



The City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1983-65

No. 806 **AN ORDINANCE** IN AMENDMENT OF AND IN ADDITION TO CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE ENTITLED, "WEIGHTS AND MEASURES."

Approved December 20, 1983

Be it ordained by the City of Providence:

Chapter 26 of the Code of Ordinances of the City of Providence is hereby amended and added to in the following manner:

SECTION I. Sec. 26-1. Record Book to be kept by Director of Inspection and Standards. The Director of Inspection and Standards shall make and keep in a book to be provided by him or her for that purpose a true record of the names of every person in the city selling goods, wares, merchandise, liquors or provisions therein, and shall report in writing to the chief of police the name of every person who shall violate the laws as to weights and measures.

SECTION II. Sec. 26-2. Sealing weights, measures, measuring machines or balances. The Director of Inspection and Standards, between the fifteenth day of February and the fifteenth day of December following, shall visit the places of business of all persons having weights, measures, measuring machines, and balances of any description which shall be sealed by him or her, and which have not been sealed since the first day of January next preceding said visit, and seal any weights, measures, measuring machines or balances that may be presented to him or her, or send the same to his or her office to be tried, proved and sealed.

SECTION III. Sec. 26-3. Report by Director of Inspection and Standards of fees and expenses. The Director of Inspection and Standards, or his or her designee, semiannually in the months of June and December of each year, shall report in writing to the city council the amount of the fees received by him or her, and from whom the same were received, and also the expenses incurred by him or her and for what purpose.

No.

CHAPTER

**AN ORDINANCE IN AMENDMENT OF
AND IN ADDITION TO CHAPTER 26
OF THE CODE OF ORDINANCES OF
THE CITY OF PROVIDENCE,
ENTITLED "WEIGHTS AND MEASURES"**

SECTION IV. Sec. 26-4. Records of Director of Inspection and Standards. The Director of Inspection and Standards or his or her designee shall keep a record of all sealings, repairs, alterations and adjustments made by him or her or his or her assistants, and also of all cartage done, and of the amounts of money received from said sources, together with the names and places of business of all parties for whom sealings, repairs, alterations or adjustments are done.

SECTION V. Sec. 26-5. Receipt book of Director of Inspection and Standards. The Director of Inspection and Standards or his or her designee shall give receipts from stub receipt books to all parties from whom money is received, and shall keep a record upon the stubs of the receipt books of the names and places of business of the parties for whom said work is done, together with the amounts received therefor. The pages of the receipt book shall be numbered consecutively, each stub with its corresponding receipt having the same number.

SECTION VI. Sec. 26-6. Office hours at city platform scale. The city shall provide and keep in good order a suitable platform scale. The office hours of the Director of Inspection and Standards or his or her designee at said platform scale shall be daily, Sundays and legal holidays excepted, between the hours of 7:00 a.m. and 5:00 p.m. with the exception of Saturdays, when the office hours shall be from 7:00 a.m. until 1:00 p.m.

SECTION VII. Sec. 26-7. Fees for loads, vehicles weighed; certificates. The Director of Inspection and Standards or his or her designee shall be entitled to demand and receive from the owner or person in charge of articles weighed by him or her the sum of five dollars (\$5.00) for each load or vehicle weighed by him or her, and such owner or person shall be entitled to receive such reasonable number of certificates of weight as he may require.

SECTION VIII. Sec. 26-8. Record of casks gauged. The Director of Inspection and Standards or his or her designee shall keep a true and faithful record of the number of casks gauged by him or her with the contents of the same and the amount of fees received by him or her for said services.

SECTION IX. Sec. 26-9. Return of casks gauged. The Director of Inspection and Standards or his or her designee shall make return to the city council on the first Monday in January annually, of the number of casks gauged by himself or herself or his or her designees, specifying the contents of said casks, and by whom gauged, and the amount of all fees received by him or her or his or her designees.

SECTION X. Sec. 26-10. Weighing goods, wares and merchandise. No person shall sell or deliver or service any goods, wares or merchandise, the price of which is determined by weight unless the weight thereof is clearly and visibly marked thereon or upon the parcel, package or container or upon a slip accompanying the same except where said goods, wares or merchandise are weighed in the immediate presence of the purchaser upon a scale whose face is clearly visible to the purchaser. Any person violating this provision shall be deemed guilty of an offense.

SECTION XI. Sec. 26-11. Weighing coal.

(a) All anthracite or other coal, sold by weight in any quantity not exceeding fifteen (15) tons, and not less than one-half ($\frac{1}{2}$) of a ton, shall, previous to the delivery thereof to the purchaser, be weighed by some public weigher who shall immediately make and deliver to the carrier thereof, or to the driver of the vehicle in which the same shall have been placed for delivery, a certificate of the weight thereof, which certificate shall be by such carrier or driver delivered with such coal to the purchaser thereof. Any person who shall sell and deliver by weight, or permit to be sold and delivered for him by weight, any anthracite or other coal which shall not have been weighed, and the weight thereof certified as required by this section, shall be deemed guilty of an offense.

(b) All anthracite coal sold in less quantity than one-half ($\frac{1}{2}$) ton shall be sold by weight. Any person who shall sell and deliver, or permit to be sold and delivered, any anthracite coal in less quantity than one-half ($\frac{1}{2}$) of a ton, otherwise than by weight, shall be deemed guilty of an offense.

SECTION XII. Sec. 26-12. Fees for cartage and travel.

The Director of Inspection and Standards shall impose fees for cartage and travel upon all persons or businesses having weights, measures, measuring machines and balances of any description and which shall be sealed by him or her under this section in the following manner:

(a) For any person or business having weights, measures, measuring machines and balances of any description and located in the downtown area as defined by the Office of the Traffic Engineer of the City of Providence, the fee shall be two dollars and fifty cents (\$2.50).

(b) For any person or business having weights, measures, measuring machines and balances of any description and located without that area, the fee shall be five dollars (\$5.00).

SECTION XIII. Sec. 26-13. Fees for adjustment.

The Director of Inspection and Standards shall impose a fee of five dollars (\$5.00) whenever any weights, measures, measuring machines and balances shall be adjusted by him or her or his or her designee to insure its accuracy.

SECTION XIV. Sec. 26-14. Weighing hay and straw in bundles.

The Director of Inspection and Standards or his or her designee shall, whenever requested so to do, weigh all hay or straw pressed into bales or bundles which may be sold or offered for sale in the city, and shall deduct from the gross weight the tare of each bundle or bale for wood or other bindings, as nearly as he or she can ascertain the same, and shall mark such tare and the gross weight of such bale or bundle, together with his or her own initials, in a legible and durable manner upon some suitable substance attached to each bale or bundle; and he or she shall be entitled to demand and receive for his or her services

hereunder the sum of ten cents (\$.10) for each bale or bundle weighed by him or her to be paid by the person requesting said services.

SECTION XV. This Ordinance shall take effect upon its passage.

IN CITY COUNCIL

DEC 1 1983
FIRST READING
READ AND PASSED

Rose M. Mendonca CLERK

IN CITY COUNCIL
DEC 1 5 1983

FINAL READING
READ AND PASSED

[Signature]
PRESIDENT

Rose M. Mendonca
CLERK

APPROVED
DEC 20 1983
James A. Cassidy
MAYOR

IN CITY COUNCIL
SEP 15 1983

FIRST READING
REFERRED TO COMMITTEE ON FINANCE

Przem Mendonca CLERK

CONVICT
IN CITY

DEPARTMENT OF
CORRECTIONS

THE COMMITTEE ON
FINANCE
Approves Passage of
The Within Ordinance

Przem Mendonca
Chairman
November 28, 1983

DEC 30 1983

Councilman Turner (By Request)

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: October 24, 1983
TO: City Solicitor Charles A. Pisaturo
SUBJECT: ATTACHED DRAFT OF ORDINANCE
CONSIDERED BY: Councilwoman Carolyn F. Brassil, Chairwoman
Committee on Finance
DISPOSITION:

The above named Committee requests a response, as soon as practical, as to whether or not the accompanying Ordinance pending before the Committee relative to Weights and Measures requires enabling legislation.

Rose M. Mendoza
City Clerk

CHARLES A. PISATURO, ESQ.
CITY SOLICITOR



VINCENT A. CIANCI, JR.
MAYOR

DEPARTMENT OF LAW

November 17, 1983

Carolyn F. Brassil, Chairwoman
Committee on Finance
c/o Office of the City Clerk
City Hall
Providence, Rhode Island 02903

Dear Chairwoman Brassil:

This office is in receipt of a request for a legal opinion, dated October 24, 1983. Therein your committee makes inquiry as to whether certain proposed increases in fees levied at the Department of Weights and Measures require enabling legislation.

The fees charged by the Department of Weights and Measures are the result of both state and municipal legislation. The fee increases proposed in the pending ordinance are increases in rates over those charged in the existing ordinance. Enabling legislation exists for the current ordinance and there is nothing in the proposed ordinance which contravenes that enabling legislation. Similarly, enabling legislation which now exists contains no prohibitions against the alterations contemplated in this ordinance.

There are certain other fee increases which are levied under the authority of a state statute. Since these fees will also be increased, that increase must be the result of general assembly action. To this end, a proposed resolution and proposed act have been submitted which is companion legislation to the ordinance currently before your committee.

Carolyn F. Brassil, Chairwoman
Committee on Finance
November 17, 1983

Page Two

It must be noted that state legislation of this character becomes more complex than in the past because of the adoption of the Home Rule Charter, and this office is currently conducting research to establish the proper method for effecting any necessary changes in the forthcoming legislative session.

Very truly yours,



CHARLES A. PISATURO
City Solicitor

CAP/vav

FILED

NOV 27 11 28 AM '03

DEPT. OF PUBLIC CLERK
PROVIDENCE, R.I.

1-1-03