

ORDINANCE No. 2019-04

**AN ORDINANCE REGARDING RETENTION & DESTRUCTION OF PUBLIC RECORDS; ADOPTION OF WISCONSIN MUNICIPAL RECORDS SCHEDULE**

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

**SECTION I. REPEAL OF PROVISIONS; ADOPTION OF PROVISIONS.**

Section 3-3-8 of the Town of Lucas Code of Ordinances is repealed in its entirety and re-adopted to read as follows:

**Sec. 3-3-8 Retention and Destruction of Municipal Records.**

- (a) **Purpose; Authority.**
- (1) The purpose of this Section is to provide Town of Lucas officers and employees with the authority to destroy certain obsolete public records retained and in the possession of the Town of Lucas in conformance with the *Wisconsin Municipal Records Schedule*, approved on August 27, 2018 by the State of Wisconsin Public Records Board, and which will expire on August 27, 2028.
  - (2) In instances when a Town record is not addressed in the *Wisconsin Municipal Records Schedule*, the Town may destroy certain obsolete municipal records in conformance with the Wisconsin Public Records Board's *General Records Schedules*.
  - (3) This Section establishes the duties and provides the authority of Town officers and employees to administer, manage and destroy obsolete public records, including electronic records, in the possession of the Town of Lucas, pursuant to and in conformance with the *Wisconsin Municipal Records Schedule* and the State of Wisconsin's *General Records Schedules*.
- (b) **Statutory Authority.** The Town has authority under Sec. 19.21, Wis. Stats., to manage and destroy obsolete public records in the possession of the Town of Lucas.
- (c) **Adoption of Records Schedules.** The *Wisconsin Municipal Records Schedule* and the state *General Records Schedules*, both promulgated by the State of Wisconsin Public Records Board, are hereby adopted by reference and made part of this Code of Ordinances as if fully set forth herein. Acts required or authorized to be performed or prohibited by such Schedules are

required, authorized or prohibited by this Section. Any future amendments, revisions or modifications of such Schedules incorporated herein by reference are intended to be made a part of this Code of Ordinances.

- (d) **Financial and Other Town Records.** Pursuant to Sec. 19.21(5), Wis. Stats., Town officers and employees may destroy financial and other municipal records for which they are the legal custodians and which are considered obsolete as provided in the *Wisconsin Municipal Records Schedule* and the State of Wisconsin's *General Records Schedules* and their successor schedules. Records maintained and subject to retention and destruction requirements include, but are not limited to, records of Town appointed and elected officials; staff and employees; municipal department; commissions and committees; and contractors doing business with the Town. These records include, but are not limited to, those which are developed and/or submitted to the Town, or in the possession of the Town, involving municipal management and administration; general municipal actions and functions; elections; fiscal affairs and revenue; public and protective services; public works; licensing; community development and land use; and any records of elected and appointed officials, staff, municipal bodies, commissions, and departments which may be created by the Town in the future.
- (e) **Digital or Electronic Records.** Pursuant to Sec. 19.21(c), Wis. Stats., records and documents of the Town of Lucas which have been transferred entirely or created to digital, optically scanned, electronic, or other approved alternate format shall be considered original records subject to all state and local retention and destruction requirements. Electronic and digital records, including emails, are considered to be public records.
- (f) **Limitations.** This Section shall not be interpreted or construed to authorize the destruction of any municipal record in advance of the pertinent retention period prescribed by the Wisconsin Statutes, Wisconsin Administrative Code, *Wisconsin Municipal Records Schedule* and Wisconsin's *General Records Schedules*.
- (g) **Notification to Wisconsin Historical Society.** Prior to the destruction of any public record as described in Sec. 19.21(4)(a)-(c), Wis. Stats., the Town shall give written notice to the Wisconsin Historical Society sixty (60) days prior to such destruction unless this requirement is waived in the *Wisconsin Municipal Records Schedule*.

*State Law Reference:* Sec. 19.21, Wis. Stats.

*Cross-Reference:* Section 3-3-10

## 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/legal posting as provided by law.

ADOPTED this 14th day of May, 2019.

TOWN OF LUCAS, WISCONSIN

  
\_\_\_\_\_  
Chairperson

  
\_\_\_\_\_  
Town Clerk

INTRODUCED: \_\_\_\_\_


PASSED: 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 enacted 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 the 14th day of May, 2019

  
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Town Clerk