

TOWN OF LAFAYETTE
THE DESTRUCTION OF OBSOLETE RECORDS
ORDINANCE 3 - 03

The Town Board of the Town of LaFayette, Walworth County, Wisconsin, does hereby ordain as follows:

SECTION 1.0 PURPOSE

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

SECTION 2.0 AUTHORITY

The Town Board of the Town of LaFayette, Walworth County, Wisconsin, has the specific authority under § 19.21(4), WI Statutes, to manage and destroy obsolete public records in the possession of the Town of LaFayette.

SECTION 3.0 FINANCIAL RECORDS

The Town of LaFayette clerk, pursuant to § 19.21(5), WI Statutes, noted in this ordinance may destroy the financial non-utility records of which they are the legal custodians and that are considered obsolete under completion of any required audit by the Department of Revenue or an auditor licensed under Chapter 422 of the Wisconsin Statutes, but not less than seven (7) years after payment or receipt of any sum involved in the particular transaction, unless a short period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), WI Statutes, and then after such a shorter period:

- A. Bank statements, deposit books, slips and stubs
- B. Cancelled checks, duplicates and check stubs
- C. License and permit applications, stubs and duplicates
- D. Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund
- E. Receipt forms
- F. Special assessment records
- G. Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto

SECTION 4.0 UTILITY RECORDS

The Town of LaFayette clerk, pursuant to § 19.21(5), WI Statutes, noted in this ordinance may destroy the following utility records of which they are the legal custodians and that are considered obsolete after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, subject to the State Public Service Commission Regulations, but not less than seven (7) years after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), WI Statutes, and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers

may be destroyed not less than two (2) years after payment or receipt of the sum involved in the effect date of said record:

- A. Contracts and papers relating thereto
- B. Excavation permits
- C. Inspection records

SECTION 5.0 OTHER RECORDS

The Town of LaFayette Town officers, pursuant to § 19.21(5), WI Statutes, may destroy the financial records of which they are the legal custodians and that are considered obsolete but not less than seven (7) years after the record was effective unless another period has been set by state statute, and that after such a period or unless a shorter period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), WI Statutes, and then after such a shorter period:

- A. Contracts and papers relating thereto
- B. Correspondence and communications
- C. Financial reports other than annual financial reports
- D. Oaths of office
- E. Reports of boards, commissions, committees and officials duplicated in the village board proceedings
- F. Election notices and proofs of publications
- G. Canceled voter registration cards
- H. Official bonds
- I. Resolutions and petitions, providing the text of the same appears in the official Town minutes

SECTION 6.0 HISTORIAL SOCIETY NOTIFICATION

Prior to the destruction of any public record described in Sections 4.0, 5.0 or 6.0, at least sixty (60) days notice in writing shall be given the State Historical Society of Wisconsin.

SECTION 7.0 PENALTY PROVISIONS

Notwithstanding the above provisions appearing in this section, it is intended hereby that election materials may be destroyed according to lesser time schedules as made and provided in § 7.23, WI Statutes.

Any tape recordings of any governmental meeting of the Town may be destroyed, erased or reused no sooner than ninety (90) days after the minutes of the meeting have been approved and posted/published, if the purpose of the recording was to make minutes of the meeting.

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 fifty dollars (\$50) nor more than five hundred dollars (\$500), plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues shall be considered 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 8.0 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 9.0 EFFECTIVE DATE, CONSTRUCTION

This ordinance is effect 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 public this ordinance as required under § 60.80, WI Statutes.

This Ordinance adopted by the Town Board of the Town of LaFayette on this 8th day of April 2009.

Bruno Schiffleger, Chair

Passed this day: 04.08.2009

Barbara A Fischer, Town Clerk-Treasurer

Filed this day: 04.08.2009