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CITY OF DANBURY
OFFICE OF THE CORPORATION COUNSEL
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

June 24, 2008

Honorable Mark D. Boughton, Mayor
Honorable Members of the Common Council
City of Danbury, Connecticut

Re: Weights and Measures
Code of Ordinances Section 22-2
Ordinance Amendment

Dear Mayor Boughton and Council Members:

Enclosed please find a proposed revision to section 22-2 of the code of ordinances, which deals with licensing commercial weighing and measuring equipment. The amendment clears up an ambiguity in the language of the ordinance concerning meters used to measure time and distance. The Sealer of Weights and Measures routinely verifies the accuracy of meters used to measure weight and volume, such as those used by supermarkets and gasoline stations, but meters measuring time, such as those used by commercial laundries need similar verification to insure that members of the public get what they pay for. While the language in the existing ordinance could fairly be relied upon to grant authorization to license and verify the accuracy of meters measuring time and distance, a clarification of the language is, in my opinion, necessary to eliminate any doubts on the subject.

In addition, please find enclosed a proposed revision to the resolution that establishes the licensing fees relating to various types of measuring devices. Please consider the adoption of this resolution along with the ordinance amendment described above.

Please consider this amendment in the usual fashion. If you have any questions, please feel free to contact me.

Sincerely,

Laszlo L. Pinter
Deputy Corporation Counsel

Enclosures



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ORDINANCE
CITY OF DANBURY, STATE OF CONNECTICUT
COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

Sec. 22-1. Sealer of weights and measures.

In accordance with the provisions of Section 43-6 of the Connecticut General Statutes, there shall be a sealer of weights and measures to be appointed by the mayor. The sealer of weights and measures shall perform the same duties and have the same powers within the City of Danbury as are vested in the Commissioner of Weights and Measures for the state except those powers and duties exempted and reserved to the Commissioner of Weights and Measures by regulation promulgated under the provisions of Section 43-3 of the Connecticut General Statutes.

Sec 22-2. Weighing and measuring devices.

- (a) (a) *Annual license.* Pursuant to §§ 43-1 through 43-9 of the Connecticut General Statutes, as amended, it shall be unlawful to operate any commercial weighing and measuring equipment within the City of Danbury unless said device has been licensed by the sealer of weights and measures. Said license shall be valid for a period of one (1) year from the date of issuance. For purposes hereof, "commercial weighing and measuring equipment" shall mean weights and measures and weighing and measuring devices commercially used or employed in establishing the size, quantity, extent, area or measurement of quantities, things, produce or articles for distribution or consumption, purchased, offered or submitted for sale, hire or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure. For purposes of this section, "commercial weighing and measuring equipment" shall include equipment used to determine quantities or extents of time and distance.
- (b) *Issuance of license.* The sealer of weights and measures shall not issue a weighing and measuring device license unless:
- (1) Such device has been inspected and approved by the sealer of weights and measures within six (6) months of the date of application;
 - (2) Each applicant furnishes such information relative to the application for a weighing and measuring device license as the sealer of weights and measures shall require; and
 - (3) Each applicant pays an annual license fee to be set by resolution of the Common Council.
- (c) *Exemption.* Any city-owned weighing and measuring device is hereby exempted from the licensing and payment provisions of this section.
- (d) *Penalties.* The penalty for a violation of any provision of this section shall be a fine of ninety dollars (\$90.00) per device. Each day of noncompliance shall be considered a separate violation. The penalty established herein shall be in addition to any penalties established by state law.
- (e) In addition to other available means of enforcement, this Article may be enforced through the civil citation process by the sealer of weights and measures, pursuant to section 12-34 of the Code of Ordinances.

Sec. 22-3 Register to be kept.

The sealer of weights and measures of the city shall keep a register of the name of each person for whom he has inspected any weight or measure, together with the kind and size of each weight or measure inspected and the result of such inspection, stating which, if any, weights and measures were approved and which, if any, were condemned. This register shall be kept in the office of the sealer and shall be open to public inspection during the office hours of the sealer.

THAT Section 22-2 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec 22-2. Weighing and measuring devices.

- (a) (a) *Annual license.* Pursuant to §§ 43-1 through 43-9 of the Connecticut General Statutes, as amended, it shall be unlawful to operate any commercial weighing and measuring equipment within the City of Danbury unless said device has been licensed by the sealer of weights and measures. Said license shall be valid for a period of one (1) year from the date of issuance. For purposes hereof, "commercial weighing and measuring equipment" shall mean weights and measures and weighing and measuring devices commercially used or employed in establishing the size, quantity, extent, area or measurement of quantities, things, produce or articles for distribution or consumption, purchased, offered or submitted for sale, hire or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure. FOR PURPOSES OF THIS SECTION, "COMMERCIAL WEIGHING AND MEASURING EQUIPMENT" SHALL INCLUDE EQUIPMENT USED TO DETERMINE QUANTITIES OR EXTENTS OF TIME AND DISTANCE.
- (b) *Issuance of license.* The sealer of weights and measures shall not issue a weighing and measuring device license unless:
- (1) Such device has been inspected and approved by the sealer of weights and measures within six (6) months of the date of application;
 - (2) Each applicant furnishes such information relative to the application for a weighing and measuring device license as the sealer of weights and measures shall require; and
 - (3) Each applicant pays an annual license fee to be set by resolution of the Common Council.
- (c) *Exemption.* Any city-owned weighing and measuring device is hereby exempted from the licensing and payment provisions of this section.
- (d) *Penalties.* The penalty for a violation of any provision of this section shall be a fine of ninety dollars (\$90.00) per device. Each day of noncompliance shall be considered a separate violation. The penalty established herein shall be in addition to any penalties established by state law.
- (e) In addition to other available means of enforcement, this Article may be enforced through the civil citation process by the sealer of weights and measures, pursuant to section 12-34 of the Code of Ordinances.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parenthesis which indicate subsections.



RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 200__

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Section 22-2 of the Code of Ordinances requires an annual license for all weighing and measuring devices used in the City of Danbury and provides for an annual fee for said licenses; and

WHEREAS, the fee for said licenses must be adequate to defray the costs incurred by the City of Danbury in performing its governmental responsibilities established pursuant to the provisions of chapter 750 of the Connecticut General Statutes with respect to weights and measures; and

WHEREAS, Section 22-2 of the Code of Ordinances requires that said fees be set by resolution of the Common Council; and

WHEREAS, the establishment of the fees described below has been determined to be in the best interests of the City of Danbury.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Danbury that the following annual schedule of fees is hereby established and approved:

Device Type	Fee
Meters	
Retail Motor Fuel Meter	\$35.00
Taxi Cab Meter	\$35.00
Vehicle Tank Meter	\$70.00
Commercial Dryers	\$35.00
Scales	
0 to 50 pound capacity scale	\$35.00
over 50 pound capacity scale	\$140.00