

2024

AN ORDINANCE

REMOVING THE LICENSE AND INSPECTION REQUIREMENTS FOR COMMERCIAL SCALES AND GASOLINE SERVICE STATIONS.

WHEREAS, under Section 428-3, the City requires the licensing of entities using commercial scales, such as produce scales and meat scales; and

WHEREAS, under Chapter 269, the City requires the licensing and inspection of gas stations; and

WHEREAS, under the Consolidated Weights and Measures Act, the Pennsylvania Department of Agriculture ("PDA") Division of Weights and Measures is responsible for inspecting commercial scales and gas station fuel dispensers across the Commonwealth; and

WHEREAS, under that same act, local governments can elect to take on that responsibility for themselves pursuant to a Memorandum of Understanding ("MOU") with PDA; and

WHEREAS, the City of Scranton had previously taken on these responsibilities on behalf of PDA through such an MOU; and

WHEREAS, in 2023, the City was the *only* city, borough, or township in the entire Commonwealth to take on these responsibilities; and

WHEREAS, the City does not receive any funding from PDA for taking on these responsibilities and the City relies only on the fees charged to the entities requiring licensing and inspection; and

WHEREAS, PDA is much better positioned to run a cost-effective weights and measures program, as PDA can achieve economies of scale; and

WHEREAS, the City is exercising its option under the MOU to terminate the MOU; and


WHEREAS, the City wishes to align City Code with this current state of affairs by removing the city license and inspection requirements for commercial scales and gasoline service stations.


NOW THEREFORE, BE IT ORDAINED AND ENACTED that all ordinances that have been codified in Section 428-3 of City Code—including but not limited to FOC 95 of 1987, FOC 186 of 1994, and FOC 37 of 2022, as may have been amended—are hereby amended or repealed as necessary to repeal Section 428-3 in its entirety.

BE IT FURTHER ORDAINED AND ENACTED that all ordinances that have been codified in Sections 269-2 and 269-3 of City Code—including but not limited to Chapter 16 of the 1979 Code, FOC 173 of 1992, and FOC 190 of 1994, as may have been amended—are hereby amended or repealed as necessary to repeal Sections 269-2 and 269-3 in their entirety.

CERTIFIED COPY

 City Clerk

Introduced in Council on above date and referred to Committee on Finance
July 16, 2024

City Clerk

Scranton, PA July 30, 2024
Committee on Finance reports favorably on the within ordinance

Chair

SIXTH ORDER:
JULY 23, 2024

SECTION 1: If any section, clause, provision, or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decisions shall not affect any other section, clause, provision, or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance of any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 2: This Ordinance shall become effective immediately.

SECTION 3: This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of the Legislature, April 13, 1971, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State and Pennsylvania.

Passed by the Council

July 30, 2024

Receiving the Affirmative votes of Council Persons

KING, KCHUSTER, RETHCHILD, MCANDREW, SMURL

Negative

NONE

President

Approved

7/31/2024

Mayor

City Clerk

Certified Copy