

STATE OF WISCONSIN  
Town of Red Cedar  
Dunn County

**ORDINANCE NO. 1004-2012**  
**Destruction of Obsolete Records Ordinance**

**SECTION I – TITLE AND PURPOSE**

This ordinance is entitled the Town of Red Cedar Destruction of Obsolete Records Ordinance. The purpose of this ordinance is to provide the town officers of the Town of Red Cedar with authority to destroy certain obsolete public records in possession of the Town of Red Cedar.

**SECTION II – AUTHORITY**

The Town Board of the Town of Red Cedar, Dunn County, Wisconsin, has the specific authority under s. 19.21(4), Wis. Stats., to manage and destroy obsolete public records in the possession of the Town of Red Cedar.

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

**SECTION IV – FINANCIAL RECORDS**

The following Town of Red Cedar town officers, pursuant to s. 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 in the most recent publications of the "Wisconsin Municipal Records Retention Schedule" and "Wisconsin Municipal Records Manual". Any record not covered in the Schedule or Manual as described above shall be retained for 7 years unless the record is added by amendment in the Schedule or a shorter time period has been approved by the State Public Records and Forms Board.

**SECTION V – RECORD REPRODUCTION**

Records to be kept and maintained by the Town of Red Cedar may be preserved by use of microfilm or another reproductive devise, optical imaging or electronic formatting as authorized by Wis. Stats. 19.21(4)(c). As provided by Wisconsin Statutes, a reproduction created under authority of this section, created in such a manner, is an original for all purposes.

**SECTION VI – RECORDS CUSTODIAN DESIGNEE**

The Town of Red Cedar town officers designated the town clerk to keep and preserve any town records, or file, deposit, or keep records in the town hall, and are lawfully in possession or entitled to possession of such public records and who is required to respond to requests for access to such records.

**SECTION VII – HISTORICAL SOCIETY NOTIFICATION**

Prior to the destruction of any public record described in Section IV, at least 60 days' notice in writing shall be given to the State Historical Society of Wisconsin, except for public records for which the State Historical Society waives this notice requirement.

## 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 \$25.00 nor more than \$100.00, 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 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 X – EFFECTIVE DATE, CONSTRUCTION

This ordinance is effective upon proper publication and/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 this ordinance as required under s. 60.80, Wis. Stats.

**PASSED AND ADOPTED** by a majority vote of the Town Board of the Town of Red Cedar, Dunn County, Wisconsin, this 14th day of August, 2012.

### RED CEDAR TOWN BOARD:

[Signature]  
Ron Robelia, Chairman

[Signature]  
Debra Gotlibson, Supervisor #1

[Signature]  
Andy Gansberg, Supervisor #2

[Signature]  
Dave Leach, Supervisor #3

[Signature]  
Doug Miller, Supervisor #4

ATTEST:

[Signature]  
Cheryl Miller, Town Clerk

(Town Seal)

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