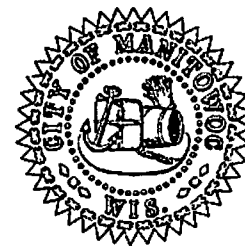




CITY OF MANITOWOC
 WISCONSIN, USA
 www.manitowoc.org



October 6, 2020

TO: FINANCE COMMITTEE
FROM: CITY CLERK DEBORAH NEUSER
RE: WEIGHTS AND MEASURES FORFEITURE

The City is facing an issue where at least one local business is not complying with the Weights and Measures ordinance, MMC Chapter 9, which adopts Wis. Stat. Ch. 98. Historically, weights and measures licensees promptly complied with their legal obligations and if they lapsed, corrected the matter after receiving a past due notice. The City's current practice for violations of weights and measures is to issue past due notices and to impose a 10% collection fee and 1% monthly interest until paid.

MMC § 9.070 provides a penalty of "not less than \$250 nor more than \$500 for each" violation of the weights and measures regulations. ACA Majerus and Judge Olson suggest a forfeiture amount of \$250 plus costs. MMC § 9.070 further provides, "each day a violation exists or continues shall constitute a separate offense." Our hope is that one citation is enough to achieve compliance but if it is not, the City intends to issue citations bi-weekly until compliance is achieved. This violation is easy to correct. A licensee simply needs to pay the bill and obtain their license for the year or discontinue the business requiring licensure.

I am requesting permission to place this ordinance on the October 19th Council agenda so it can be effective October 27th, and we can enforce this matter as soon as possible. The license is for the period beginning January 1, 2020. So in approximately 5 weeks we will be working on the 2021 license.

Your consideration in this matter is greatly appreciated.

Cc: Finance Director Steve Corbeille
 Deputy Treasurer Kim Lynch
 Asst. City Attorney Liz Majerus
 Police Chief Nick Reimer
 Clerk's File

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