

ORDINANCE NO. 2021-04

**VILLAGE OF YORKVILLE
RACINE COUNTY, WISCONSIN**

**AN ORDINANCE TO REPEAL AND RECREATE SECTIONS 2-359 THROUGH 2-390
OF THE CODE OF ORDINANCES OF THE VILLAGE OF YORKVILLE, RACINE
COUNTY, WISCONSIN, RELATING TO PUBLIC RECORDS RETENTION AND
DESTRUCTION**

**THE VILLAGE BOARD OF THE VILLAGE OF YORKVILLE, RACINE COUNTY,
WISCONSIN, DO ORDAIN AS FOLLOWS:**

1. That Section 2-359 of the Code of Ordinances for the Village of Yorkville be, and hereby is, repealed and recreated to read as follows:

“Sec. 2-359. Retention of public records.

- a) *General Records Schedule Adopted.* The Village hereby adopts, by reference, the Wisconsin Municipal Records Schedule, pertaining to the retention and destruction of public records, and approved by the State of Wisconsin Public Records Board on August 27, 2018. A copy of the Wisconsin Municipal Records Schedule (attached as Exhibit A) will be kept on file in the Village Administrator/Clerk’s office, located at 925 15th Avenue, Union Grove, Wisconsin 53182, and made available for public viewing during regular office hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.
 - b) *Other Records.* In the event the Village creates a record not contemplated by the Wisconsin 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. Otherwise, the retention period for such records shall be seven years.
 - c) *Repeal.* All ordinances, or portions thereof, and resolutions, or portions thereof, in conflict with any portion of the Wisconsin Municipal Records Schedule are hereby repealed. Any approved Village retention schedule, or portion thereof, for any record not contemplated by the Wisconsin Municipal Records Schedule shall remain in full force and effect.
 - d) *Effective Date.* This ordinance is effective as of the Village’s receipt of the final Wisconsin Public Records Board and Wisconsin Historical Society authorization of Form PRB-002, entitled “Notification of General Records Schedule Adoption.”
2. That Section 2-360 of the Code of Ordinances for the Village of Yorkville be, and hereby is, repealed and recreated to read as follows:

“Sec. 2-360. Destruction of obsolete public records.

- a) *Destruction.* The administrator/clerk may destroy records of which he is the legal custodian, and which are considered obsolete, pursuant to the Wisconsin Municipal Records Schedule approved by the State of Wisconsin Public Records Board on August 27, 2018, applicable statute, state administrative regulation, or Section 2-359 b) of this Code
- b) *Interpretation.* This section shall not be construed to authorize the destruction of any public record after a lesser period than that prescribed in the Wisconsin Municipal Records Schedule approved by the State of Wisconsin Public Records Board on August 27, 2018, applicable statute, state administrative regulation, or Section 2-359 b) of this Code.
- c) *Notice required.* The administrator/clerk shall give at least 60 days' notice to the Wisconsin Historical Society prior to the destruction of any public record for which notification is required pursuant to the Wisconsin Municipal Records Schedule approved by the State of Wisconsin Public Records Board on August 27, 2018, applicable statute, or state administrative regulation.
- d) *Destruction of taped recordings.* Notwithstanding any other provision of this section, taped recordings of a meeting of a governmental body, as defined in Wis. Stat. § 19.82(1), made for the purpose of making minutes of the meeting, may be destroyed in accordance with Wis. Stat. § 19.21(7).(Code 1982, § 1.36)

State law reference— Destruction of records, Wis. Stat. § 19.35(5).”

- 3. That Sections 2-361 to 2-390 of the Code of Ordinances for the Village of Yorkville be, and hereby are, repealed and recreated to read as follows:

“Secs. 2-361—2-390. Reserved.”

- 4. That this ordinance shall become effective upon adoption and publication as provided by law.

Adopted by the Village Board of the Village of Yorkville, Racine County, Wisconsin, this 8th day of March, 2021.

VILLAGE OF YORKVILLE

Ayes: 5

By: /s/ Douglas Nelson
Douglas Nelson, President

Nays: 0

Attest: /s/ Michael McKinney
Michael McKinney, Administrator/Clerk

Abstentions: 0

Absences: 0