**FINAL**

**TOWN OF WHEATON**

**CHAPTER 19**

**DESTRUCTION OF OBSOLETE RECORDS ORDINANCE**

SECTION I – TITLE AND PURPOSE

This Ordinance is entitled the “Town of Wheaton Destruction of Obsolete Records Ordinance.” The purpose of this Ordinance is to provide the Town Officers of the Town of Wheaton with the authority to destroy certain obsolete public records in possession of the Town of Wheaton (hereinafter Town).

SECTION II – AUTHORITY

The Town Board of the Town in Chippewa County, Wisconsin, has the specific authority under s. [19.21 (4)](https://docs.legis.wisconsin.gov/document/statutes/19.21(4)), Wis. stats., to manage and destroy obsolete public records in the possession of the Town.

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 to manage and destroy obsolete public records in the possession of the Town.

SECTION IV – FINANCIAL RECORDS

The following Town Officers, pursuant to s. [19.21 (5)](https://docs.legis.wisconsin.gov/document/statutes/19.21(5)), 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:

Officer (title) Records officer authorized to destroy Period records must be held by Town

Town Clerk All financial Town records except Seven (7) years

water stubs, current billing and

customer ledgers

SECTION V – UTILITY RECORDS

The Town Officers, pursuant to s. [19.21 (5)](https://docs.legis.wisconsin.gov/document/statutes/19.21(5)), Wis. stats., may destroy the following utility records of which they are the legal custodians and that are considered obsolete:

Officer (title) Records officer authorized to destroy Period records must be held by Town

Town Clerk Water stubs, receipts of current Three (3) years

Billings and customer ledgers

of utility

SECTION VI – OTHER RECORDS

The Town Officers, pursuant to s. [19.21 (5)](https://docs.legis.wisconsin.gov/document/statutes/19.21(5)), Wis. stats., may destroy the following records of which they are the legal custodians and that are considered obsolete:

Officer (title) Records officer authorized to destroy Period records must be held by Town

Town Clerk Taped recording records for minutes Tape recording/100 days after minutes have been approved and published if the purpose of the recording was to take minutes.

Town Clerk Town deeds, Town insurance policy(s) Thirty (30) years

SECTION VII – HISTORICAL SOCIETY NOTIFICATION

Prior to the destruction of any public record described in Sections IV, V, or VI, at least sixty (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 $200.00 nor more than $500.00, 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 section, subsection, sentence, clause, phrase or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION X – EFFECTIVE DATE

This Ordinance is effective on passage and posting or upon adoption as a Chapter in a Code of Ordinances as provided by law.

Adopted on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_ 2019 by Town Board.

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Town Board Supervisor Town Board Supervisor

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Town Board Supervisor Town Board Chair

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Town Board Supervisor

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ATTEST: Town Clerk