

CHAPTER 22

CONSUMER PROTECTION

AND WEIGHTS AND MEASURES

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22.01 FEDERAL STANDARDS, STATE STATUTES AND RULES ADOPTED BY REFERENCE. The subsequent federal standards, Wisconsin Statutes and Section thereof, and Wisconsin Rules are adopted by reference and shall be enforced under this ordinance with violations of same subject to penalties set forth in Section 22.21 of this ordinance: (Am. by Ord. 9191, 5-14-87)

- (1) Chapter 98, Wisconsin Statutes, "Weights and Measures."
- (2) Chapter ATCP 90, Wisconsin Administrative Code, "Fair Packaging and Labeling."
- (3) Chapter ATCP 91, Wisconsin Administrative Code, "Methods of Sale of Commodities."
- (4) Chapter ATCP 92, Wisconsin Administrative Code, "Weighing and Measuring Devices."
- (5) NIST Handbook 44, U.S. Department of Commerce, "Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices."
- (6) NIST Handbook 133, U.S. Department of Commerce, "Checking the Net Contents of Packaged Goods."
- (7) Sections of Chapter 97, Wisconsin Statutes, pertaining to product labeling, as follows: 97.03 "Standards; Misbranding," 97.07 "Interpretation," 97.09 "Rules," and 97.12 "Enforcement."
- (8) Sections of Chapter 100, Wisconsin Statutes, pertaining to advertising as follows: 100.18 "Fraudulent Advertising," 100.183 "Fraud, Advertising Foods."
- (9) Section 134.85(5), Wisconsin Statutes (1989-90).
(Am. by Ord. 11,428, 12-4-95)
- (10) Sections of NIST Handbook 130, U.S. Department of Commerce, Uniform Laws and Regulations, pertaining to "Examination Procedure for Price Verification. (Cr. by ORD-05-00148)

22.02 DEFINITIONS. As used in this chapter, unless the context requires otherwise:

“Department” means the Department of Planning and Community and Economic Development.

“Incorrect” as applied to weights and measures and commodities includes any failure to comply with the requirements of this Chapter or rules issued thereunder.

“Motor vehicle” has the meaning given in Sec. 340.01, Wis. Stats. (Cr. by Ord. 10075, 8-2-90)

“Pump” means a device used to dispense motor fuel for sale at retail. (Cr. by Ord. 10075, 8-2-90)

“Sell”, “sale” and “sold” include barter or exchange, and any offering or exposing for sale or possession with intent to sell.

“Sealer” and “Deputy Sealer” means a Sealer of weights and measures and a Deputy Sealer of weights and measures of the City of Madison.

“Weight” means net weight when used in reference to a commodity.

“Weights and Measures” means weights and measures of every kind, instruments and devices for weighing and measuring, electronic scanners used to record the price of a commodity or thing, 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, and scales under the control of the grain and warehouse commission. (Am. by Ord. 13,718, 10-26-04)

22.03 FIELD STANDARDS AND EQUIPMENT: SPECIFICATIONS AND TOLERANCES.

(1) There shall be supplied by the City such “field standards” and such equipment as may be found necessary to carry out the provisions of this chapter. The field standards shall be verified by the State Department of Agriculture upon their initial receipt and at least once each 2 years thereafter.

(2) The specifications, tolerances and regulations for commercial weighing and measuring devices issued by the National Bureau of Standards shall apply in this City except as modified by rules issued by the State Department of Trade and Consumer Protection.

22.04 CITY SEALERS AND WEIGHTS & MEASURES INSPECTORS. The City Sealer and Weights & Measures Inspectors shall be appointed by the Director of the Building Inspection Division of the Department of Planning and Community and Economic Development subject to confirmation by the Common Council. The Department shall keep a complete record of its work and annually shall file a report thereof with the State Department of Trade and Consumer Protection. (Am. by ORD-08-00109, 10-7-08)

22.05 ENFORCEMENT AUTHORITY.

- (1) There is conferred upon the Sealer and Weights & Measures Inspectors of weights and measures, police power. Such Sealer and Weights & Measures Inspectors shall be provided with suitable badges or insignia of authority and in the exercise of their functions shall exhibit the same, upon demand, to any person questioning their powers and they may make arrests, with or without formal warrant, of any persons violating any statute or ordinance relating to weights and measures.
- (2) The Sealer or Weights & Measures Inspectors may enter and go into or upon any structure or premises, and may stop any person or vehicle for the purpose of enforcing this chapter. They shall inspect and test any weights or commodities which are sold or used commercially as often as necessary to secure compliance with this chapter. The Sealer or Weights & Measures Inspectors shall approve for use and may seal or mark with appropriate devices such weights and measures as found upon inspection and test to be correct, and shall reject and mark or tag as rejected such weights and measures found to be incorrect, but which in their best judgment are susceptible of satisfactory repair. Weights and measures that have been rejected or condemned may be confiscated and may be destroyed by the Sealer if not corrected as required by the Sealer, or if used or disposed of contrary to this ordinance.
- (3) The Sealer or Weights & Measures Inspector shall have the power to issue stop orders, stop-sale orders, and disposal orders with respect to weights and measures being, or susceptible of being, commercially used, and to issue stop-sale orders and disposal orders with respect to packages or amounts of commodities kept, offered, or exposed for sale, sold, or in process of delivery, whenever in the course of their enforcement of the provisions of this ordinance they deem it necessary or expedient to issue such orders. No person shall use, remove from the premises specified, or fail to remove from the premises specified, any weight, measure, or package or amount of commodity contrary to the terms of a stop-use order, stop-sale order, or disposal order issued under the authority of this section.
- (4) The Sealer or his/her designee shall investigate complaints made to him/her concerning violations of the provisions of this chapter, and shall, upon his/her own initiative, conduct such investigations as he/she deems appropriate and advisable to develop information on prevailing procedures in commercial quantity determination and on possible violations of the provisions of this chapter, and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.
- (5) In accordance with the provisions of Section 9.16, Madison General Ordinances, the Sealer or his/her designee shall inspect the physical inventory of merchandise to be sold to insure same to be in agreement with that inventory as submitted in the affidavit of application. Upon completion of such inspection the Sealer or his/her designee shall submit a written report of his/her findings to the City Clerk.
- (6) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter may be assessed fifty dollars (\$50) per compliance inspection, as defined in Sec. 27.03(2), MGO, that does not result in compliance with the order. A thirty-five dollar (\$35) charge may be assessed when an inspector fails to gain entry to carry out a compliance inspection.
- (7) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered and report the same to the City comptroller, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0627.

(Secs. 22.05(6)& (7) Cr. by ORD-10-00058, 6-11-10)

22.06 RESPONSIBILITIES OF EQUIPMENT OWNERS OR USERS. The owner, operator or user of any commercial weights and measures equipment, devices or associated equipment is responsible for the accuracy and maintenance of same.

- (1) It shall be the duty of every owner, operator or user to notify the City Sealer in writing of the acquisition of any commercial weighing or measuring device, whether new, rebuilt or used. Said notification shall be by application for use and payment of the appropriate fee and shall be prior to use of said device. (Am. by Ord. 9364, 12-21-87)
- (2) Commercial weights and measures devices regulated by this ordinance shall bear security seals appropriately affixed to any adjustment mechanisms designed to be sealed. The security seals shall bear the mark or imprint of the Sealer or Deputy Sealer, or other weights and measures official, or service persons authorized by the Sealer. Said security seal may only be removed to facilitate repairs of devices. Any service person who removes a security seal shall replace it and reseal the device with his/her own imprint. The Sealer or Deputy Sealer shall be notified of said repairs and removal of the seal within 72 hours of removal, or of the introduction of a new, rebuilt or used device per Subsection (1) above so that said device may be reinspected.
- (3) Transient merchants purchasing or selling commodities or services by weight or measure either from bulk or in packaged form shall notify the Sealer and receive the approval of the Sealer before purchasing or selling activities may be commenced. At the Sealer's discretion the transient merchant may be approved for a calendar year and the subsequent notification requirement may be waived. Sellers of farm produce and seafood vendors operating from other than a continuous, permanent location shall also meet these requirements.

22.07 METHOD OF SALE OF COMMODITIES.

- (1) Commodities in liquid form shall be sold by liquid measure and commodities not in liquid form shall be sold by weight, provided that liquid commodities may be sold by weight and commodities not in liquid form may be sold by count or measure if such methods are in general use and give accurate information as to the quantity of commodity sold.
- (2) Berries and small fruits may be sold by measure only if in containers having capacities of one-half dry pint, one dry pint, or one dry quart.
- (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.
- (4) This section shall not apply to commodities sold in compliance with a state or federal law which prescribes another method of sale or to commodities for immediate consumption on the premises where sold.

22.08 DECLARATION OF QUANTITY.

- (1) No commodity which is marked, tagged or labeled, or for which a sign is displayed, with a selling price, shall be sold unless the weight, measure or count of the commodity is conspicuously declared on the commodity or its tag, label or sign, but a declaration of count is not required if the selling price is for a single unit, or a set or combination of commodities customarily sold to and understood by consumers as a single unit, or if the commodity is packaged prior to sale and the package contains 6 units or less which can be easily counted without opening the package.
- (2) No commodity shall be wrapped or its container made, formed or filled so as to mislead the purchaser; nor shall the qualifying term "when packaged," or the terms "jumbo" or "giant" or "full", or words of similar import that tend to mislead the purchaser as to the amount of the commodity, be used in connection with a declaration of quantity.
- (3) In addition to the declarations required by this section, any commodity in package form, the package being one of a lot containing random weights, measures or counts of the same commodity and bearing the total selling price of the package, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure or count.

22.09 VARIATIONS FROM DECLARED QUANTITY. The magnitude of permitted variations from declared quantity shall be determined by rules set forth by the Wisconsin Department of Agriculture, Trade and Consumer Protection and the facts in the individual case.

22.10 ADVERTISING COMMODITIES FOR SALE. Whenever a commodity in bulk or packaged form is advertised in any manner and the price of the commodity is stated in the advertisement, there shall be closely and conspicuously associated with such statement of price a declaration of the quantity; of contents offered in the case of packaged commodity; or of the price per unit and the unit it is based upon in the case of a bulk commodity.

- (1) When the commodity is in packaged form, the quantity, as it appears on the package, shall likewise appear in the advertisement, provided that where the law or regulation requires a dual declaration that sets forth the quantity in terms of a smaller unit of weight or measure, both declarations that are required to appear on the package must also appear in the advertisement.
- (2) Whenever any commodity is advertised as described above, the appropriate Method of Sale, as set forth in Section 22.07 of this ordinance, and in state statutes and rules adopted by reference, shall also be applied in the advertisement.
- (3) There shall not be included as part of the declaration required under this section such qualifying terms as "when packaged", "minimum", "not less than", or any other terms of similar import, nor any term qualifying a unit of weight, measure, or count (for example, "jumbo", "giant", "full", and the like) that tends to exaggerate the amount of commodity in the package.

22.11 MISREPRESENTATION OF PRICE. Whenever any commodity or service is sold or is offered, exposed, or advertised for sale, by weight, measure or count, the price shall not be misrepresented, nor shall the price be represented in any manner which may mislead or deceive an actual or prospective purchaser. Whenever an advertised, posted, or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and width of the numerals representing the whole cents.

22.12 RESERVED FOR FUTURE USE.**22.13 RESERVED FOR FUTURE USE.****22.14 BULK DELIVERIES SOLD TO AND DELIVERED BY VEHICLE TO THE ULTIMATE CONSUMER.**

- (1) All coal, coke and charcoal shall be sold by weight. Unless the fuel is delivered to the purchaser in package form, each delivery of coal, coke or charcoal to an individual purchaser shall be accompanied by duplicate tickets on which, in ink or other indelible substance, there is clearly stated 1) the name and address of the vendor, 2) the name and address of the purchaser, and 3) the net weight of the delivery and the gross and tare weights from which the net weight is computed, each expressed in pounds. One of these tickets shall be retained by the vendor and the other shall be delivered to the purchaser at the time of delivery of the fuel, or shall be surrendered on demand to the Sealer or Deputy Sealer who, if he/she desires to retain it as evidence, shall issue a weight slip in lieu thereof for delivery to the purchaser. If the purchaser carries away his purchase, the vendor shall be required only to give to the purchaser, at the time of sale, a delivery ticket stating the number of pounds of fuel delivered to him.
- (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. 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) 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, 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.

22.15 MOTOR FUEL, HEATING OILS, AND SOLVENTS SALES ON PREMISES OF SELLER.

- (1) Every wholesaler, retailer, and every other person selling or distributing motor fuel, heating oil or solvents in the City of Madison shall keep posted in a conspicuous place at her/his place of business, and on every pump from which delivery is made, a placard, sign or the like clearly stating the identity of each product dispensed, including the grade, blend or mixture of the product, the net selling price, and the amount of all taxes per gallon. No such placard shall be required on a computer pump whereon the aforementioned information is legibly shown on the face. All motor fuel pumps shall be marked conspicuously to indicate the blend or mixture so contained.
- (2) Motor Vehicles Used by Persons with Disabilities; Service.
 - (a) A motor fuel dealer shall have an employee dispense motor fuel into a motor vehicle at the same price as the motor fuel dealer charges the general public for the same grade of motor fuel dispensed from a self-service pump, if all of the following apply:
 1. The motor vehicle displays special registration plates issued under Sec. 341.14(1), (1a), (1m), (1g) or (1r)(a) or a special identification card issued under Sec. 343.51, Wis. Stats., or is a motor vehicle registered in another jurisdiction and displays a registration plate, card or emblem issued by the other jurisdiction that designates that the vehicle is used by a person with a physical disability.
 2. The driver of the motor vehicle asks for the same prices as charged for motor fuel dispensed from a self-service pump.
 3. The motor fuel dealer sells motor fuel at retail from both full-service and self-service pumps.
 - (b) An employee of a motor fuel dealer who dispenses motor fuel under Subdivision (a) need not provide any other services that are not provided to a customer who uses a self-service pump.
 - (c) A motor fuel dealer shall keep posted in a conspicuous place at her/his place of business, a placard or sign, clearly visible to customers from within their vehicle, informing them of the provisions of this ordinance and of Sec. 134.85(5), Wis. Stats. (1989-90). Each such placard or sign shall contain the international symbol of accessibility.

(Am. by Ord. 10075, 8-2-90)

22.16 RESERVED FOR FUTURE USE. (R. by Ord. 10,514, 9-24-92 & 10-1-92)

22.17 RESERVED FOR FUTURE USE.

22.18 PRESUMPTIVE EVIDENCE. For the purpose of this ordinance, proof of the existence of a weight or measure or a weighing or measuring device in or about any building, enclosure, stand or vehicle, in which or from which it is shown that buying or selling is commonly carried on, shall in the absence of evidence to the contrary, be presumptive proof of the regular use of such weight or measure or weighing or measuring device for commercial purposes and of such use by the person in charge of such building, enclosure, stand, or vehicle.

22.19 ISSUANCE OF CITATIONS FOR VIOLATIONS OF THIS CHAPTER AND SCHEDULE OF CASH DEPOSITS. Pursuant to the authority of Sec. 66.0119, Wis. Stats., the City of Madison hereby elects to use the citation method of enforcement and authorizes the use of a citation that comports with Sec. 1.08(2) of the Madison General Ordinances.

22.20 WEIGHTS AND MEASURES.

(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.

(Secs. 22.20(1)(a) and (b) Am. by Ord. 11,428, 12-4-95)

(2) Application. Application for a weighing or measuring device license shall be made in writing on a form provided for such purpose by the Department of Planning and Community and Economic Development. 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.

(3) Issuance of License and Fees. The Department of Planning and Community and Economic Development by its City Sealer or Weights and Measures Inspectors shall annually issue a license to the applicant based on the total number of weighing and measuring devices operated by the applicant if the requirements of this chapter have been complied with and upon payment to the City (Treasurer) the fee required according to the following schedule:

FEE SCHEDULE WEIGHTS AND MEASURES	
ADVP Counterweight	\$ 3.00
Baby Scales	\$ 15.00
Beam Scales (Table Top)	\$ 20.00
Beam Scales (Floor)	\$ 35.00
Computing Scales	\$ 20.00
Counter or Bench Scales (up to 30 lbs. capacity)	\$ 20.00
Counter or Bench Scales (over 30 lbs. capacity)	\$ 35.00
Customer Operated Aluminum Recycling Machines	\$ 40.00
Dormant Scales	\$ 60.00
Electronic Scanners (three or fewer)	\$50.00, plus \$15.00/scanner
Electronic Scanners (more than three)	\$100.00, plus \$15.00/scanner
Equal Arm Balances	\$ 15.00
Farmers Market Scale	\$ 15.00
Floor Scales	\$ 60.00
Fuel Bulk Meter	\$ 45.00
Gas Pumps	\$ 30.00
Grain & Metric Scales	\$ 20.00
Hanging Scales (up to 30 lbs. capacity)	\$ 20.00
Hanging Scales (over 30 lbs. capacity)	\$ 30.00
High Precision Scales/Balances	\$ 45.00
High Speed Gas Pump	\$ 55.00
Measuregraphs	\$ 15.00
Personal Scales	\$ 30.00
Platform Scales	\$ 40.00
Prepack Scales	\$ 20.00
Prescription Scales & Weights & Glassware	\$ 45.00
Special Fees	30.00/hr

FEE SCHEDULE WEIGHTS AND MEASURES	
Spring Scales	\$ 20.00
Stationary Meters	\$ 45.00
Taxi Meters	\$ 33.00
Timing Devices (Car Washes & Clothes Dryers)	\$ 12.00
Vehicle Scales	\$ 62.00
Vehicle Tank Meters	\$ 75.00
Weigh Buggies	\$ 30.00
Yard Measures	\$ 7.00
Miscellaneous Devices	\$ 15.00

(Am. by Ord. 12,252, 11-17-98; Ord. 13,718, 10-26-04; ORD-10-00120, 12-23-10)

- (4) Special Fees. Notwithstanding the provision for the requirement of an annual license for weighing and measuring devices, whenever a special request is made for consultation or the inspection or testing of a noncategorized weighing or measuring device, the actual expenses may be charged to the person or firm receiving the service. Such payment or charge shall be based on the current hourly rate.
 - (5) Display of License. The persons licensed under the provisions of this ordinance shall immediately post their license upon some conspicuous part of the premises on which the business is conducted and said license shall remain posted for the period the license is in force.
 - (6) Suspension of License. Notwithstanding the other provisions of this ordinance, whenever the City Sealer finds that business on any licensed premises is conducted or managed in such a manner that there are serious or repeated violations of this ordinance, or violation of any ordinances or regulations of the City of Madison, the laws of the State of Wisconsin, or regulations of the National Bureau of Standards relating to weights and measures, he/she may without warning, notice or hearing, 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 to the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals by following the procedures established in Section 29.18 of these ordinances. Failure to allow an inspector immediate access to the premises to determine whether such grounds exist shall be grounds for suspension. (Am. by Ord. 11,960, Adopted 11-4-97; ORD-09-00019, 3-14-09)
 - (7) Revocation of Licenses. For serious or repeated violations of any of the requirements of this ordinance, or for interference with the City Sealer in the performance of his/her duties, the City Sealer may permanently revoke the license. Prior to such action, the City Sealer shall notify the license holder in writing, stating the reasons for which the license is subject to revocation, and advising that the license shall be permanently revoked at the end of five (5) days following service of such notice unless a request for a hearing under Section 29.18, Madison General Ordinances, is filed with the Director of the Building Inspection Division by the license holder within such five (5) day period. (Am. by Ord. 11,960, Adopted 11-4-97; ORD-08-00109, 10-7-08)
 - (8) Transfer of Licenses. No license may be transferred unless otherwise provided for by the ordinances of the City. No license shall be issued to or used by any person acting as agent for or in the employ of another.
 - (9) Hearings. The hearings provided for in this section shall be conducted by the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals in accordance with the provisions of Section 29.18, Madison General Ordinances. (Am. by Ord. 11,960, Adopted 11-4-97; ORD-09-00019, 3-14-09)
- (Sec. 22.20 Am. by Ord. 9364, 12-21-87)

22.21 PROHIBITED ACTS; PENALTY; INJUNCTION.

- (1) A person who does any of the following acts shall forfeit not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000):
 - (a) Hinders, obstructs or impersonates the Sealer or Deputy Sealer.
 - (b) Uses or has in possession for use in buying or selling any commodity or service, or sells any incorrect weight or measure.
 - (c) Represents in any manner a false quantity in connection with the purchase or sale, or any advertising thereof, of any commodity, thing or service.
 - (d) Uses or disposes of any rejected weight or measure or commodity, or removes therefrom any official tag, seal, stamp or mark, without written authority from the Sealer or Inspector.
 - (e) Uses any weighing or measuring device in determining the quantity of any commodity or service to be sold or purchased without having said device approved and sealed by the Sealer and the proper certificate and license obtained in accordance with this ordinance, including operating without a license. (Am. by Ord. 9364, 12-21-87)
 - (f) Deals in or installs new or used weighing or measuring equipment or represents such equipment to be properly repaired following official rejection, if said equipment is inaccurate on inspection.
 - (g) Violates Section 22.15 of this ordinance. (Cr. by Ord. 10075, 8-2-90)
- (Am. by Ord. 13,760, Adopted 12-14-04)
- (2) Any person who violates any provision of this chapter not specifically enumerated in subsection (1) or fails to comply with any of its requirements shall, upon conviction thereof, be subject to a forfeiture of not less than \$50.00 nor more than \$500.00 for each offense. Each day such violation continues shall be considered a separate offense. (Cr. by Ord. 9364, 12-21-87)
 - (3) In addition to commencing an action for the violations of the provisions of this chapter, the City Attorney, on behalf of the City of Madison, is authorized to seek a temporary or permanent injunction restraining any person from violating any provision of this chapter. (Renumbered by Ord. 9364, 12-21-87)

(Chapter 22 Repealed and Re-Created by Ord. 8560, 4-4-85)