

**SCHUYLER COUNTY
WEIGHTS AND MEASURES
DEPARTMENT PENALTY POLICY**

The purpose of this policy is to ensure civil penalties are assessed in a fair and consistent manner. At no point will a penalty exceed the maximums as allowed under New York State Agriculture and Markets statute namely Article 3, Sections 39, 40, and 41.

Late Device Inspection Payment Penalty (invoice fees)

New York State regulation 1 NYCRR 220.3(e)(5) states that fees for municipalities below 2 million people must be paid in 30 days. It is at the discretion of Schuyler County to allow 60 days for payment of inspection fees. After a time of not less than 50 days, a notice of late payment will be served by registered/ certified mail or in person with date and signature confirmation when the notice was received by the client. The client will have 10 days to make payment in full.

If the client exceeds the 10 days, the client will be penalized an additional \$25.00 for the first violation; \$50.00 for the second violation; \$75.00 for the third violation and \$100.00 for the fourth or any subsequent violations of late payment. Each subsequent ten-day late period, set forth above, shall constitute a separate violation.

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

These shall be imposed and enforced pursuant to Article 16 of the New York State Agriculture and Markets Law and the New York Code of Rules and Regulations 1 NYCRR Parts 220-224 and 345.

Procedures

All penalty documentation and records will be filed in both Schuyler County Weights and Measures office as well as the Schuyler County Attorney's office.

All penalty amounts will be made payable to the Schuyler County Treasurer and deposited to the appropriate Weights and Measures penalty account. Penalty money deposited will post invoice number or device inspection report number with the letter "P" after to identify as a penalty associated with that invoice or inspection report.

Penalty amounts for minor violations (penalties under \$350.00) will be handled by the Director of Weights and Measures. Issues involving penalties of a more serious nature may be recovered by the County in an action to be instituted by the County Attorney. As mentioned above; at no point will a penalty amount exceed the maximum as allowed under New York State Agriculture and Markets statute namely, Article 3, Sections 39, 40, and 41.

A business that receives a penalty letter will be able to request an informal conference with the Schuyler County 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 the client received the penalty letter.