.

WEIGHTS AND MEASURES PROGRAM — Includes administration and enforcement of this chapter and Ch. 98, Wis. Stats., and any related actions.

25.04.020. License required.

- A. Except as provided in Subsection B, 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 Village of Grafton in determining the weight, measure or count of commodities or things sold or offered or exposed for sale on the basis of weights and measures a license issued pursuant to the provisions of this chapter.
- B. Occasional sales temporarily permitted by a Village of Grafton special event permit are exempt from licensing under this chapter.

25.04.030. Application.

The application for a weighing or measuring device license shall be made in writing on a form provided for such purpose by the Village of Grafton Inspection Department and signed by an individual authorized to sign for the applicant. 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, partnership, limited liability company or corporation. If a partnership, the application shall state the names of partners together with their addresses. If a company or limited liability corporation, the application shall state the names and addresses of all officers and agents of the applicant.

25.04.040. Issuance of license.

The Village of Grafton ~~Inspection~~ Community Development Department shall issue a license to the applicant if the requirements of this Code have been complied with upon payment to the Village of Grafton ~~Inspection~~ Community Development Department of the license fees.

25.04.050. Term.

Licenses issued under this section shall expire on June 30 of each year.

25.04.060. Enforcement for nonrenewal.

It shall be the duty of the Village of Grafton ~~Inspection~~ Community Development Department to notify the Village Attorney and other appropriate Village officials and to order the immediate enforcement of the provisions of this chapter in cases involving failure to renew a weighing or measuring device license. Said licensee shall be prohibited from operating or maintaining a weighing or measuring device until such time as a valid license has been obtained under the provisions of this chapter.

25.04.070. Fees.

- A. ~~The Village Board shall establish a fee schedule for each type of weighing and measuring devices licensed as of July 1. The Village contracts with the State of Wisconsin Department of Agriculture, Trade, and Consumer Protection for weights and measures inspection services.~~
- B. The Village shall assess fees to businesses that receive weights and measures services based on the annual charges from the State of Wisconsin Department of Agriculture, Trade, and Consumer Protection to the Village.
- C. ~~The Inspection Department shall prepare a notice of fees and mail to each licensee a copy of the fee schedule at the licensee's last known address as shown on the application form prior to the licensing period. The schedule shall be known as Weights and Measures Fees, Table II.~~

Table II Weights and Measures Fees

Type of Device	Cost
Liquid measure device (LMD)	\$28
Counter scales	\$28
Point of sale system	\$36

25.04.080. Doubled fees for late renewal:

~~Any person who fails to renew a license prior to the date of expiration may be subject to doubled fees for each day that constitutes a separate violation. The assessment or payment of penalties does not preclude the Village from seeking an injunction to cease and desist from allowing an unlicensed device, as defined in this chapter, to be used to determine a weight, measure or cost of goods for public sale or consumption.~~

25.04.0890. Violations and penalties.

In addition to any other penalty imposed or restitution required, any person who shall violate any provisions of this chapter shall, upon conviction thereof, forfeit not less than \$500 nor more than \$2,000 together with the costs of prosecution and, in default in payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until the forfeiture and costs are paid, but not exceeding 60 days. Each day and each unlicensed device is considered a separate violation.

Part 2. Severability. If any provision of this ordinance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of this ordinance. This ordinance shall take effect upon passage and posting.

Approved by the Village Board of the Village of Grafton this 15th day of May, 2023.



Daniel Delorit
Village President

Attest: 

Kaity Olsen
Village Clerk