

CHAPTER 3

VILLAGE RECORDS / VILLAGE PROPERTY

3.01 PUBLIC RECORDS AND PUBLIC PROPERTY

(1) **PUBLIC RECORDS AND PUBLIC PROPERTY RESPONSIBILITIES.** All public records and public properties belonging to the Village, including records and public properties of officers, special offices, committees, commissions, agencies, authorities, boards or other special government units of the Village shall be safely kept, properly maintained and carefully preserved by the legal custodian thereof when:

(A) These officers, employees, or agents receive custody of the public records and public property from their predecessor or other persons.

(B) These public records and public properties are required by State law or by Village ordinance to be filed, deposited, or kept in the offices of these officers, employees, or agents.

(C) These public records and public properties are in lawful possession of these officers, employees or agents or the possession or control of which these officers, employees or agents may be lawfully entitled by State law or by Village ordinance.

(2) **PUBLIC RECORDS AND PUBLIC PROPERTY DELIVERY:** All public records and public properties of the Village, including records and properties of offices, special offices, committees, commissions, agencies, authorities, boards or other special government units of the Village, shall be delivered by the officer, employee or agent of these Village government units to the successor officer, employee or agent of these Village of New Auburn government units upon demand by the officer, employee or agent of these Village government units, upon expiration of the officer's term of office, upon the expiration of the employee's term of employment or upon the expiration of the agent's term of agency with the Village, or upon the vacancy of the office. Upon death, the legal representative shall be responsible to deliver such public records or public properties upon demand to the successor of the deceased. The successor officer, successor employee or successor agent of these Village government units shall acknowledge receipt of the public records and public properties and shall provide a receipt to the officer, employee, agent, or legal representative. The officer, employee, agent, or legal representative shall file a copy of such receipt with the Village Clerk. If a vacancy occurs before a successor is qualified, employed, or retained by the Village, such public records and public properties shall be delivered to the Village Clerk. The Village Clerk shall acknowledge receipt and shall provide a receipt to the officer, employee, agent or legal representative. The Village Clerk shall receipt these public records and public properties on behalf of the successor and these public records and public properties shall be delivered by the Village Clerk to the successor upon the latter's receipt of office, employment or retention with the Village. The Village Clerk may utilize employment entrance and exit agreements.

(3) PUBLIC RECORD ACCESS

(A) Custodian of Records

(1) The below noted offices, special offices, committees, commissions, agencies, authorities, boards or other special government units of the Village have designated the below noted as legal custodians of their public records and responsible to fulfill the duties under Chapter 19 and Subchapter 2, Public Records and Property, (1993-1994) Wisconsin Statutes.

Village Clerk/Treasurer

Village Marshal

Village Assessor

(2) If no offices, special offices, committees, commissions, agencies, authorities, boards or other special government units of the Village have been designated for any particular public records, then legal custodian for those records shall be the Village Clerk, or, if by ordinance, another officer of the Village.

(B) Public Notice of Record Location

(1) The above-noted offices, special offices, committees, commissions, agencies, authorities, boards and other special government units of the Village shall adopt and display a public notice related to the custody of the public records under their custody. The Notice shall be posted in the Village Hall. Ref. 19.34 Wis. Stats.

(2) The Village Board for the below noted offices, special offices, committees, commissions, agencies, authorities, boards or other special government units of the Village, declares, by this ordinance, that these offices, special offices, committees, commissions, agencies, authorities, boards, or other special government units or their legal custodians, do not have regular office hours to allow for inspection of records.

(List Unit of Government and Custodian)

Village Clerk/Treasurer

Village Assessor

Village Marshal

(3) The above public notice shall reflect, when displayed and published, if there are no regular business hours by the custodians and shall provide the alternative days and hours provided for access to and inspection of public records. The days and hours wherein which public access and inspection of public records are permitted are noted below:

(List Custodians Title, Location, Days and Hours)
Village Clerk/Treasurer, By appointment, Village Hall
Village Marshal, By appointment, Village Hall

(4) If no regular hours exist, any person seeking a public record must provide at least twenty-four (24) hours advance written notice to the legal custodian if a regular two (2) consecutive hour per week schedule has been established and notices by a custodian in which access to the public record is permitted.

(5) If no regular schedule and no regular office hours are established as noticed above, then access to public records shall be permitted upon at least forty-eight (48) hours written or oral notice by the person seeking the records to the legal custodian stating his or her intent to inspect specific records with those records so described.

(C) Access to Records

(1) The legal custodian of any public record of the above-noted offices, special offices, committees, commissions, agencies, authorities, boards or any other special government units of the Village shall provide to any person the right to inspect any public record except if, as indicated by specific statute, this ordinance or where the similar public policy based on the exemptions in Section 19.85, (1993-1994) Wisconsin Statutes, should allow the legal custodian to restrict public access to these records. The legal custodian, when claiming a specific exemption for denying access to public record, must make a specific demonstration to person demanding access that there is a need to restrict public access at the time of the request for access to the public record.

(2) If and when the need to restrict the public record from public access has been eliminated, then the legal custodian must provide public access to the record. The legal custodian shall provide adequate security and restrictions for the public record when and if the legal custodian determines the record must be restricted from public access.

(3) The specific exemptions that may allow the legal custodian to restrict public access to records include, but are not limited to those public policy exemptions for closed meetings listed in Section 19.85, (1993-1994) Wisconsin Statutes, and those exemptions listed in Section 4.01 related to Open Meetings.

(List others)

Confidential police records including identities of law enforcement informants pursuant to Section 19.36, Wisconsin Statutes

(D) Copying/Photographing Public Records

(1) The legal custodian shall comply with the provisions of Section 19.35, (1993-1994) Wisconsin Statutes, relating to allowing a person access to a public record, to allow copying or photographing of a written public record, an audio tape, a video tape or a record to be published for later sale and distribution. The legal custodian may demand a specific written request of the person requesting the public record wherein the request will reasonably describe for the legal custodian the requested record. The request must have a reasonable limitation as to the subject matter or to the length of time represented by the record. If the legal custodian does not believe the request for the public record is sufficiently limited, the legal custodian shall notify or attempt to notify the requesting person that further subject matter or time limitations must be provided before the public record request can be fully met. The legal custodian cannot request the name of the requesting person or the reasons for the need to access the public record except if the legal custodian keeps the public record at a private residence, or if the legal custodian, for security reasons, believes identification is necessary and appropriate or except if Federal law and regulations require identification of the requesting person.

(2) The legal custodian may require supervision during the inspection and copying of any public record and may impose reasonable restrictions in the manner of access to certain records if the records are irreplaceable or easily damaged. The Village Board declares the following records irreplaceable or easily damaged and establishes the following conditions for access and copying:

(List Records and Custodians)

All old and historical records, including Ordinances, Resolutions, and Minutes should be in the custody of the Village Clerk.

Justice of the peace records (if any) shall be kept in the custody of the Village Clerk.

If removed from the Village Hall, records must be checked out and record kept of their location. If deemed necessary, the Village Clerk may require copying in the Village Hall in the Clerk's presence. The Village Board may change this procedure and deal with specific situation by Resolution.

(3) The Village Board has the following facilities (if any) for inspection, copying and abstracting the records.

(List Facility and Hours)

Village Hall at 130 E. Elm Street, New Auburn, Wisconsin, copy machine.

(4) The Village Board is not required to purchase or lease for any requesting person any equipment or facilities for photocopying, photographing, or other copying.

(E) Fees

(1) The Village of New Auburn may charge the actual, necessary and direct reproduction costs for a copy of a record. The Village Board has declared these costs to be as set forth in Appendix E.

(2) The Village Board declares offices, special offices, committees, commissions, agencies, authorities, boards and other special government units of the Village need not pay for copying costs for public records.

(3) In addition to the copying cost charge, a fee for locating the record will be charged, if the cost to locate is more than fifty dollars (\$50.00), and may charge a fee for the actual necessary and direct mailing or shipping fees. The Village may require a prepayment of the fee if the total fees established by this subsection will exceed five dollars (\$5.00).

(F) Formal Request

(1) If the above-noted Village Board, any offices, any special offices, any committees, any commissions, any agencies, any authorities, any boards or any other special government units of the Village receives a request for a record, they shall as soon as practicable and without delay either fill the request or notify the requesting person to deny the request, in whole or in part, and the reason for the denial.

(2) If the requesting person makes the request orally, the previously noted offices, committees, commissions, boards or other special government units of the Village may deny the request orally unless a demand for a written statement of the reason denying the request is made by the requesting person within five (5) business days of the oral denial. If the above-noted government bodies deny a written request, in whole or in part, the requesting person shall receive from the denying government body a written statement of the reason for denying the request. The written denial by these government bodies shall include a notice that this determination for denial is reviewable by mandamus under Section 19.37(1), (1993-1994) Wisconsin Statutes, or upon application to the Attorney General or District Attorney of the County of Chippewa or the County of Barron.

(G) Record Destruction if Request Pending: The Village Board, any officer, any office, any special office, any committee, any commission, any agency, any authority, any board or other government unit of the Village or any officer, employee, or agent of the above-noted may not destroy any public record at any time after any of the above noted receive a request for inspection or copying of the record until after the request is granted or until at least sixty (60) days after the date the request is denied. If an action is commenced under Section 19.37, (1993-1994) Wisconsin Statutes, within one hundred

and fifty (150) days after the request is denied or after the decision of the trial court, whichever is later, the requested record may not be destroyed until after the final order of the trial court and after any final appellate court. Upon order to produce the record and the order is not appealed, the requested record may not be destroyed until after the request for inspection or copying is granted.

(H) Limitation Upon Access: Prior to any public release, the legal custodian shall separate specific information and material from the public record that should not be released to the public because the release of the information or material would be prejudicial to the public interest. Specifically, certain records are exempt pursuant to Section 19.36, (1993-1994) Wisconsin Statutes, from public release and may be withheld by the Village from disclosure:

(1) Records which are specifically exempted from disclosure by Federal or State law.

(2) Law enforcement records relating to investigations, information obtained for law enforcement purposes that are required by Federal law or regulation to be withheld as a condition to receipt of aid by the state.

(3) Records produced or collected under a contract entered into with a private person.

(4) Materials used for input for a computer program or the material produced as a product of the computer program. (Reference: Section 19.36(4), (1993-1994) Wisconsin Statutes.

(5) Any record or a portion of a record containing information qualifying as a common law trade secret.

(6) Any record not to be disclosed as a public record under the public policy provision of Section 19.85, (1993-1994) Wisconsin Statutes, relating to open meetings.

(I) Notice To Historical Society: The Village Board, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the Village and their officers, their employees and their agents of the aforesaid, prior to the destruction of any public records belonging to the Village, noted below in Section (2), shall provide at least sixty (60) days notice, in writing, to the State Historical Society of Wisconsin. The Village Board shall not be requested, pursuant to Section 19.21, (1993-1994) Wisconsin Statutes, to provide notice to the State Historical Society of Wisconsin if the Village Board previously, by application, has received a waiver.

(4) CONDITIONS AND TERMS FOR DESTRUCTION OF PUBLIC RECORDS

(A) Types of Records Destroyed: The Village Board, any office, any

special office, any committee, any commission, any agency, any authority, any board or any other special government units of the Village and their officers, their employees and their agents of the aforesaid shall destroy the following public records of the Village only upon the conditions noted below and at the times noted below:

(1) Obsolete Utility Records

(a) The Village Board, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the Village and their officers, their employees, or their agents are the legal custodians of the public utility records of the Village. If the public utility records are considered obsolete, the above noted, as custodians, may destroy the following Public utility records of the Village at anytime two (2) years after the record was effective:

1. Water Stubs
2. Receipts of Current Billings
3. Customers' Ledgers
4. Vouchers and supporting documents pertaining to charges not included in plant accounts.
5. Other utility records after seven (7) years with the written approval of the State Public Service Commission.

(b) All other public utility records of the Village, the above-noted custodians may destroy at anytime seven (7) years after the record was effective, unless a shorter time period has been fixed by the state Public Records and Forms Board pursuant to Section 16.61(3)(e), (1993-1994) Wisconsin Statutes, and then only after that shorter time period.

(c) Special preliminary assessment records may be destroyed after review and by Village Board authorization. Final resolution or order creating special assessments shall be preserved for forty (40) years unless destruction is specifically authorized by the Village Board.

(2) Obsolete Financial Records: The Village Board, any office, any special office any committee, any commission, any agency, any authority, any board or any other special government unit of the Village and their officers, their employees or their agents of the aforesaid are the legal custodians of all financial records of the Village. If these financial records are considered obsolete, the above-noted custodians may destroy these financial records at anytime seven (7) years after the record was effective, unless a shorter time period has been fixed by the State Public Records and Forms Board pursuant to Section 16.61(3)(e), (1993-1994) Wisconsin Statutes, and then only after that shorter time period. Examples:

- (a)** Bank statements, deposit books, slips, and stubs.
- (b)** Bonds and coupons after maturity.
- (c)** Canceled checks, duplicates and check stubs.
- (d)** License and permit applications, stubs, and duplicates.

(e) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.

(f) Receipt funds.

(g) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

(3) Other Obsolete Records:

(a) The Village Board, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government unit of the Village and their officers, their employees or their agents of the aforesaid are legal custodians of all other public records of the Village that are not utility or financial records. If these records are considered obsolete, the above-noted legal custodians may destroy these records at anytime seven (7) years after the record was effective unless another period has been set by statute and then only after such a period, or unless a shorter time period has been fixed by the State Public Records and Forms Board pursuant to Section 16.61(3)(e), (1993-1994) Wisconsin Statutes, and then only after the shorter time period. Examples:

1. Assessment rolls and related records, including Board of Review minutes.
2. Contracts and papers relating thereto.
3. Correspondence and communications.
4. Financial reports other than annual financial reports.
5. Insurance policies.
6. Justice dockets.
7. Oaths of office.
8. Reports of boards, commissions, committees and officials duplicated in the official minutes.
9. Resolutions and petitions.
10. Voter record cards.

(b) No assessment roll containing forest crop acreage in the Village may be destroyed without prior approval of the Department of Revenue.

(5) SPECIFIC DATE OF DESTRUCTION FOR SPECIFIC PUBLIC RECORDS:

The Village Board desires specifically that the following public records of the Village Board, its offices, its special offices, its committees, its commissions, its agencies, its authorities, its boards or other special government units not be destroyed until after the years listed below:

(List Examples)

(A) Tax Receipts: Ten (10) years after the receipt was issued by the Village.

(B) Contracts & Insurance Policies Issued to Village: Fifteen (15) years after the policy was issued to the Village.

(C) Legal Claims Against the Village: Ten (10) years after the claim was noticed to the Village.

(6) TAPED RECORDS OF MEETINGS: The Village Board, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the Village and their officers, their employees and their agents of the aforesaid may destroy any taped records of any public meeting of the aforesaid no sooner than ninety (90) days after the public meeting minutes have been approved by the appropriate government unit if the purpose of the tape recording was to make and maintain minutes of the public meeting.

3.02 PUBLIC BUILDINGS AND PUBLIC LANDS

(1) HANDICAPPED ACCESS:

(A) New Building: The Village Board shall design and construct any new Village public building to allow physically disabled persons reasonable means of access including access from parking lots, if any, ancillary to the public building.

(B) Minimum Requirements for Use of Public Buildings: The Village Board shall comply with minimum requirements established by the State of Wisconsin Department of Industry, Labor and Human Resources to facilitate the use of Village public buildings by physically disabled persons where traffic might reasonably be expected by such physically disabled person. The Village Board shall comply with the minimum requirements established by the State of Wisconsin Department of Industry, Labor and Human Resources to ensure access to and use of Village public buildings.

(C) Parking Space Compliance: The Village Board should not issue any authorizations to occupy any public building or private or public place of employment unless the owner thereof files with the Village Clerk a true certificate of compliance with the State law, State regulations and rules related to ensuring the access to and use of public

buildings or places of employment relating specifically to the reservations and marking of parking spaces for use by a motor vehicle used by a physically disabled person.

(D) Remodeling: The Village Board shall meet the minimum regulations of the State of Wisconsin Department of Industry, Labor and Human Resources and Section 101.13, (1993-1994) Wisconsin Statutes, for remodeling of Village public buildings to ensure the access to and use of public buildings by physically disabled persons. Any Village public buildings that are remodeled, unless excepted by rules of the State of Wisconsin Department of Industry, Labor and Human Resources or by Section 101.13, (1993-1994) Wisconsin Statutes, shall be designed and constructed so as to provide reasonable means of access for physically disabled persons.

(E) Handicapped Access Grievance: The Village Clerk shall receive any and all grievances related to handicapped access to Village buildings. Whenever possible, the grieving party shall place the grievance in writing. The Village Clerk shall refer such grievance to the Village Board at the next regularly scheduled meeting of the Village Board. The Village President, upon receipt of the grievance, shall appoint a member of the Village Board to investigate the grievance and to file a report with the Village Board. The Village Board will comply with Federal and statutory regulations, including the Federal requirements under 31 CFR 51.55(A)1-6, in investigating and acting upon such grievances.

(2) PUBLIC BUILDINGS AND PUBLIC LANDS ACCESS

(A) Authority for Public Access: The Village Board has the authority to establish dates and times for public access to the public buildings and public lands owned or leased by the Village. In addition, the Village Board has the authority to place additional restrictions on the use of the public buildings and public lands owned or leased by the Village.

(B) Village Hall

(1) The Village Hall shall be open to the public at the times and dates listed in Section (D)(3)a. herein unless written notice to the contrary is posted at the usual and customary locations in the Village.

(2) The Village Hall shall be open to the public at other times with the approval of the Village Board. The use of the Village Hall may be provided for non-governmental functions and events. These functions and events shall be private non-profit group meetings or social meetings upon which the meeting and the responsible party for the meeting are approved by the Village Board. The Village Board shall charge a daily rental fee for such use to the responsible party. The daily rental fee shall be as set forth in Appendix E which can be waived by the Village Board.

(3) The Village Board shall be responsible for maintenance and control of the Village Hall. The Village Board may delegate authority for the daily maintenance and control of the Village Hall to the Director of Public Works. Village officers

shall have keys to the Village Hall and shall have the right to access of the Village Hall at all reasonable times.

(C) Other Village Buildings, Parks/Lands

(1) The Village of New Auburn has the following other buildings, parks/lands:

- a.** All Village Parks
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(2) The Village Board establishes the following times and dates for public access to these parks:

a. Hours. All parks except recognized camping areas shall be closed to public use between the hours of 10:30 P.M. and 6:00 A.M. each day of the year.

b. Official Time Used. The time referred to in this section shall be the official time used in the State of Wisconsin at the time of the alleged violation.

c. Penalties. Any person violating this chapter shall forfeit not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) and the costs of prosecution, and in the case of default costs are paid, not to exceed 30 days in the County jail.

d. Permits For Night Use. The Village Board of Trustees may if it finds that no vandalism or loud or disorderly conduct is likely to occur, grant to any group permission to use a specified park or beach for a specified night or nights. As a condition to granting such permission, the Village Board may require the posting of a reasonable bond, or the presence of a police officer or deputy sheriff, to be paid by the group seeking the permit. The permit may be revoked at any time by the Village Board authorized to oversee or inspect the permitted use.

(D) General Regulations for access to and from Public Buildings and Public Lands

(1) Litter and Discharge

(a) The Village Board does not permit the disposal or discharge of any litter, solid waste, hazardous waste, garbage or any other refuse in any Village public building and on the premises of any Village of New Auburn public land except in disposal containers or waste collection areas authorized by the Village Board or except with a permit issued by the Village Board.

(b) No person shall dispose or discharge the above-noted waste in violation of this provision. Any person violating this provision shall immediately

and totally reclaim and remove the disposed or discharged waste from the Village public buildings and Village public lands. No formal request to reclaim and remove the above-noted waste by any Village Marshal or law enforcement officer shall be required to violate this provision. Any person who fails to reclaim and remove the above-noted waste immediately from any Village public building and Village public land after formal request to reclaim and remove the same by a **Village Marshal** or other law enforcement officer shall be immediately arrested and removed from the Village public building and Village public land.

(2) Disorderly Conduct

(a) The Village Board does not permit disorderly conduct in any public building and on any public land or contemptuous behavior or insolent behavior to any Village official, employee, or agent in any Village public building and on any Village public land when the officer, employee or agent is on duty or working for the Village.

(b) No person shall commit or cause disorderly conduct to the public or commit or cause contemptuous behavior or insolent behavior to a Village official, employee or agent in a Village public building and on any Village public land when the officer, employee, or agent is on duty or working for the Village. Loitering in a Village public building and on any Village public land, including Village roads, after being formally requested to leave the Village public building and Village public land by the chief presiding officer of any public meeting or by the Village Marshal or other law enforcement officer shall be considered disorderly conduct under this provision. Any person who continues to violate this provision after formal request to cease the disorderly conduct or to cease the contemptuous or insolent behavior by the Village Marshal or other law enforcement officer shall be arrested and removed from the Village public building and Village public land.

(3) HOURS/DAYS OF OPERATIONS

(a) The following will be the normal hours and days the following public buildings and public facilities will be open to the general public:

<u>Building or Facility</u>	<u>Days</u>	<u>Hours</u>
<u>Village Hall</u>	<u>Monday through Friday</u>	<u>9:00 a.m. to 3:00 p.m.</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

(b) The Village Board may provide other times and dates for these buildings or facilities by written order. The above-noted days and hours do not limit access for authorized Village officers or Village employees to these buildings and facilities. Authorized Village officers and Village employees may gain access for work or emergency actions to these buildings or facilities at any time except for areas established by the Village Board as limited or non-access areas. These limited or non-access areas shall be specifically described by the Village Board and the reason for access limitation shall be so stated if security so permits.