

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF WARRICK COUNTY, INDIANA, ADOPTING A
NEW CHAPTER REGULATING WEIGHTS AND MEASURES**

WHEREAS, pursuant to Ind. Code 36-1-3-4, Warrick County, Indiana is authorized to exercise all powers not expressly granted by statute that are otherwise necessary or desirable in the conduct of its affairs;

WHEREAS, the Warrick County Weights and Measures Inspector recommends Warrick County, Indiana codify the regulations for weights and measures in Warrick County as set forth in Ind. Code 24-6, *et seq.*, as applicable;

WHEREAS, the Board of Commissioners of Warrick County, Indiana, desires to add a new chapter to the Warrick County, IN Code of Ordinances regulating weights and measures in Warrick County.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Warrick County, Indiana, that Chapter 112 is heretofore added to the Warrick County, IN Code of Ordinances as follows:

§ 112.01 DEFINITIONS.

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section:

County Inspector means the person or persons duly authorized to inspect weighing or measuring instruments in Warrick County.

Instrument means 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.

§ 112.02 COMPLIANCE WITH STATE STANDARDS REQUIRED.

No person engaged in the business of selling, buying, exchanging goods or commodities by weight, measurement, or volume shall use an Instrument in his or her 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 and 00/100 Dollars (\$50.00).

§ 112.03 INSPECTION OF MOBILE INSTRUMENTS.

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- (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 under this Section shall be fined Fifty and 00/100 Dollars (\$50.00).

§ 112.04 INSTRUMENT INSTALLATION, REPAIR, AND NUMBERING.

- (A) An owner or operator of an Instrument 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 such Instrument being placed into service. The County Inspector shall thereafter certify its accuracy and affix a security seal and/or an annual approval seal.
- (B) A 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.
- (C) A person who violates this Section shall be fined Twenty-Five and 00/100 Dollars (\$25.00).

§ 112.05 SECURITY AND APPROVAL SEALS.

- (A) When an Instrument is security sealed by the County Inspector, such security seal shall not be cut, severed, or removed without permission of the County Inspector. Any Instrument designed to be security sealed shall be sealed by the County Inspector.
- (B) Repairmen whose equipment is certified under § 112.04(A) may remove a security seal without prior approval of the County Inspector for the sole purpose of making repairs to such equipment. Repairmen who cut, sever, or remove a security seal shall notify the County Inspector within twenty-four (24) hours of such cutting, severance, or removal.
- (C) If an Instrument bears an annual approval seal on its exterior, such approval seal shall not be altered, defaced, or removed.

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- (D) No security seal or annual approval seal shall be valid in Warrick County except for that which is authorized by the County Inspector.
- (E) No Instrument 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 such Instrument is resealed by the County Inspector, or permission is given by the County Inspector if immediate resealing of the Instrument is impractical.
- (F) A person who violates this Section shall be fined One Hundred and 00/100 Dollars (\$100.00).

§ 112.06 COMMODITY REGULATIONS.

- (A) Any person engaged in the selling, buying, bartering, or exchanging of goods or commodities must sell, buy, barter, or exchange such 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.
- (B) All commodities and goods offered for sale in packages 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 units or more	\$500.00

- (C) All commodities and goods when required to be sold by weight must be sold by net weight, and all commodities and goods required to be sold by measure or count shall be accurate as required.
- (D) 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 the number of such units at each location where they are available for purchase:

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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 units or more	\$500.00

§ 112.07 USER FEE FOR COURTESY SERVICES.

The County Inspector may collect a fee not to exceed Twenty and 00/100 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.

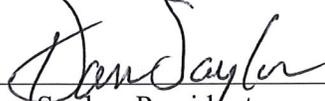
§ 112.08 ENFORCEMENT.

- (A) The County Inspector may issue to a person who violates this Chapter a citation which shall be written on a citation ticket and kept on file in the Warrick County Weights and Measures Office.
- (B) If a person who is issued a citation for violating this Chapter does not pay the fine and/or correct the deficiency giving rise to the violation within ten (10) calendar days, the matter shall be referred to the Warrick County Attorney for prosecution.
- (C) Any violation of this Chapter committed by a person that occurs within one (1) year of a prior violation committed by the same person shall constitute a subsequent violation. A person who commits a subsequent violation of this Chapter shall be fined in an amount that is double the specific amount set forth for such initial violation.
- (D) Each day a person is in violation of this Chapter constitutes a separate violation.
- (E) All fine amounts collected 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 Warrick County Council.

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Passed and adopted by the Warrick County Board of Commissioners this 24th day of AUGUST, 2020.

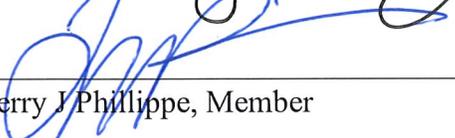
WARRICK COUNTY
BOARD OF COMMISSIONERS



Dan Saylor, President

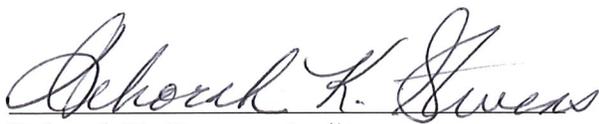


Robert H. Johnson, Jr., Vice President



Terry J Phillippe, Member

ATTEST:



Deborah K. Stevens, Auditor
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:



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