

Ordinance No. 2020- 01
State of Wisconsin
County of Washington
Town of Farmington

**AN ORDINANCE REPEALING AND RECREATING RECORDS OF THE
MUNICIPAL CODE OF THE TOWN OF FARMINGTON**

WHEREAS, the Town Board hereby determines that it is necessary to update the Municipal Code to adopt current record management standards in the Town of Farmington.

NOW, THEREFORE, the Town Board of the Town of Farmington, Washington County, Wisconsin, does ordain as follows:

Section 1. **Repealing Code.** Ordinances pertaining to Records of the Municipal Code of the Town of Farmington are hereby repealed.

Section 2. **Recreating Code.** Records is hereby recreated to read as attached.


Section 3. **Severability.** Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

Section 4. **Effective Date.** This Ordinance shall take effect upon publication or posting by the town clerk as required, pursuant to Wis. Stat. § 60.80.

Adopted by the Town of Farmington Town Board of Supervisors this 10th day of November, 2020.

Ayes 3 Noes 0 Absent 0

TOWN OF FARMINGTON

By 
CHRIS ELBE, Town Chairperson

Date Approved: 11-10-2020

Date Published/Posted: 11-17-2020

Attest:


PATTY HOERIG, Town Clerk

Chapter 57 RECORDS

ARTICLE I Public Access to Records

- § 57-1. Legal custodians.**
- § 57-2. Notice.**
- § 57-3. Access to records.**
- § 57-4. Fees.**
- § 57-5. Time for compliance and procedure.**
- § 57-6. Reservation of authority.**

ARTICLE II Municipal Records Schedule

- § 57-7. Adoption of Wisconsin
Municipal Records Schedule.**
- § 57-8. Notice to State Historical
Society.**

[HISTORY: Adopted by the Town Board of the Town of Farmington as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Public Access to Records

§ 57-1. Legal custodians.

- A. The legal custodian of records for the Town Board pursuant to Wis. Stat. § 19.33, shall be the appointed Clerk for the Town of Farmington. The Town Clerk, as designated legal custodian of all Town Board records, shall be vested with full authority under Wis. Stat. § 19.33, except that the Town Treasurer shall be the legal custodian for all records in his or her possession.
- B. The legal custodian of records for the Plan Commission pursuant to Wis. Stat. § 19.33, shall be the appointed Town Zoning Administrator for the Town of Farmington. The Town Zoning Administrator, as designated legal custodian of all Plan Commission records, shall be vested with full authority under Wis. Stat. § 19.33.
- C. The legal custodian of records for the Zoning Board of Appeals otherwise specified under Wis. Stat. § 19.33, shall hereby be the appointed Town Zoning Administrator for the Town of Farmington. The Town Zoning Administrator, as appointed legal custodian of all Zoning Board of Appeals records, shall be vested with full authority under Wis. Stat. § 19.33.
- D. Each elected official is the legal custodian of his or her records and the records of his or her office, each Town Supervisor, pursuant to Wis. Stat. § 19.33 hereby designates the appointed Clerk of the Town of Farmington to act as the legal custodian.

§ 57-2. Notice.

The Town of Farmington does hereby adopt the following notice pursuant to Wis. Stat. § 19.34, as the procedure allowing access to all public records for the Town of Farmington:

STATE OF WISCONSIN
Town of Farmington

Washington County

The clerk of the Town of Farmington, Washington County, Wisconsin, by this notice states that the clerk of the Town of Farmington has been designated under Wis. Stat. § 19.33, as the legal custodian of records for the Town of Farmington. The public may obtain information and access to records in the custody of the clerk or other appropriate legal custodian, make requests for records, or obtain copies of records, and learn the costs of obtaining copies of records from the town clerk or other appropriate legal custodian as follows:

The town clerk does not maintain regular office hours at the location where records of the Town are kept. The town clerk will permit access to Town records in the custody of the clerk upon at least 48 hours' written or oral notice to the town clerk of the intent to inspect or copy a record. The location of the records in the custody of the clerk is 9422 State Highway 144, Kewaskum, Wisconsin, 53040.

The town clerk is hereby directed to predominately post the above notice on the Town of Farmington website and at the Town Hall.

§ 57-3. Access to records.

Access to all records shall be subject to Wis. Stat. § 19.35, and any amendments made thereto.

§ 57-4. Fees.

- A. The Town of Farmington hereby establishes that a reasonable fee, which sum shall not exceed the actual cost incurred by the Town of Farmington for reproduction of any request, shall be borne by the requester. The costs shall be established by the Town Board and will be set forth in the Town's Fee Schedule and are subject to change.
- B. If the expected fee for reproduction exceeds or is anticipated to exceed Five Dollars (\$5.00), the legal custodian shall require prepayment by the requester prior to reproducing the records.
- C. The legal custodian shall require prepayment by the requestor, a fee for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is expected to be Fifty Dollars (\$50.00) or more.

§ 57-5. Time for compliance and procedure.

- A. The legal custodian, upon request for any record, shall, as soon as practicable and without delay, comply with the request. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons for denying the request is made by the requester within five (5) business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive from the legal custodian a written statement for all the reasons of denial.
- B. The legal custodian shall make a determination under Wis. Stat. § 19.35, of whether the person is authorized to receive the records requested and shall thereafter comply with

Wis. Stat. § 19.35 and this article and the rights of any record subject to challenge the release of a record pursuant to Wis. Stat. § 19.356.

§ 57-6. Reservation of authority.

Nothing herein constitutes a waiver of the Town of Farmington's authority under Wis. Stat. §§ 19.32 to 19.39 concerning open record requests. The Town of Farmington and the legal custodian reserve any and all limitations upon access as set forth under Chapter 19 of the Wisconsin Statutes and as otherwise allowed by law.

ARTICLE II

Municipal records schedule.

[Adopted 2-12-2019, by Ord. No. 2019-01]

§ 57-7. Adoption of Wisconsin Municipal Records Schedule.

The Wisconsin Municipal Records Schedule, as approved by the Public Records Board on August 27, 2018, is hereby adopted by the Town Board of the Town of Farmington.

§ 57-8. Notification to Wisconsin State Historical Society.

When a record has met the terms of the retention period, the record may be destroyed by the legal custodian of the record, provided the custodian has complied with the notification requirement set forth in Wis. Stat. § 19.21(4), to the Wisconsin State Historical Society.