ORDINANCE NO. 2023-08

An Ordinance Amending Chapter 16 of City of Cedarburg Code
Weights and Measures

The Common Council of the City of Cedarburg, Wisconsin, does hereby ordain as follows:

SECTION 1. Section 7-16-5, 7-16-6, 7-16-7, & 7-16-9 of the Code of Ordinances of the City of Cedarburg is hereby amended as follows:

Sec. 7-16-5 Application for License

An application for a weights and measures license shall be made in writing on a form provided for such purpose by the City of Cedarburg clerk and shall be signed by the owner of the commercial business, or by its authorized agent. The application shall be returned to the City of Cedarburg Clerk's Office by September 30. Such applications shall state the type and number of weighing and measuring devices to be licensed, serial number, location of the devices, the applicant's full name and post office address, and whether such applicant is an individual, partnership, limited liability company, corporation or other entity. If the applicant is a partnership, the application shall state the names and addresses of each partner. If the applicant is a corporation or limited liability company, the application shall state the name and address of all officers and agents of the applicant, including the registered agent.

Sec.7-16-6 License Term

A license issued under this section shall expire on September 30 of each year.

Sec. 7-16-7 Fees Assessment

(a)   The annual assessment shall be determined based on the number and types of weighing and measuring devices licensed as of October 1 each year along with a $30.00 annual license fee. Payment of the fee shall be returned with the application to the city clerk's office by September 30. The total of the fees assessed, and fees collected shall not exceed the actual costs of the weights and measures program.

(b)   Fees charged shall be $10.00 per device and $30.00 annual license fee and shall be calculated at the time the application is filed with the city clerk's office.

(c)   If the assessed fee is not paid within 30 days of the due date, September 30, interest shall accrue thereon at the rate of 1.5% per month until paid. If the licensee is the owner of the real estate premises where the licensed weights and measures devices are located, any delinquent assessment shall be extended upon the current or the next tax roll as a charge against the real estate premises for current services, as provided in Wis. Stats. § 66.0627. No licenses shall be issued or renewed under this section if the licensee is delinquent in the payment of a fee assessed under this section.

(d)   Upon receipt of application and assessment payment, the city clerk's Office shall issue a license to the applicant. Each business location shall require a separate license. The license fee shall not be prorated for a partial year.
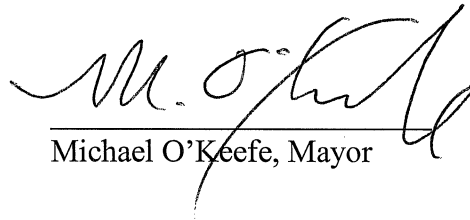
Sec. 7-16-9 Change of ownership.

If the ownership of a commercial business licensed under this section is transferred during a license year, the owner of the business as of October 1 of the license year shall be liable and responsible for the payment of the fees assessed under this section.

SECTION 2.   SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3.   EFFECTIVE DATE: This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

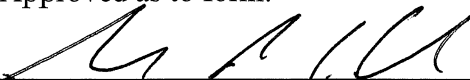Passed and adopted this 26th day of June, 2023.

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Michael O'Keefe, Mayor

Attest:

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Tracie Sette, City Clerk

Approved as to form:

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Michael P. Herbrand, City Attorney