

2.01 * Ordinance for the destruction of obsolete records.

STATE OF WISCONSIN

Town of Cicero

Outagamie County

SECTION I – TITLE AND PURPOSE

This ordinance is entitled the Town of Cicero Destruction of Obsolete Records Ordinance.

The purpose of this ordinance is to provide the town officers of the Town of Cicero with the authority to destroy certain obsolete public records in possession of the Town of Cicero.

SECTION II – AUTHORITY

The Town Board of the Town of Cicero, Outagamie County, Wisconsin, has the specific authority under s. _____, Wis. stats., to manage and destroy obsolete public records in the possession of the Town of Cicero.

SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, authorizes the powers and establishes the duties of the town officers of the Town of Cicero to manage and destroy obsolete public records in the possession of the Town of Cicero.

SECTION IV – FINANCIAL RECORDS

The following Town of Cicero town officers, pursuant to s. _____, Wis. stats., may destroy the financial records, except utility records, of which they are the legal custodians and that are considered obsolete as provided below:

No Town records will be destroyed unless 7 (seven) or more years old.

Town officers having authority to destroy record are: Chairman, Clerk, and Treasure.

(a) Any city council, village board or town board may provide by ordinance for the destruction of obsolete public records. Prior to the destruction at least 60 days' notice in writing of such destruction shall be given the historical society which shall preserve any such records it determines to be of historical interest. The historical society may, upon application, waive such notice. No assessment roll containing forest crop acreage may be destroyed without prior approval of the secretary of revenue. This paragraph does not apply to school records of a 1st class city school district.

(b) The period of time any town, city or village public record is kept before destruction shall be as prescribed by ordinance unless a specific period of time is provided by statute. The period prescribed in the ordinance may not be less than 2 years with respect to water stubs, receipts of current billings and customer's ledgers of any municipal utility, and 7 years for other records unless a shorter period has been

fixed by the public records board under s. _____ and except as provided under sub. _____. This paragraph does not apply to school records of a 1st class city school district.

(c) Any local governmental unit or agency may provide for the keeping and preservation of public records kept by that governmental unit through the use of microfilm or another reproductive device, optical imaging or electronic formatting. A local governmental unit or agency shall make such provision by ordinance or resolution. Any such action by a subunit of a local governmental unit or agency shall be in conformity with the action of the unit or agency of which it is a part. Any photographic reproduction of a record authorized to be reproduced under this paragraph is deemed an original record for all purposes if it meets the applicable standards established in ss. _____ and _____. This paragraph does not apply to public records kept by counties electing to be governed by ch. _____.

(cm) Paragraph _____ does not apply to court records kept by a clerk of circuit court and subject to _____.

SECTION V – UTILITY RECORDS

The Town of Cicero town officers, pursuant to s. _____, Wis. stats., may destroy the following utility records of which they are the legal custodians and that are considered obsolete:

No utility records will be destroyed.

SECTION VI – OTHER RECORDS

The Town of Cicero town officers, pursuant to s. _____, Wis. stats., may destroy the following records of which they are the legal custodians and that are considered obsolete:

See section IV

SECTION VII – HISTORICAL SOCIETY NOTIFICATION

Prior to the destruction of any public record described in Sections IV, V, or VI, at least 60 days' notice in writing shall be given to the State Historical Society of Wisconsin.

SECTION VIII – PENALTY PROVISIONS

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$500 nor more than \$1000, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

SECTION IX – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION X – EFFECTIVE DATE, CONSTRUCTION

This ordinance is effective on publication or posting.


This ordinance shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or state administrative rules.

The town clerk shall properly post or publish this ordinance as required under s. 19.27, Wis. stats.

Adopted this 9th day of February, 2017.



Chairman: Steve Hackl



Supervisor: Thomas Wagner



Supervisor: Kelly Seitz

Attest:



Clerk: Lori Klevesahl

60.80 Publication or posting of ordinances and resolutions.

(1) GENERAL REQUIREMENT. The town clerk shall publish either in its entirety, as a class 1 notice under ch. , or as a notice, as described under sub. , or post in at least 3 places in the town likely to give notice to the public, the following, within 30 days after passage or adoption: