

ORDINANCE No. 2019-02

AN ORDINANCE REGARDING PUBLIC RECORDS DEFINITIONS

The Town Board of the Town of Lucas, Dunn County, Wisconsin, do ordain as follows:

SECTION I. REPEAL OF PROVISIONS; ADOPTION OF PROVISIONS.

Section 3-3-1(c) of the Town of Lucas Code of Ordinances is repealed and recreated to read as follows:

(c) **Public Record.** "Public records are:

(1) All property and things received from the (municipal) officer's predecessor or other persons and required by law to be filed, deposited, or kept in the officer's office, or which are in the lawful possession or control of the officer or the officer's deputies [Sec. 19.21(1), Wis. Stats.];

(2) Any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by an authority [Sec. 19.32(2), Wis. Stats.];

(3) All books, papers, maps, photographs, films, recordings, optical discs, electronically formatted documents, or other documentary materials, regardless of physical form or characteristics, made or received by any state agency or its officers or employees in connection with the transaction of public business [Sec. 16.61(2)(b), Wis. Stats.]; and

(4) Includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), CDs, DVDs, flash drives, emails, and computer printouts. "Public record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his/her office or employment/duties with the municipality; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of the authority other than a public library which are available for sale, or which are available for inspection at a public library.

State Law Reference: Secs. 16.61 and 19.21, Wis. Stats.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 14th day of May, 2019.

TOWN OF LUCAS, WISCONSIN

Eugene Krueger
Town Chairperson

Town Clerk

INTRODUCED: _____
ADOPTED: 5/14/19
PUBLISHED: _____

State of Wisconsin:
County of Dunn:

I hereby certify that the foregoing ordinance is a true, correct and complete copy of an ordinance duly and regularly adopted by the Town Board of the Town of Lucas on the 14th day of May, 2019 and that said ordinance has not been repealed or amended and is now in full force and effect.

Dated this 14th day of May, 2019.

Shirley Simon
Town Clerk