

WEIGHTS AND MEASURES
DEPARTMENT PENALTY POLICY

The purpose of this policy is to insure civil penalties are assessed in a fair and consistent manner.

Late Device Inspection Payment Penalty (Invoice Fees)

New York State regulation 1 NYCRR 220.3(e)(5) states that device testing fees for municipalities below 2 million people must be paid within 30 days. It is at the discretion of this Weights and Measures Department to allow 60 days for payment of these fees. Notices and penalties for late payments are as follows.

Late Payments; Not received in the W&M office; After a time of not less than;

- 30 days: Information letter/notice will be sent
- 45 days: Warning letter/notice will be sent
- 60 days: First Penalty letter/notice will be sent
- 75 days: Second Penalty letter/notice will be sent
- 90 days: Forward to County Attorney for collection

Late Device Inspection Payment Penalties

First Penalty: \$25.00 charge for any invoice up to and including \$100.00, all other invoices, 25% of invoice amount

Second Penalty: Additional 25% of invoice amount

Third Penalty: To be determined by County Attorney

Other Civil Penalties (violations of NYS Agriculture and Markets Laws, Rules or Orders)

All penalty documentation and records will be filed in the Weights and Measures office. All penalty amounts will be made payable to the Schuyler County Treasurer and deposited to the appropriate Weights and Measures penalty account. Penalty amounts for minor violations (penalties under \$500.00) will be handled by the Director of Weights and Measures. Issues involving penalties of a more serious nature will be handled under advisement of the County Attorney. Considerations for penalty amounts will include, but not be limited to, degree of culpability, impact to the community, history of similar violations and severity of violation. A business that receives a penalty letter will be able to request an informal conference with the Director of Weights and Measures and/or designee for the purpose of discussing matters of the violation(s) and penalty amount(s). Request for a meeting with the Director or designee must be made by written letter within 10 days of when client received the penalty letter.

Clifford Boyce
Director of Weights and Measures