

CHAPTER 11

HEALTH AND SANITATION

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HEALTH AND SANITATION 11.01

§11.01 thru §11.09 repealed and recreated by Ord. # 1020

11.01 HEALTH OFFICER DESIGNATED. (1) The Health Officer for the City of New London shall be the Health Officer serving either Waupaca or Outagamie County, depending upon the area of the City of New London affected.

11.02 COMPULSORY CONNECTION TO SEWER AND WATER. Repealed & Recre. Ord. #934, Ord. #1020

(1) To assure preservation of public health, comfort and safety, the owner or the agent of the owner of any building used for human habitation and located adjacent to a sewer or water main, or in a block through which one or both of such systems extend, shall connect therewith after notice, as provided herein.

(2) When sewer and water main become available to any building used for habitation in the City, the Building Inspector shall notify, in writing, the owner or his agent that such sewer and water mains are available and that any existing septic system or well may continue to be used until such time that one or the other fails. At that time the owner or his agent shall be required to connect to City sewer and water within 20 days.

11.02m(1) LATERALS TO MEET CONSTRUCTION STANDARDS:

(Cr. Ord. #1195)

Whenever new sewer main is installed or a new lateral connection is initiated or an old lateral connection is refurbished, slip lined or other wise renewed, the following criteria shall be met.

a) Reconstruction and installation requirements for sanitary sewer lateral connections:

1) Inspection Required. No connection shall be made to any sanitary sewer main unless said connection has been permitted and inspected by the Building Inspector. Connection to the new sanitary sewer main shall be through a "Y" branch and connection to the sewer main shall be 6 inches in diameter.

All sanitary mains and laterals shall be constructed and maintained in such a fashion that the effect of clear water in the system are held to an absolute minimum.

All work construction techniques and materials used in any project shall be in strict conformance with codes and specification standards promulgated by the State of Wisconsin for sewer construction. Specifically, clay pipe, soil or Orangeburg pipe are prohibited, as are the improper connections such as palmer valves.

2) Standards of this subsection shall apply to all private lateral connections in place at the time of reconstruction of any sewer main or of reconnection to existing sewer main.

A) All private connections to new main shall be inspected at the time of reconstruction of the public sewer main.

B) Any existing private laterals not meeting the requirements of (1) above shall be considered illegal.

C) In the event a lateral does not meet the requirements of this section the owner of the lateral shall be immediately notified of the determined deficiencies.

D) The owner then shall at the owner's expense make the necessary repairs to meet the standards of (1) above. The owner may make the repairs, in conformance with all applicable codes, contract for said work or utilize firms currently under contract with the City.

(3) The notices required in this section shall be given by certified mail addressed to the last known address of the owner or his agent.

(4) If the owner or his agent fails to comply after 20 days notice, as herein provided, the notifying officer may cause connection to be made and the expense thereof assessed as a special tax against the property.

(5) The owner or his agent may within 30 days after the completion of the work, file a written petition with the Clerk-Treasurer stating that he cannot pay the cost of the connection in one sum and electing that such sum be levied in 3 equal annual installments, with interest on the unpaid balance at the current interest rate.

11.03 COMPOST SITES DESIGNATED. (Rep & Recr. Ord. #1020)

(1) No person shall throw or dump rubbish, garbage or other refuse any place within the City, except that grass clippings, leaves and brush may be taken to either the Waste Water Treatment Plant or Floral Hill Cemetery for disposal in accordance with the provisions of this section.

(2) Hours for the Waste Water Treatment Plant are:

Monday thru Friday	7:30 a.m. to 11:30 a.m. 12:30 p.m. to 2:30 p.m.
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Saturdays	7:30 a.m. to 10:30 a.m.
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(3) Hours for Floral Hill Cemetery are:

Monday thru Friday 7:30 a.m. to 7:30 p.m.

Saturday and Sunday 7:30 a.m. to 6:00 p.m.

(4) Dumping at the Waste Water Treatment Plant must be approved by a Waste Water Treatment Plant employee and dumping must be done in designated areas only.

(5) Dumping at Floral Hill Cemetery must be done in designated areas only.

11.04 PENALTY. Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Sec. 25.04 of this Code.

11.05 WEIGHTS AND MEASURES (Cr. Ord. #1161)

ARTICLE I. IN GENERAL

(1) DEFINITIONS. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

DEPARTMENT means City Department of Weights and Measures, which consists of the Sealer and any Deputy Sealers.

INCORRECT as applied to weights and measures and commodities includes any failure to comply with the requirements of this article.

PACKAGE means any commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale.

SEALER AND DEPUTY SEALER means the Sealer of Weights and Measures and Deputy Sealer of Weights and Measures to the City.

SELL, SALE, AND SOLD include barter or exchange and any offering or exposing for sale or possession with the intent to sell.

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, counting or pricing and any appliances and accessories used with any or all such instruments and devices, except meters for the measurement of electricity, gas (natural and manufactured) or water when the meters are operated in a public utility system, and scales under the control of the grain and warehouse commission.

(2) ENFORCEMENT OF CHAPTER.

- (a) Police power is hereby conferred upon the Sealer and Deputy Sealers of weights and measures. The Sealer and Deputy Sealers shall be provided with suitable badges or insignia of authority and in the exercise of their functions shall exhibit the badge or insignia upon demand to any person questioning their powers. They may make arrests, with or without formal warrant, of any persons violating any statute or ordinance relating to weights and measures.
- (b) The Sealer and Deputy Sealers 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 Deputy Sealer shall approve for use and 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 as found upon inspection or test 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 chapter.
- (c) The Sealer or Deputy Sealer 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 chapter 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.

- (d) The Sealer shall investigate complaints made to him concerning violations of the provisions of this chapter and shall, upon his own initiative, conduct such investigations as he 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.
- (3) PRESUMPTIVE EVIDENCE. For the purpose of this chapter, proof of the existence of a weight or measure or a weighting 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 conclusive 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.
- (4) APPOINTMENT OF SEALER AND DEPUTY SEALERS; REPORTS AND RECORDS. The City Sealer and Deputy Sealers shall be appointed by the Mayor 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 Agriculture, Trade and Consumer Protection and the Common Council. The Department shall also file such other reports as may be required.
- (5) ADOPTION OF STATE AND FEDERAL STANDARDS. The following federal standards, Wisconsin Statutes, and state rules are adopted by reference and shall be enforced under this chapter, with violations of such provisions subject to the penalties set forth in Section 11.05 (7).
 - (a) W.S.A. chapter 98, Weights and Measures.
 - (b) Wisconsin Administrative Code, Chapter ATCP 90, Packaging and Labeling.
 - (c) Wisconsin Administrative Code, Chapter ATCP 91, Method of Sales and Commodities.
 - (d) Wisconsin Administrative Code, Chapter ATCP 109, Freezer Meat and Food Service Plan Trade Practices.
 - (e) Wisconsin Administrative Code, Chapter ATCP 92, Scales and Scale Pits.

- (f) Sections of W.S.A. chapter 97 pertaining to product labeling, specifically including the following:
 - 1. W.S.A. §97.03, Standards; Misbranding
 - 2. W.S.A. §97.07, Interpretation.
 - 3. W.S.A. §97.09, Rules.
 - 4. W.S.A. §97.12, Enforcement.
 - (g) Section of W.S.A. chapter 100 pertaining to advertising, specifically including W.S.A. §100.18, Fraudulent Advertising and W.S.A. §100.183, Fraud, Advertising Foods.
 - (h) NIST handbook 44, U.S. Department of Commerce, Specifications, Tolerances and Other Technical Requirements and Commercial Weighing and Measuring Devices.
 - (i) Wisconsin Administrative Code, chapter ATCP124, Price Comparison Advertising.
- (6) FIELD STANDARDS AND EQUIPMENT; SPECIFICATIONS AND TOLERANCES.
- (a) 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, Trade, and Consumer Protection upon their initial receipt and at regular intervals thereafter stipulated by the state.
 - (b) The specifications, tolerances and regulations for commercial weighing and measuring devices issued by the National Institute of Standards and Technology shall apply in the City except as modified by rules issued by the State Department of Agriculture, Trade and Consumer Protection.
- (7) PROHIBITED ACTS; PENALTY. Whoever does any of the following acts shall be subject to the penalty provided in Chap. 11.05 (18);
- (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 or price 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 commodity or removes therefrom any official tag, seal, stamp, or mark without written authority from the Sealer or Deputy Sealer.
 - (e) Uses any weighing or measuring device in determining the quantity of any commodity or service to be sold or purchased without having the device approved and sealed by the Sealer and the proper certificate obtained in accordance with Section 11.05 (8).
 - (f) Violates any other provision of this chapter 11.05.
- (8) 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 the equipment.
- (a) It shall be the duty of every owner, operator, or user to notify the Sealer in writing of the acquisition of any device, whether new, rebuilt, or used, or of the major repair, conversion, or calibration of any device already in use. The notification shall be accomplished within seventy-two (72) hours of the introduction or reintroduction into use of the device.
 - (b) Commercial weights and measures devices regulated by this chapter 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.

The security seal may only be removed to facilitate repairs of devices. The Sealer or Deputy Sealer shall be notified of the repairs and removal of the seal within seventy-two (72) hours of removal or of the introduction of a new, rebuilt, or used device in accordance with subsection (a) of this section so that the devices may be sealed or resealed.

- (c) 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. Transients operating as part of an authorized City farm market are exempted from this requirement.
- (9) METHOD OF SALE OF COMMODITIES.
- (a) 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.
 - (b) Berries and small fruits may be sold by measure only if in containers having capacities of one-half (1/2) dry pint, one (1) dry pint, or one (1) dry quart.
 - (c) It shall be unlawful to advertise, offer for sale or sell within the City firewood, fireplace wood, slab wood or stove wood in any other manner than by the cord, fractions of a cord, volumetric measure or by weight.
 - 1. Mill ends, lumber scraps, and irregular pieces when sold for fuel shall be sold by net weight.
 - 2. The cord is hereby defined for purposes of this Section as the amount of wood, or a combustible, fibrous growth, which is contained in a space of one hundred twenty-eight (128) cubic feet, when the wood is ranked and well stowed.
 - 3. A single log and packages of such individual logs containing less than four (4) cubic feet commonly referred to as bundles shall be sold by net weight.

Per custom, one hundred twenty-eight (128) cubic feet generally means a stack of wood four (4) feet by four (4) feet by eight (8) feet. Ranked and well stowed shall be construed to mean pieces of wood placed in a line or row with individual pieces touching and parallel to each other and stacked in a compact manner.

- (d) 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.

(10) DECLARATION OF QUANTITY.

- (a) No commodity which is marked, tagged, or labeled, or for which a sign is displayed, with a selling price based upon a price per unit of weight or measure, shall be sold unless the weight or measure of the commodity is conspicuously declared on the commodity or its tag, label, or sign. If a commodity is wrapped or labeled in advance of sale with a price affixed to the commodity or wrapping, the quantity that determines that price shall appear on the package with the price even though the quantity may already appear on a counter card or sign.
- (b) 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.
- (c) In addition to the other declarations required by this section, any commodity in package form, the package being one (1) 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.

(11) VARIATIONS FROM DECLARED QUANTITY. The magnitude of permitted variations from declared quantity shall be determined as follows:

- (a) The compliance of commodities sold, either in bulk or in prepackaged form, shall be based upon the results of the application of inspection procedures and tolerances as set forth by the State Department of Agriculture, Trade, and Consumer Protection.
- (b) Commodities, both in bulk or prepackaged form, found in violation of this chapter after test and analysis of a random or statistical sample, shall be acted upon either individually or on a by-the-lot basis.

- (12) 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 based upon in the case of a bulk commodity.
- (a) 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 only that declaration setting forth the quantity in terms of the smaller unit of weight or measure (the declaration that is required to appear first on the package) need appear in the advertisement.
 - (b) Whenever any commodity is advertised as described, the appropriate method of sale as set forth in Chap. 11.05(9) and in state statutes and rules adopted by reference shall also be applied in the advertisement.
 - (c) 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.
- (13) MISREPRESENTATION OF PRICE.
- (a) Generally. 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 calculated or tending to 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 numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half (1/2) the height and width of the numerals representing the whole cents.

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(b) Cash registers and similar devices. Prices generated by a device such as a cash register or scanning system, are also affected under this section. The Sealer shall inspect and test such systems and monitor pricing declarations made by a relative to them, such as pricing signs, shelf tags or individually price-marked units, to ensure agreement of all prices. Prices generated by these systems shall wholly agree with posted or premarked prices for the item being sold.

1. Cash registers. Each cash register used in buying and selling transactions shall be maintained in proper operating condition by its owner. All components, attachments and functions of the register shall be operating correctly as designed. All pricing representations shall be accurate.
2. UPC, scanning and point of sale systems. Pricing systems utilizing a scanning device such as a handheld gun or wand, or counter-mounted scanner units at retail checkouts which read universal product code systems or other bar code labels and the like, shall be maintained in proper operating conditions and be so calibrated to accurately read the intended systems and then generate the proper description and price for the given code.

(c) Price refunds; price information.

1. A person who uses an electronic scanner to record the price of a commodity or thing at a price higher than the posted, tagged or advertised price of that commodity or thing at least shall refund to a person who purchases the commodity or thing the difference between the posted or advertised price of the commodity or thing and the price charged at the time of sale.
2. A person who sells a commodity or thing and who uses an electronic scanner to record the price of that commodity or thing shall display, in a conspicuous manner, a sign stating the requirements of paragraph 1.

(14) COAL, COKE, AND CHARCOAL.

(a) 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 tare weights, from which the net weight is computed, each expressed in pounds.

(b) One (1) 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 a Deputy Sealer who, if he 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 the purchaser at the time of sale a delivery ticket stating the number of pounds of fuel delivered to him.

(15) FIREPLACE WOOD AND STOVE WOOD.

(a) As set forth in Ch. 11.05(9)(c), firewood, fireplace wood, slab wood or stove wood shall be sold only by units of a cord or fractions of a cord, by volumetric measure, or by weight. A delivery ticket or invoice shall be presented by the seller to the purchaser whenever any nonpackaged fireplace or stove wood is sold. The delivery ticket or sales invoice shall clearly and legible state in ink or other indelible substance at least 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 differed from the delivered quantity;
5. The price of the amount delivered; and
6. The identity of the wood in the most descriptive terms commercially practicable, including any quality representation made in connection with the sale.

(b) Units for firewood of less than four (4) cubic feet, whether sold as single logs or in packages consisting of two (2) or more logs commonly referred to as bundles, shall be sold by net weight. No delivery ticket or invoice is required, however, each package of two (2) or more logs shall be clearly and legibly labeled, tagged, or marked with the name, address, and zip code of the packager or distributor, the net weight contained and the species of wood provided, for example "birch firewood" or "mixed hardwood".

- (16) HEATING OIL AND MOTOR FUEL DELIVERED TO PREMISES OF CONSUMER. 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 ten (10) gallons in the case of sale by liquid measure or one hundred (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:
- (a) The name and address of the vendor;
 - (b) The name and address of the purchaser;
 - (c) The identity of the type of fuel comprising the delivery;
 - (d) The unit price, that is, the price per gallon or per pound, as the case may be, of the fuel delivered;
 - (e) 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
 - (f) In the case of sale by weight, the net weight of the delivery, together with any weighing scale readings, from which such net weight has been computed, expressed in terms of tons or pounds avoirdupois.
- (17) MOTOR FUEL, HEATING OIL, AND SOLVENTS SOLD ON PREMISES OF SELLER. Every wholesaler, retailer, and every other person selling or distributing motor fuel, heating oil, or solvents in the City shall keep posted in a conspicuous place, accessible to the public, at his place of business and on every pump from which delivery is made directly into the fuel tank attached to a motor vehicle or into any other vessel brought into same premises by the user, a placard, sign, or the like clearly stating the identity of each product dispensed, i.e., the grade, blend or mixture of the product, and the net selling price per gallon, along with the amount of all taxes per gallon thereon, except that no such placard shall be required on a computer pump whereupon the information described is legibly shown on the face.

- (18) PENALTIES. Any person violating the provisions of Chapter 11.05 shall forfeit not less than \$100.00 nor more than \$500.00 for the first offense and not less than \$200.00 nor more than \$1,000.00 for a subsequent offense.

ARTICLE II. LICENSE

- (19) DEFINITION. For purposes of this article, commercial weighing or measuring devices means those devices 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.
- (20) PERSONS REQUIRING LICENSE. No person shall operate weights and measures, weighing, or measuring devices and systems and accessories relating thereto, which are used commercially within the city 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 article. Transients operating as a part of an authorized city farm market are exempted from this license. Those who may legally sell from bulk or who prepackage for on-premises sale by weight or measure without weighing and measuring devices shall also be licensed.
- (21) TERM; REFUND OF FEE; PROCESSING FEE.
- (a) Licenses shall be required under this article commencing January 1, 2007. All licenses shall expire or terminate on December 31 of each year. No license fee shall be refunded if a license or permit is denied or revoked for cause.
- (b) An annual processing fee shall be paid in addition to any license fee due. The amount of the annual processing fee shall be on file at the City Clerk/Treasurer.
- (22) APPLICATION. The application for a weighing or measuring license shall be made in writing on a form provided for such purpose by the City Sealer. Such application shall state the type and number of weighing and measuring devices to be licensed, the business address where the devices are located, the applicant's full name, signature, and post office address, and whether such person is an individual, firm, corporation, or partnership. The names and addresses of all officers or partners shall be included.
- (23) ISSUANCE; LICENSE FEES. The City Clerk/Treasurer shall issue a license under this article 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 of the applicable fee. The fee for licensing of weighing and measuring devices shall be on file with the City Clerk/Treasurer.

- (24) 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.
- (25) DISPLAY. All persons licensed under the provisions of this article shall immediately post their license upon some conspicuous part of the premises on which the business is conducted and the license shall remain posted for the period the license is in force.
- (26) TRANSFER; ISSUANCE TO AGENT, OR EMPLOYEE. No license issued under this article 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 for or in the employ of another.
- (27) SUSPENSION. Notwithstanding any other provisions of this chapter, whenever the City Sealer finds that business on any premises licensed under this article is conducted or managed in such a manner that there are serious or repeated violations of this chapter or violation of any ordinances or regulations of the City, the laws of the state, or regulations of the National Institute of Standards and Technology relating to weights and measures, he may, without warning, notice or hearing, issue a written notice to the license holder, operator, or employee in charge of the licensed premises cite such condition and specifying the corrective action to be taken. If deemed necessary, such order shall state that the license is immediately suspended and that all weighing and measuring operations are to be discontinued. Any person to whom such an order is issued shall comply immediately, but upon written petition to the Common Council shall be afforded a hearing before the Public Protection and Safety Committee within twenty (20) days of such petition. Failure to allow an inspector immediate access to the premises to determine whether such grounds exist shall be grounds for suspension.
- (28) REVOCATION. For serious or repeated violations of any of the requirements of this chapter or for interference with the City Sealer in the performance of his duties, the City Sealer may permanently revoke the license issued under this article. 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 is filed with the Common Council by the license holder within such five (5) day period.

- (29) HEARINGS. The hearings provided for in this article shall be conducted by the Finance and Personnel Committee at a time and place designated by the committee chairman. Based upon the record of such hearing, the City Sealer shall be charged with enforcing the decisions of the Committee. A written report of a hearing decision shall be furnished to the license holder by the committee chairman.
- (30) FEE FOR LATE PAYMENT. An application for renewal shall be filed with the City Sealer on or before December 31 of each year, together with the payment of the required permit fee. If the annual renewal fee is not paid prior to December 31, an additional late payment fee of fifty dollars (\$50.00) per establishment shall be required. Establishments operating on January 15 without proper license shall be ordered closed by the City Sealer. Failure to comply will result in the issuance of a uniform citation with current bond as set by the Municipal Judge. Each violation and each day a violation continues or occurs shall constitute a separate offense.
- (31) PENALTY FEE FOR USE OF UNREGISTERED DEVICE. For failure to make notification to the City Sealer within seventy-two (72) hours of the addition or replacement of any new or used weights and measures equipment, including any scale,] pump, meter, etc., a penalty of triple the device fee herein prescribed shall be assessed. Payment of any fee mentioned in this subsection, however, shall in no way relieve any person or firm of the penalties that may be imposed for violation of this chapter.

11.09 BURIAL OF HUMAN REMAINS. Recr. Ord. #937 (1) It shall be unlawful to bury human remains anywhere in the City except in an established cemetery. Burial shall not include the disposal of cremated human remains.

- (2) Should this ordinance be violated, the Health Officer shall enforce this ordinance in accordance with the provisions of Section 10.06, which is adopted by reference and made a part of this chapter as it fully set forth herein.

11.10 PENALTY. Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Sec. 25.04 of this Code.