

**COUNTY OF BUCKS
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE NO. 165**

Enacted December 16, 2020

AN ORDINANCE OF THE COUNTY OF BUCKS, 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 PENALTIES FOR VIOLATIONS THEREOF; AND ESTABLISHING THE EFFECTIVE DATE

WHEREAS, the County of Bucks and 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 passed Resolution December 20, 2000 that established annual license/permit fees for each commercial weighing, measuring or scanning device subject to the jurisdiction of the County Office of Consumer Protection, Division of Weights and Measures; and

WHEREAS, the County wishes to affirm those requirements by ordinance and allow for the fee amounts to be adjusted by resolution from time to time as necessary.

NOW THEREFORE, it is hereby ENACTED and ORDAINED by the County of Bucks, Pennsylvania, as follows:

SECTION 1

§1. Definitions

Department – The Department of Weights and Measures, Bucks County Office of Consumer Protection.

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.

§2. Permit Required

Every person that operates or maintains a weighing, measuring or scanning 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 Department. New or currently installed devices must be reported to the Department to obtain the proper permit.

§3. Requirements

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

- a. The applicant furnishes such information relative to the application for a device permit as the Department may require from time to time.
- b. The applicant pays the annual license/permit fee for each weighing, measuring or scanning device.

§4. Annual License/Permit Fees

Annual license/permit fees shall be specified by resolution and adjusted from time to time as necessary by the County, in consultation with the Department.

§5. Rules and Requirements

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

§6. Penalties

Any person violating any provisions of this Ordinance shall, upon conviction thereof at the summary proceeding, be sentenced to pay a fine of Two Hundred Dollars (\$200.00) per violation, to be paid to the County, with costs of prosecution, or to be imprisoned in the County Correctional Facility for not more than thirty (30) days, or both.

SECTION 2.

Any and all other ordinances or parts of ordinances in violation or in conflict with the terms, conditions and provisions of this ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 3.

The terms, conditions and provisions of this ordinance are hereby declared to be severable, and, should any portion, part or provision of this ordinance be found by a court of competent jurisdiction to be invalid, enforceable or unconstitutional, the Board of Commissioners hereby declares its intent that this ordinance shall have been enacted without regard to the invalid, enforceable or unconstitutional provisions, part or provisions of this ordinance.

SECTION 4.

This Ordinance shall become effective immediately.

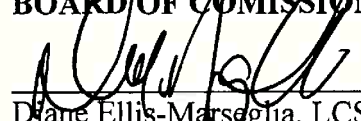
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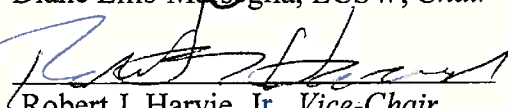
 Gail Humphrey, *Chief Clerk*

12/22/2020

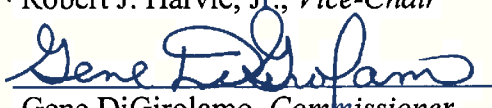
**BUCKS COUNTY
BOARD OF COMMISSIONERS**



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