

NORTHAMPTON COUNTY COUNCIL - EASTON, PA

Ordinance No. 646

SESSION 2018

Bill No. 736

Introduced by Lori Vargo Heffner and William B. McGee on July 19, 2018

Enacted August 6, 2018

Effective September 5, 2018

Title: AN ORDINANCE PROVIDING FOR AMENDMENTS TO NORTHAMPTON COUNTY ORDINANCE NO. 411-2003 TITLED, "AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF NORTHAMPTON, PENNSYLVANIA, REQUIRING AN ANNUAL LICENSE/PERMIT FEE FOR COMMERCIAL WEIGHING, MEASURING OR SCANNING DEVICES; SETTING FORTH DEFINITIONS; ESTABLISHING THE REQUIREMENTS FOR OBTAINING A PERMIT; SETTING FORTH PENALTIES FOR VIOLATION THEREOF; AND ESTABLISHING THE EFFECTIVE DATE"

WHEREAS, Ordinance No. 411-2003, titled, "AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF NORTHAMPTON, PENNSYLVANIA, REQUIRING AN ANNUAL LICENSE/PERMIT FEE FOR COMMERCIAL WEIGHING, MEASURING OR SCANNING DEVICES; SETTING FORTH DEFINITIONS; ESTABLISHING THE REQUIREMENTS FOR OBTAINING A PERMIT; SETTING FORTH PENALTIES FOR VIOLATION THEREOF; AND ESTABLISHING THE EFFECTIVE DATE" was duly enacted on December 8, 2003, amended by Ordinance No. 512-2009, which was duly enacted on November 6, 2009, amended by Ordinance No. 592-2015, which was duly enacted on April 20, 2015 and amended by Ordinance No. 599-2015, which was duly enacted on September 21, 2015.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED By the Northampton County Council that Ordinance No. 411-2003 shall be amended as indicated hereafter (sections marked with ~~strikeout~~ are being deleted and sections marked with **bold underline** are being added):

AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF NORTHAMPTON, PENNSYLVANIA, REQUIRING AN ANNUAL LICENSE/PERMIT FEE FOR COMMERCIAL WEIGHING, MEASURING OR SCANNING DEVICES; SETTING FORTH DEFINITIONS; ESTABLISHING THE REQUIREMENTS FOR OBTAINING A PERMIT; SETTING FORTH PENALTIES FOR VIOLATION THEREOF; AND ESTABLISHING THE EFFECTIVE DATE

WHEREAS, the County of Northampton and the Commonwealth of Pennsylvania, Department of Agriculture have entered into a Memorandum of Understanding pursuant to the Consolidated Weights

and Measures Act (3 Pa C.S.A.§4101 et seq.); and

WHEREAS, the Memorandum provides for the delegation of powers and duties from the Commonwealth to the County for various inspection responsibilities; and

WHEREAS, the County has determined that an annual license/permit fee for each commercial weighing, measuring or scanning device subject to the jurisdiction of the County Office of the Division of Weights and Measures is necessary.

NOW, THEREFORE, it is hereby enacted and ordained by the County Council of the County of Northampton, Pennsylvania, as follows:

SECTION 1. Definitions

Division - Division of Weights and Measures, County of Northampton

Fuel dispenser - A device designed for the measurement and delivery of gasoline, diesel or kerosene fuel.

Person - A corporation, partnership, limited liability company, business trust, other association, government entity (other than the Commonwealth), estate, trust, foundation or natural person.

PLU device - Price look-up device - A device that can access a database price file or retail price retrieval system. The term includes bar code beam or contact scanners, Optical Character Recognition (OCR) scanners or readers, magnetic scanners or readers, alpha or numeric keyboards, or both, voice response systems and computer based retail price retrieval systems.

Scale - Any weighing device.

Scanning device - A general term for any of the several types of PLU technologies capable of communicating with a database price file or retail price retrieval system. The term includes hardware, software and supporting computer systems.

Weights and measures - Weights and measures of every kind, instruments and devices for weighing and measuring and any appliances and accessories associated with any or all such instruments or devices.

Vehicle tank meter - A meter mounted on vehicle tanks including

those used for the measurement and delivery of domestic petroleum products.

Timing device - A device used to measure the time during which a particular paid-for service is dispensed. Examples of timing devices are laundry driers, car-washing times and recorders.

SECTION 2. Permit Required

(a) Every person desiring to conduct, or continue to conduct any business, as herein defined, within the County of Northampton shall file prior to the commencement of such conduct, with the Division application for a device license/permit.

(b) Every person that operates or maintains a weighing, measuring, scanning or timing device for commercial purposes, including but not limited to fuel dispenser, vehicle tank meter, scale and/or PLU device, is required to obtain an annual license/permit for each device from the Division.

(c) In cases where business is conducted in more than one place, a separate license/permit shall be issued for each place of business.

(d) Whenever any licensee under this article shall change the address of the business for which such license/permit is issued, the licensee shall immediately notify the Division of such change of address and the new address or location where the business will be conducted.

(e) Whenever the ownership of any such business shall be changed, the new owner, upon taking possession thereof, shall notify the Division of such fact within ten (10) days after such becomes effective.

(f) No license/permit issued under the provisions of this article shall be transferred or assigned to any other person, firm or corporation.

(g) Any licensee who is in default of payment of the device fee due hereunder shall be refused a license until such fee is paid in full.

SECTION 3. Requirements

The Division shall issue an annual device license/permit upon the following:

(a) The applicant completes the County of Northampton Application for Device License/Permit form.

(b) The applicant pays the annual license/permit fee for each weighing, measuring, scanning and timing device as set forth on the Application for Device License/Permit form.

- (i) Fuel dispensers: ~~\$25.00~~ **\$35.00** per grade
(1 MPD = 6 grades)
- (ii) Vehicle Tank Meters: \$60.00 per meter on domestic fuel truck
- (iii) (a) Liquid Petroleum Gas (LPG): ~~\$50.00~~ **\$75.00** per meter
(b) Compressed Natural Gas (CNG): ~~\$50.00 per meter~~ **\$75.00 per meter**
- (iv) Scales: used in commercial trade and/or non-commercial use but required by user to be inspected
 - (a) Up to 1000 lbs. capacity ~~\$25.00~~ **\$35.00** per scale
(Scale License A)
 - (b) Over 1000 lbs. capacity ~~\$100.00~~ **\$150.00** per scale
(Scale License B)
- (v) Universal Product Code (UPC) scanning systems/Price Look-Up (PLU) device
 - (a) ~~\$50.00~~ **\$60.00** per system 3 or less checkouts per location (UPC/PLU License A)
 - (b) ~~\$100.00~~ **\$120.00** per system 4 to 6 checkouts per location (UPC/PLU License B)
 - (c) ~~\$200.00~~ **\$240.00** per system 7 or more checkouts per location (UPC/PLU License C)
- (vi) Grain Moisture Meters: ~~\$25.00~~ **\$40.00** per meter
- (vii) Coin Counting Devices: ~~\$50.00~~ **\$60.00** per device
- (viii) Timing Devices: ~~\$5.00~~ **\$8.00** per device
- (ix) Fabric Devices: ~~\$5.00~~ **\$10.00** per device

(x) Load Rack Meters:

\$150.00 per device

SECTION 4. Penalties

Any person violating any provision of the Ordinance shall, upon conviction thereof at a summary proceeding, be sentenced to pay a fine of One Hundred Dollars (\$100.00) per violation, to be paid to the use of the County, with the cost of prosecution, or to be imprisoned in the County Correction Facility for not more than thirty (30) days, or both.

SECTION 5. Constitutionality

In the event that any provision of this Ordinance shall be declared unconstitutional or otherwise invalid by any court or other forum of appropriate jurisdiction, the remainder of this Ordinance shall remain in effect.

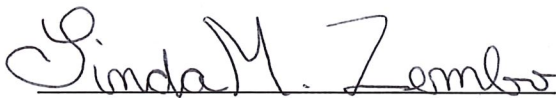
SECTION 6. Rules and Requirements

The Division shall, from time to time, establish rules and regulations for the implementation of this Ordinance.

SECTION 7. Effective Date

This ordinance was advertised on the 22nd day of July 2018, and was adopted by the Northampton County Council on the 2nd day of August 2018.

ATTEST:



Linda M. Zembo
Clerk to Council

Kenneth M. Kraft

Kenneth M. Kraft
County Council President



Lamont G. McClure
County Executive

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