

**VILLAGE OF WINDSOR  
ORDINANCE 2019-35**

**AN ORDINANCE PERTAINING TO WEIGHTS AND MEASURES**

WHEREAS, the Village Board finds it necessary for the public health and welfare to regulate weights and measures within the Village.

NOW, THEREFORE, the Village Board of the Village of Windsor, Dane County, Wisconsin do ordain as follows:

**SECTION 1.** Sections 12-400 through 12-404 of the Windsor Code of Ordinances are hereby created as set forth in Exhibit A.

**SECTION 2.** Sections 12-332 through 12-399 shall be reserved.

**SECTION 3.** The Village Fee Schedule shall be amended to add the following:

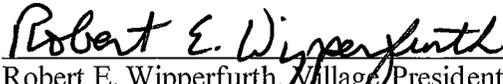
12-401           Weights and Measures           \$400 per site

**SECTION 4.** All other provisions of Code of Ordinances not specifically amended herein shall remain unmodified and in full force and effect.

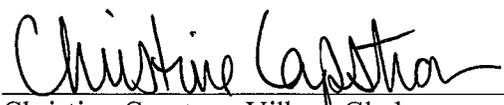
**SECTION 5.** This ordinance shall take effect upon passage and publication as provided by law.

The above and foregoing Ordinance was duly adopted at a meeting of the Village Board of the Village of Windsor held on December 19, 2019, by a vote of 5 in favor and 0 opposed.

**VILLAGE OF WINDSOR**

  
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Robert E. Wipperfurth, Village President

*Attested by:*

  
\_\_\_\_\_  
Christine Capstran, Village Clerk

Published: 1-2-20

Effective: 1-3-20

**Incorporated by Reference:**

Exhibit A: Sections 12-400 through 12-404

## **ARTICLE VII. WEIGHTS AND MEASURES**

### **Sec. 12-400. Definitions.**

As used in this chapter, unless the context or subject matter requires otherwise, the following terms shall have the meanings indicated:

- (a) **SELL, SALE and SOLD**  
Includes barter or exchange and any offering or exposing for sale or possession with intent to sell.
  
- (b) **WEIGHTS AND MEASURES**  
Weights and measures of every kind, instruments and devices for weighing and measuring, 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.

### **Sec. 12-401. License required.**

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 Village of Windsor 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 chapter. A license shall be valid for one year and shall expire on June 30. 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 issued. A late filing fee of 15% of the license fee or a minimum of \$3, whichever is greater, shall be required to be paid prior to the granting of the license for each of the following:

- (a) Each renewal application received by the Village Clerk after June 30.
  
- (b) Each application for which deficiencies in the application process are corrected after June 30.

### **Sec. 12-402. Application.**

Application for a weighing or measuring device license shall be made in writing on a form provided for such purpose by the Village Clerk. 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.

**Sec. 12-403. Issuance of license.**

- (a) Issuance. The Village Clerk shall annually issue a license to the applicant based on the total number of weighing and measuring devices operated by the applicant and reviewed by the Wisconsin Department of Agriculture, Trade and Consumer Protection, if the requirements of this chapter have been complied with, and upon payment to the Village Treasurer the fee required according to the Village's Fee Schedule.
- (b) Display of license. Persons licensed under the provisions of this chapter shall immediately post their license upon some part of the premises on which the business is conducted which is conspicuous to its patrons, and said license shall remain posted for the period the license is in force.
- (c) Suspension of license. Notwithstanding the other provisions of this chapter, whenever the Village Clerk or a Windsor law enforcement officer finds that business on any licensed premises is conducted or managed in such a manner that there is any violation of any ordinances or regulations of the Village of Windsor, the laws of the State of Wisconsin, or regulations of the National Bureau of Standards relating to weights and measures, he/she may 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 in accordance with Chapter 68 of the Wisconsin Statutes. Failure to allow an authorized inspector immediate access to the premises to determine whether such grounds exist shall be grounds for suspension.
- (d) Transfer of license. No license may be transferred unless otherwise provided for by the ordinances of the Village. No license shall be issued to or used by any person acting as agent for or in the employ of another.

**Sec. 12-404. Violations and penalties.**

- (a) Any person adjudged to have violated any provision of this chapter shall forfeit an amount in accordance with § 98.26, Wis. Stats. Each violation shall constitute a separate offense.
- (b) In addition to all other remedies and actions provided under this chapter, the Village Attorney may seek a temporary or permanent injunction restraining any person from violating any provision of this chapter.