

## ORDINANCE NO. 2024-7

**AN ORDINANCE REPEALING AND RECREATING CHAPTER 1.25(H)  
OF THE MUNICIPAL CODE OF THE VILLAGE OF ROCHESTER TO ADOPT THE  
WISCONSIN MUNICIPAL RECORDS SCHEDULE**

**WHEREAS**, Wis. Stat. § 19.21(4)(b) authorizes a municipality to establish by ordinance the period of time municipal records are to be kept before destruction; and

**WHEREAS**, Wis. Stat. § 16.61(3)(e) authorizes the State of Wisconsin Public Records Board to establish a schedule setting forth minimum periods of retention for municipal records; and

**WHEREAS**, the Public Records Board approved the Wisconsin Municipal Records Schedule on or about August 27, 2018; and

**WHEREAS**, the Public Records Board revised the Wisconsin Municipal Records Schedule on or about June 15, 2020; and

**WHEREAS**, the Village of Rochester Village Board intends to adopt the Wisconsin Municipal Records Schedule for use as the Village's record retention policy; and

**WHEREAS**, Village submitted all required documentation, including the Notification of General Schedules Adoption Form, to the Wisconsin Historical Society; and

**WHEREAS**, the Public Records Board and Wisconsin Historical Society acknowledged receipt of the Village's Notification of Adoption by returning a signed copy of the Adoption to the Village; and

**WHEREAS**, the Village of Rochester Village Board finds that it is in the best interest of the health, general welfare, and safety of the Village of Rochester to adopt the updated Wisconsin Municipal General Records Schedule as its records retention policy.

**NOW, THEREFORE**, the Village Board of the Village of Rochester, Racine County, Wisconsin, does hereby ordain as follows:

**Section 1:** Chapter 1 of the Village of Rochester Municipal Code entitled "General Government," Section 25 entitled "Public Records," Subsection (H) entitled "Destruction of Records" is hereby repealed and recreated to read as follows:

- ~~1. Except as provided by Wis. Stat. s. 19.35(5), Village officers may destroy the following non-utility financial records of which they are the legal custodians and which~~

~~are considered obsolete, after completion of any required audit by the Department of Revenue or an auditor licensed under chapter 442 of the Wisconsin Statutes, 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 Wis. Stat. s. 16.61(3)(e), and then after such shorter period:~~

~~a. Bank statements;~~

~~b. Cancelled checks;~~

~~c. Receipt forms;~~

~~d. Vouchers;~~

~~2. 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 Department of Revenue or an auditor licensed under chapter 442 of the Wisconsin Statutes, 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 Wis. Stat. s. 16.61(3)(e), and then after such a shorter period, except that utility stubs, receipts of current billings and customers ledgers may be destroyed after two years.~~

~~a. Contracts;~~

~~b. Permits (excavation);~~

~~c. Inspection records.~~

~~3. 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 Wis. Stat. s. 16.61(3)(e), and then after such a shorter period.~~

~~(a) Expired insurance policies;~~

~~(b) Election notices.~~

~~4. Unless notice is waived by the state historical society, at least 60 days' notice shall be given the state historical society prior to the destructions of any record as provided by Wis. Stat. s. 19.21(4)(a).~~

~~5. 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.~~

1. General Records Schedule Adopted. The Village hereby adopts the Wisconsin Municipal Records Schedule ("Municipal Records Schedule"), approved by the State of

Wisconsin Public Records Board on August 27, 2018. A copy of the Municipal Records Schedule will be kept on file in the Village Clerk's office located at 300 W Spring St and made available for public viewing during Village Hall hours. The Municipal Records Schedule will apply to the retention of any Village record that falls under the scope of the Municipal Records Schedule.

2. Other Records. In the event the Village creates a record not contemplated by the Municipal Records Schedule, the Village may, subject to the State of Wisconsin Public Records Board's prior approval, either adopt an applicable records retention schedule set forth by the State of Wisconsin Public Records Board, if available, or create its own retention schedule pertaining to the record.

3. Notification. 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 Sec. 19.21(4), Wis. Stats., to the Wisconsin State Historical Society.

4. Conflict. Notwithstanding any other provision of this chapter, in the event of any conflict between the terms of this ordinance and any applicable state statute, the applicable state statute shall control.

## **Section 2:** CONTINUATION OF PROVISIONS

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution, or proceeding brought for the enforcement of any right or liability established, accrued, or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provision is stayed pending the final resolution of such actions, including appeals.

## **Section 3:** SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

## **Section 4:** EFFECTIVE DATE

This ordinance shall take effect on June 10, 2024 after passage and posting and/or publication as provided by law.

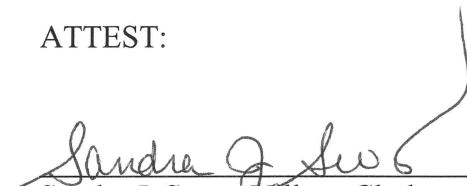
Passed and adopted this 10 day of June, 2024.

VILLAGE OF ROCHESTER



Nick Ahlers, Village President

ATTEST:

  
Sandra J. Swan, Village Clerk