

TOWN OF GRANT
PORTAGE COUNTY WISCONSIN

PUBLIC RECORDS ORDINANCE
ORDINANCE NO. 2023-01

SECTION 1: PURPOSE

The purpose of this Ordinance is to set forth an open records request procedure and fees for the location and reproduction of Town records under the public records laws of this state, including § 19.35(3), Wis. Stats.

SECTION 2: AUTHORITY

The Town Board has the specific authority, powers and duties, pursuant to §§ 19.21-19.23, 19.31, 19.34-19.37, 60.22 and 60.83, Wis. Stats., to manage and direct certain affairs related to Town of Grant public records.

SECTION 3: 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, provides for the regulation to provide for an open records request procedure and fees for the location and reproduction of Town records.

SECTION 4: LEGAL CUSTODIANS

- A. The legal custodian of records for the Town Board otherwise specified under § 19.33, Wis. Stats., shall hereby be the Clerk for the Town of Grant. The Town Clerk shall also be the appointed legal custodian of all Zoning Board of Appeals records. The Town Clerk, as appointed legal custodian of all Town Board and Town of Grant Zoning Board of Appeals records, shall be vested with full authority under § 19.33, Wis. Stats.

- B. The legal custodian of records for the Town of Grant Plan Commission otherwise specified under § 19.33, Wis. Stats., shall hereby be the appointed Plan Commission Secretary for the Town of Grant. The Plan Commission Secretary, as appointed legal custodian of all Town of Grant Plan Commission records, shall be vested with full authority under § 19.33, Wis. Stats.

SECTION 5: NOTICE

- A. The Town of Grant does hereby adopt the attached notice pursuant to § 19.34, Wis. Stats., as the procedure allowing access to all public records for the Town of Grant.

SECTION 6: ACCESS TO RECORDS

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

SECTION 7: FEES

- A. The Town of Grant hereby establishes that a reasonable fee, which sum shall not exceed the actual cost incurred by the Town of Grant for reproduction of any request, shall be borne by the requester. The costs shall be as established by the Town Board through adoption of a Resolution, and are subject to change.

- B. If the expected fee for reproduction exceeds or is anticipated to exceed \$5, the legal custodian shall require prepayment by the requester prior to reproducing the records.
- C. Except as otherwise provided by law or as authorized to be prescribed by law, a fee may be imposed upon a requester for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is \$50 or more.

SECTION 8: 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 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. Every written denial shall inform the requester that if the request for the record was made in writing, then the determination is subject to review by mandamus under § 19.37(1), Wis. Stats., or upon application to the Attorney General or to the district attorney's office.
- C. The legal custodian shall make a determination under § 19.35, Wis. Stats., of whether the person is authorized to receive the records requested and shall thereafter comply with § 19.35, Wis. Stats., and this article and further with the rights of data subject to challenge under § 19.365, Wis. Stats.

SECTION 9: RESERVATION OF AUTHORITY

Nothing herein constitutes a waiver of the Town of Grant’s authority under §§ 19.32 to 19.39, Wis. Stats., dealing with open record requests. The Town of Grant and the legal custodian reserve any and all limitations upon access and withholdings set forth under Chapter 19 of the Wisconsin Statutes and as otherwise allowed by law.

SECTION 10: EFFECTIVE DATE

This Ordinance is effective upon publication or posting. The Town Clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

The Town of Grant voted to adopt this Ordinance on May 10, 2023
Ordinance #:2023-01

Signed:

Sharon Schwab
Sharon Schwab, Chairperson

Scott Provost
Scott Provost, Supervisor

Doug Steltenpohl
Doug Steltenpohl, Supervisor

Witnessed:

Stefanie Schlapa
Stefanie Schlapa, Town Clerk

5/20/2023
Dated

5/20/2023
Posted: Town Hall, Transfer Station, Town Website