

Introduced by: County Administration and Finance Committees
Seconded by:

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 1 OF 2007, ENTITLED: "A LOCAL LAW AMENDING LOCAL LAW NO. 13 OF 1989, AS AMENDED, ESTABLISHING A FEE SCHEDULE FOR WEIGHTS AND MEASURES"

RESOLVED, that Local Law Intro. No. 1 of 2007, entitled: "A Local Law Amending Local Law No. 13 of 1989, As Amended, Establishing A Fee Schedule for Weights and Measures" be and the same hereby is adopted and approved in accordance with the Broome County Charter and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 1 of 2007

"A Local Law Amending Local Law Amending Local Law No. 13 of 1989, As Amended, Establishing A Fee Schedule for Weights and Measures"

BE IT ENACTED, by the County Legislature of the County of Broome as follows:

Section 1. Local Law No. 13 of 1989, as amended , is hereby amended as follows:

ARTICLE IV
Inspections of Weights and Measures
[Adopted 11-13-1989 by L.L. No. 13-1989]

§ 125-9. Schedule of fees; waiver of fees. [Amended 12-27-1990 by L.L. No. 3-1991]

[The following fee schedule sets forth the amounts that] Broome County will collect for each inspection (or reinspection after repair) and each testing (or retesting after repair) of all weights and measures, weighing and measuring devices and systems and related accessories within Broome County, pursuant to the fee schedule set forth by the State of New York in 1 NYCRR Part 220, Section 220.3a

A.	Scales.		
	Type		Fee
	Up to and including 15 kilograms' (33 pounds)' capacity:		
	For each of the first 5 scales per establishment		\$20.00
	For each scale per establishment after the first 5		\$10.00
	Over 15 kilograms' and including 300 kilograms' (661 pounds)' capacity		\$40.00
	Over 300 kilograms' and including 1,500 kilograms' (3,307 pounds)' capacity		\$100.00
	Over 1,500 kilograms' and including 7,000 kilograms' (15,432 pounds)' capacity		\$140.00
	Over 7,000 kilograms' and including 23,000 kilograms' (50,706 pounds)' capacity		\$160.00
	Over 23,000 kilograms' capacity		\$200.00
	Tank, batch and crane scales		\$200.00
B.	Weights, field standard (Class F).		
	Amount		Fee
	Up to and including 3 kilograms (7 pounds)		\$8.00
	Over 3 kilograms and including 30 kilograms (66 pounds)		\$16.00
	Over 30 kilograms and including 300 kilograms (661 pounds)		\$32.00
	Over 300 kilograms and including 1,200 kilograms (2,646 pounds)		\$60.00
C.	Linear field measures.		
	Type		Fee
	Up to 1 meter (39 inches)		\$4.00
	Over 1 meter and including 16 meters (52 feet)		\$8.00
	Over 16 meters and including 31 meters (102 feet)		\$12.00
	Over 31 meters		\$20.00
	Fabric measuring devices		\$20.00
	Wire and cordage measuring devices		\$40.00
D.	Liquid measures and devices.		
	Type		Fee
	Liquid measures of 20 liters (5 gallons) or less		\$8.00
	Liquid pumps (hand-operated) of 20 liters (5 gallons) or less		\$20.00
E.	Petroleum dispensing and measuring devices.		
	Type		Fee

	Single dispensing pump	\$20.00
	Dual dispensing pump	\$40.00
	Blend dispensing pump	\$40.00
	Grease and oil pump	\$8.00
F.	Vehicles.	
	Type	Fee
	Metering systems 300 liters per minute (79 gallons per minute) or less	\$100.00
	Metering systems over 300 liters per minute	\$120.00
	Compartment calibration:	
	Up to and including 3,000 liters' (793 gallons') capacity	\$40.00
	Over 3,000 liters' and including 6,000 liters' (1,585 gallons') capacity	\$80.00
	Over 6,000 liters' and including 12,000 liters' (3,170 gallons') capacity	\$120.00
	Over 12,000 liters' capacity	\$240.00
G.	Stationary petroleum metering systems.	
	Capacity	Fee
	Up to 400 liters per minute (106 gallons per minute)	\$100.00
	Over 400 liters per minute including 2,000 liters per minute (528 gallons per minute)	\$120.00
	Over 2,000 liters per minute and including 4,000 liters per minute (1,057 gallons per minute)	\$140.00
	Over 4,000 liters per minute	\$160.00
H.	Bulk milk tanks.	
	Capacity	Fee
	Up to 3,000 liters (793 gallons)	\$40.00
	Over 3,000 liters and including 6,000 liters (1,585 gallons)	\$80.00
	Over 6,000 liters and including 12,000 liters (3,170 gallons)	\$120.00
	Over 12,000 liters	\$240.00
I.	Timing devices.	
	Type	Fee
	All commercially used devices where time is a basis for charge	\$4.00, except for:
	Devices owned or operated by governmental agencies	No charge
J.	Taxi meters: \$40].	

[K.] A. Reseal fee **for vehicle metering systems:** \$25. [Added 11-20-2003 by L.L. No. 8-2003]

[L.] B. Waiver of fees. The charges set forth in § 125-9 shall be waived for the reinspections of all weighing and measuring devices and systems and related accessories in Broome County for those businesses incurring damages related to a natural or man-made disaster resulting in a declaration of a state of emergency by the County Executive. [Added 7-19-2006 by L.L. No. 5-2006]

- (1) Eligibility for this program shall be limited to the business owners suffering damage due to such man-made or natural disaster.
- (2) The person requesting a fee waiver shall file an application with the Division of Weights and Measures, on forms provided by the Division. The application for a waiver shall contain a certification from an appropriate code enforcement or emergency services official that the applicant qualifies for the fee waiver based on records of damage due to such natural or man-made disaster.
- (3) The amount of the fee waived for any applicant shall be limited to the inspection fee, which is not covered by any insurance or local, state or federal emergency assistance.
- (4) The Division of Weights and Measures shall prepare appropriate regulations to implement the intent of this subsection, which regulations shall be filed with the Clerk of the Legislature.

§ 125-10. Regulations for collection of fees.

The following regulations pertaining to the collection of fees shall apply in Broome County:

- A. A fee shall be charged once annually unless a device is ordered to be repaired and must be retested. An additional fee **[shall]** may be charged for any retest.
- B. An additional fee **[shall]** may be charged for a retest if during the course of a year a device is found to be in error and ordered repaired.
- C. The initial inspection fee on new or reconditioned devices shall be paid by the user.
- D. Recalibration fee**[s]** on bulk milk tanks shall be paid by the party requesting the recalibration.
- E. All fees must be paid within 30 days.
- F. No fee shall be charged for testing any device owned or operated by governmental agencies.
- G. No fee shall be charged when using privately owned calibrated equipment to perform any testing.
- H. A fee may be charged when using **[s]**State-owned calibrated equipment to perform any testing unless the **[s]**State is assessing a fee.
- I. No fee shall be paid directly to any weights and measures official unless authorized by the State Director of Weights and Measures on the basis of unusual conditions or hardship.
- J. All fees shall be paid to the designated municipal fiscal officer, who shall keep an accurate record and submit an annual report to the Commissioner on a form prescribed by the Commissioner.
- K. Payments for the weights and measures services mentioned above may be given in the form of money order, cashier's check, business check or cash. [Added 12-27-1990 by L.L. No. 3-1991]

§ 125-11. Frequency of inspections and tests.

- A. Weighing devices. All commercially used weights and weighing devices and accessories shall be inspected and tested for accuracy at least **[twice]** once a year[, **except for large scales (over 1,500 kilograms' capacity) and prescription and jeweler scales, which shall be inspected and tested at least annually**].
- B. Petroleum dispensing devices. All commercial petroleum dispensing devices and accessories shall be inspected and tested for accuracy at least once a year.
- C. Volumetric measures. All commercially used volumetric measures shall be inspected and checked for accuracy at least annually and shall be recalibrated at least once in every five years, except for bulk milk holding tanks, which shall be calibrated upon installation and shall be recalibrated upon request by either the producer or receiver, or whenever the Weights and Measures Official deems it necessary
- D. Linear measures and linear measuring devices. All commercially used linear measures and linear measuring devices shall be inspected and tested for accuracy at least once annually.**
- E. Timing devices. All devices where time is a basis for charge shall be inspected and tested for accuracy at least once a year.**

Section 2. This Local Law shall become effective upon filing with the Secretary of State.

Note: Material **[bold brackets]** deleted
Material **bold underlined** added