

## Chapter 97

### RECORDS

**[HISTORY: Adopted by the Village Board of the Village of Forestville 1-8-1990 by Ord. No. 1-90 as § 1.08 of the 1990 Code; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Subsequent amendments noted where applicable.]**

#### GENERAL REFERENCES

Finance and taxation — See Ch. 35.

#### § 97-1. Access procedures.

- A. A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under § 19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons, federal law or regulations so require.
- B. Each custodian, upon request for any record, shall as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request, in whole or in part, and the reasons therefor. If the legal custodian, after conferring with the Village Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his request in a manner which would permit reasonable compliance.
- C. A request for a record may be denied. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under § 19.37(1), Wis. Stats., or upon application to the Attorney General or a district attorney.

#### § 97-2. Destruction of records.

- A. Village officers may destroy the following nonutility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Ch. 442, Wis. Stats., but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), and then after such shorter period:
  - (1) Bank statements.
  - (2) Cancelled checks.
  - (3) Receipt forms.
  - (4) Vouchers, etc.
- B. Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Ch. 442, Wis. Stats., subject to State Public Service Commission regulations, but not less than seven 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), Wis. Stats., and then after such a shorter period:
  - (1) Contracts.
  - (2) Excavation permits.
  - (3) Inspection records.
- C. Village officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), Wis. Stats., and then after such a shorter period:
  - (1) Old insurance policies.
  - (2) Election notices.
  - (3) Cancelled registration cards.
- D. Unless notice is waived by the State Historical Society, at least 60 days' notice shall be given the State Historical Society prior to the destruction of any record as provided by § 19.21(4)(a), Wis. Stats.
- E. Any tape recordings of a governmental meeting of the Village may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

**§ 97-3. Preservation through microfilm.**

Any Village officer or the director of any department or division of Village government may, subject to the approval of the Village Board, keep and preserve public records in his possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in § 16.61(7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of § 97-5 of this chapter.

**§ 97-4. Notice of procedure for inspection of Village records.**

The Village Clerk shall give public notice and prominently display and make available for inspection and copying at the Village Clerk's office for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian of Village records under § 19.33, Wis. Stats., from whom, and the methods whereby the public may obtain information and access to records in the custody of each legal custodian, make requests for records and obtain copies of records and the cost thereof. The notice shall be substantially in the following form and a copy of this section shall be posted by the Village Clerk adjacent to such notice: "The right of inspection and copying of any records shall be subject to the provisions of Chapter 97, Records, of the Village Code and Subchapter II of Chapter 19 of the Wisconsin Statutes."