

ORDINANCE NO. 2009 - 02

AN ORDINANCE FOR WEIGHTS AND MEASURES

WHEREAS, the County Commissioners of Huntington County, Indiana, wish to establish a policy for the operation of the Weights and Measures Department of Huntington County, Indiana; and

WHEREAS, as used in this ordinance, the following terms have the following meanings:

"County Inspector" shall be the person or persons duly authorized to inspect weighing or measuring instruments in Huntington County.

"Instrument" shall be any scale, weight, beam, measure, meter or weighing or measuring device of every kind or parts thereof, subject to regulation by the Division of Weights and Measures of the State Department of Health.

NOW, THEREFORE, THE COUNTY COMMISSIONERS OF HUNTINGTON COUNTY, INDIANA, HEREBY RESOLVE AS FOLLOWS:

No person engaged in the business of selling, buying, exchanging goods or commodities by weight, measurement or volume shall use an instrument in his business operations for such purpose if such instrument does not meet the standards established by the State of Indiana or the Division of Weights and Measures of the State Department of Health. A person who violates this section shall be fined Fifty Dollars (\$50.00).

- (A) If an instrument is mobile or otherwise operated at more than one (1) location and is not made available to be inspected by the County Inspector at a permanent business location during regular business hours of the County, the County Inspector shall have the authority to order the owner or operator to present the instrument for inspection by the County Inspector at a time and location designated by the County Inspector.
- (B) A person who fails to comply with such orders of the County Inspector shall be fined Fifty Dollars (\$50.00).

All owners or operators of instruments shall inform the County Inspector that an instrument has been installed or repaired and provide the County Inspector with the location of said instrument prior to that instrument being placed into service. The County Inspector shall thereafter certify its accuracy and affix a security seal and/or annual approval seal. A person who violates this section shall be fined Fifty Dollars (\$50.00) for each such instrument placed into service without such certification and seal.

Any person who owns or operates more than one (1) instrument of a particular type at a business location shall serially number each instrument in such a manner that each instrument shall be readily distinguishable from all other such instruments of that type present at that location. A person who violates this section shall be fined Twenty-Five Dollars (\$25.00).

- (C) When a weighing or measuring device is security sealed by a County Inspector, such security seal shall not be cut, severed or removed without permission of a County Inspector. Any weighing or measuring device designed to be security sealed shall be sealed by a County Inspector.
- (D) Repairmen whose equipment is certified under Section 510-4 may remove a security seal for the purpose of making repairs without prior approval of the County Inspector. Repairmen who cut, sever or remove a security seal shall notify the County Inspector within 24 hours.
- (E) If the instrument bears an annual approval seal on its exterior, such approval seal shall not be altered, defaced or removed.
- (F) No security seal or annual approval seal shall be valid in the County except a seal authorized by the County Inspector.
- (G) No weighing or measuring device shall be used in the business of selling, buying, bartering or exchanging of goods or commodities if the security seal has been cut, severed or removed until it is resealed by the County Inspector or permission is given by the County Inspector if immediate resealing is impractical.
- (H) A person who violates this section shall be fined One Hundred Dollars (\$100.00).
- (I) All persons engaged in the selling, buying, bartering or exchanging goods or commodities must sell, buy, barter or exchange the goods or commodities using the legal method of selling, buying, bartering or exchanging such goods or commodities as required by the National Conference on Weights and Measures Sale of Commodities Regulation.
- (J) All commodities and goods offered for sale in package or containers shall meet all labeling requirements of the National

Conference on Weights and Measures Packaging and Labeling Regulations. A manufacturer, wholesale distributor or retail seller who violates this section may be fined as follows for the number of such units at each location where they are available for purchase:

1 to 25 units;	\$ 50.00
26 to 50 units;	\$100.00
51 to 75 units;	\$150.00
76 to 100 units;	\$200.00
101 to 200 units;	\$400.00
201 or more units;	\$500.00

- (K) All commodities when required to be sold by weight must be sold by net weight and all commodities required to be sold by measure or count shall be accurate as required.
- (L) The manufacturer, wholesale distributor or retail seller of a prepackaged commodity which is less than the weight, measure or count designated on its package may be fined as follows for a number of such unit at each location where they are available for purchase:

1 to 25 units;	\$ 50.00
26 to 50 units;	\$100.00
51 to 75 units;	\$150.00
76 to 100 units;	\$200.00
101 to 200 units;	\$400.00
201 or more units;	\$500.00

The County Inspector may collect a fee which shall not exceed Twenty Dollars (\$20.00) for inspecting or calibrating any scale or measuring device which is not used in the business of selling, buying or exchanging goods or commodities, and is not subject to regulation by the Division of Weights and Measures of the State Board of Health. The fee shall be deposited into the dedicated non-reverting fund which is used for capital purchases for the Weights and Measures Department.

- (M) The County Inspector may issue to the violator a citation which shall be written on a citation ticket and kept on file in the Weights and Measures Office.
- (N) If the violator does not pay the fine and/or correct the problem within ten (10) days, the matter shall be referred to the County

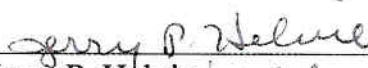
Attorney for prosecution.

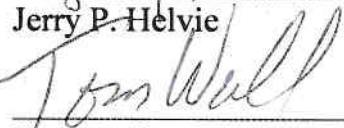
- (O) The fine shall be doubled if the person has a prior violation of this chapter within the last one (1) year.
- (P) Each day the violation continues constitutes a separate violation.
- (Q) All fines shall be deposited into a dedicated, non-reverting fund to be used for capital purchases for the Weights and Measures Department, subject to appropriation of funds by the Huntington County Council.

Dated this 16th day of March, 2009.


BOARD OF COMMISSIONERS OF
HUNTINGTON COUNTY, INDIANA


Kathryn Branham


Jerry P. Helvie


Tom Wall

ATTEST:


Kathy Juillerat, Auditor
Huntington County, Indiana