

*Town of Troy*  
Walworth County  
N8870 Briggs Street  
East Troy, Wisconsin 53120

**Chapter 6**  
**ORDINANCE NO. 2014-2**

**AN ORDINANCE TO REPEAL SECTIONS 7 THROUGH 11  
OF ORDINANCE 2004-6 AND CREATE  
A PUBLIC RECORDS ORDINANCE AND RETENTION SCHEDULE  
FOR THE TOWN OF TROY**

The Town Board of the Town of Troy, Walworth County, Wisconsin, **DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 1: The Town of Troy Ordinance No. 2004-6 entitled "Chapter 6 – Town Records/Town Property, Town of Troy Public Records and Property Ordinance," Section 7 entitled "Notice to Historical Society;" Section 8 entitled "Conditions and Terms for Destruction of Public Records;" Section 9 entitled "Specific Date of Destruction for Specific Public Records;" Section 10 entitled "Taped Records of Meetings;" and Section 11 entitled "Microfilm Records;" is hereby repealed. Sections 1 through 6 of such ordinance are unchanged and remain in effect.

SECTION 2: The Town Board of the Town of Troy hereby creates an Ordinance for the Destruction and Preservation of Public Records as follows:

1.00 DESTRUCTION AND PRESERVATION OF PUBLIC RECORDS.

(a) Purpose.

The purpose of this Section is to specify retention periods for certain Town records and to allow access to the same extent, and in the same manner, as allowed by state law.

(b) Definitions.

- (1) "Legal Custodian" means the individual responsible for maintaining records pursuant to §19.33, Wisconsin Statutes.
- (2) "Record" has the meaning defined in §19.32(2), Wisconsin Statutes.
- (3) "Requestor" has the meaning defined in §19.32(3), Wisconsin Statutes.

(4) "Retention Period" is the minimum required period of time that a document will be maintained as described in subsection (d) of this Section.

(c) Duty to Maintain.

The Town Legal Custodians shall maintain all Records for the Retention Period, and for any additional time period as described in subsection (f) below, if applicable. Thereafter, after the State Historical Society has waived receipt of the Records (see subsection (e), below), the Legal Custodian may destroy the Records.

(d) Retention Period.

The Town Board, by separate Resolution, shall adopt a schedule which describes the minimum time periods for which Records shall be maintained by a Legal Custodian of the Town of Troy. Said Resolution may be amended from time to time, as described below, and the Resolution and any amendments thereto are incorporated herein by reference.

The initial Retention Schedule Resolution that is adopted contemporaneously with this ordinance has been reviewed and approved along with this ordinance by the State of Wisconsin Public Records Board. The Retention Schedule Resolution shall not be modified in a manner that reduces the retention periods described in the Initial Retention Schedule Resolution, or which adds additional documents to the schedule, unless those reductions or retention periods for additional documents are first reviewed and approved by the Wisconsin Public Records Board.

Any Record that is not described in the Retention Schedule shall be maintained for a minimum of seven (7) years, and may be destroyed thereafter unless a longer retention period is required by subsection (f), below, or by state statute, rule, or other applicable law.

(e) Notice to State Historical Society.

The Wisconsin State Historical Society has waived the notice that would otherwise be required prior to destruction of certain Records as described in the Retention Schedule. The Retention Schedule Resolution shall not be modified in a manner that waives notice to the Wisconsin State Historical Society, or which adds additional documents to the schedule and waives notice of their destruction, unless those waivers are first reviewed and approved by the Wisconsin Public Records Board and the Wisconsin State Historical Society.

In the event that the Retention Schedule does not specifically note the Wisconsin State Historical Society's waiver regarding any particular Record, then the Wisconsin State Historical Society must be given sixty (60) days written notice prior to destruction of the Record, as described in §19.21(4)(a), Wisconsin Statutes.

(f) Additional Retention Periods.

In addition to the retention period described in the Retention Schedule, Records shall be maintained for the following additional time periods:

- (1) A Record that is existing at the time of a request shall not be destroyed until after the request is granted, or in the event the request is denied until at least the time period described in §19.35(5), Wisconsin Statutes has passed from the date of the denial.
- (2) A Record that is existing at the time that the Legal Custodian receives written notice that a mandamus action relating to the record has been commenced pursuant to §19.37, shall not be destroyed until the final court order is issued in the action and the appeals are exhausted, as further described in §19.35 (5), Wisconsin Statutes.
- (3) A Record that is known by the Legal Custodian to be relevant to litigation or audit that is pending at the time that the Record would otherwise be destroyed, shall not be destroyed until the litigation or audit is resolved.

(g) Reproduced Original Records.

Records may be kept and preserved through the use of microfilm or another reproductive device, optical imaging, electronic formatting, or any other reproduction format authorized by §19.21(4)(c), Wisconsin Statutes, and said reproduction shall be deemed an original record for all purposes, in accordance with §19.21(4)(c), Wisconsin Statutes.

(h) Statutes Incorporated.

All state statutes incorporated or referenced herein shall be deemed to include all subsequent amendments, repeals, and re-numbering that may be enacted regarding the same, in order to ensure uniform statewide regulation of public records.

SECTION 3: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance.

The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 8<sup>th</sup> day of January, 2014.

Town of Troy, Walworth County

John Kendall  
John Kendall, Town Chairman

ATTEST:

Michele Stute  
Michele Stute, Clerk/Treasurer

Published and/or posted this <sup>13<sup>th</sup></sup> day of January, 2014.