



State of Wisconsin  
Governor Tony Evers

---

**Department of Agriculture, Trade and Consumer Protection**  
Secretary Randy Romanski

April 22, 2022

MARCIA FERNHOLZ ENVIRON HLTH DIR  
CITY OF RACINE  
730 WASHINGTON AVE ROOM 1  
RACINE WI 53403

Dear Marcia Fernholz:

The City of Racine has a contract with the Department of Agriculture, Trade and Consumer Protection for weights and measures inspection services. The contract is renewable each July 1st.

State law requires that the Department charge municipalities fees sufficient to cover the cost of services rendered. The Bureau of Weights and Measures recently conducted an analysis of its inspection program. This review identified disparities in inspection intervals which resulted in inconsistent inspection frequencies statewide. As a result, the Bureau has determined that a decrease in the number of contract days is warranted.

The City of Racine will be charged for 17 days in FY23 (July 1, 2022 through June 30, 2023), at \$400 per day. If the city intends to continue to contract with the State for its weights and measures inspection program, please sign and return the enclosed contract by June 15, 2022 to:

Holly Wing  
DATCP  
PO Box 8911  
Madison, WI 53708-8911

A completed copy of the contract will be returned to you for your records. The municipality will be billed for this service in April 2023.

Sincerely,

Stephen Peter  
Manager, Field Operations Section  
Bureau of Weights and Measures  
Phone: 608-224-4954  
[Stephen.peter@wisconsin.gov](mailto:Stephen.peter@wisconsin.gov)

Enclosures: Wis. Stat. Ch 98, Inspection Frequency Change Memo, FY23 Contract

*Wisconsin - America's Dairyland*

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • [Wisconsin.gov](http://Wisconsin.gov)

An equal opportunity employer



State of Wisconsin  
Governor Tony Evers

---

**Department of Agriculture, Trade and Consumer Protection**  
Secretary Randy Romanski

April 22, 2022

**Subject: Inspection Frequency Change**

This memo is to inform you of some upcoming changes with the Department of Agriculture, Trade and Consumer Protection's weights and measures inspection program that will commence July 1, 2022.

The Bureau of Weights and Measures recently conducted an analysis of its inspection program. This review identified some disparity in inspection intervals which resulted in inconsistent inspection frequencies statewide. In order to ensure that businesses inspected by the State are equally served and regulated, the Bureau is moving to a two-year inspection interval for most inspection types, and 'a complaint' inspection basis for some other business types. In most cases, this will mean that businesses in a municipality will be inspected every other year.

What this change in inspection frequency means for municipalities that contract with the Department is that the number of inspection days in the contract will be reduced, and consequently, the annual contract cost for inspection services.

As you are likely aware, State law requires that a municipality with a population over 5,000 either establish their own weights and measures inspection program with enough staff and equipment to ensure compliance with Wisconsin Statute Chapter 98, or contract with the State to provide those services. Should it be available in your area, you also have the option to contract with other municipal weights and measures programs for services. State law also allows a municipality to assess fees to businesses that receive weights and measures services. Those fees may not exceed the actual cost of fees paid to the Department for the same services. Ordinances and fees should be reviewed and adjusted as needed if your municipality recovers weights and measures inspection costs from regulated businesses.

The Bureau has scheduled a Microsoft Teams meeting on May 12, 2022 at 11:00 AM to speak directly with municipalities receiving weights and measures services from the Department. A link can be sent to you if you would like to participate virtually. Otherwise you can call in using the call in number below.

Conference call in number: 608-571-2209  
Phone Conference ID: 959 982 573#

Please notify the Bureau by June 15, 2022 if you intend to renew your contract with the Department (sign and return the enclosed contract), establish your own program, or contract with another municipality.

If you have any questions in advance of the meeting on May 12, please contact Stephen Peter at 608-224-4954.

*Wisconsin - America's Dairyland*

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • Wisconsin.gov

An equal opportunity employer

## MEMORANDUM OF AGREEMENT WEIGHTS AND MEASURES INSPECTION

THIS AGREEMENT is entered into by and between the STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION, hereinafter referred to as the Department, and the MUNICIPALITY OF RACINE, hereinafter referred to as the Municipality.

Pursuant to Wis. Stat. § 98.04(2), the Department agrees to furnish the services and perform the duties required to enforce the provisions of Wis. Stat. ch. 98 in the Municipality. The Department further agrees to report to the Municipality at least annually on the extent and nature of the services performed. It is understood and agreed that the Municipality shall not be required to maintain a department of weights and measures or appoint sealers of weights and measures while this agreement is in effect.

Pursuant to Wis. Stat. §§ 66.0301 and 98.04(2), the Municipality agrees to pay to the Department fees sufficient to cover the Department's annual costs of providing such services on a fiscal year basis that starts on July 1 and continues through the following June 30, with payment to be made not later than May 1 of the fiscal year of this agreement. Payment for services performed by the Department for less than any contract period shall be prorated accordingly.

This agreement shall be self-renewing for succeeding fiscal year periods, except that the sum to be paid to the Department for services rendered shall be subject to renegotiation for each succeeding contract period based on the cost of providing services. This agreement may be terminated at the end of any fiscal year by either party giving the other party written notice at least 60 days prior to July 1 of the following fiscal year. Annual fees payable to the Department shall be in the amount of \$6,800.00, except as otherwise agreed upon for succeeding contract periods. Under Wis. Stat. § 98.04(2), a municipality may recover an amount not to exceed the cost of fees paid to the Department by assessing fees on the persons who receive services under the weights and measures program.

The parties have entered into this agreement effective the 1<sup>st</sup> day of July 2022.

WISCONSIN DEPARTMENT OF  
AGRICULTURE, TRADE AND CONSUMER  
PROTECTION

By

Signature

Date

Administrator  
Division of Trade & Consumer Protection  
(608) 224-4929

MUNICIPALITY OF City of Racine, WI

By

Signature

Date

6/13/2022

Public Health Administrator - (262) 636-9594

Title

Telephone Number