

## **CHAPTER 10. ACCESS TO PUBLIC RECORDS AND DOCUMENT RECEIPT TIME**

**10.01. DEFINITIONS.** (1) "Authority" means any of the following having custody of a record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

(2) "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

**10.02. LEGAL CUSTODIANS.** (1) An elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.

(2) Unless otherwise prohibited by law, the County Clerk or the Clerk's designee shall act as legal custodian for the County Board.

(3) Unless otherwise specified by s. 19.33, Statutes, the County Administrator shall act as legal custodian for committees, commissions, boards or authorities created by ordinance or resolution. Committee chairpersons may designate a different legal custodian.

(4) For every authority not specified in subs. (a), (b) or (c), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian. (This section applies to department heads.)

(5) Every legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designee. This subsection does not apply to members of the County Board.

(6) The designation of a legal custodian does not affect the powers and duties of an authority under this subchapter.

**10.03. PROCEDURAL INFORMATION.** Pursuant to s. 19.34, Statutes, and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, 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

from whom and the methods whereby the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This section does not apply to members of the County Board.

**10.04. ACCESS TO RECORDS; FEES.** (1) The rights of any person who requests inspection or copies of a record are governed by the provisions and guidelines of s. 19.35(1), Statutes.

(2) Each authority shall provide any person who is authorized to inspect or copy a record which appears in written form pursuant to s. 19.35(1)(b), Statutes, or any person who is authorized to and requests permission to photograph a record the form of which does not permit copying pursuant to s. 19.35(1)(f), Statutes, with facilities comparable to those used by its employees to inspect, copy and abstract the record during established office hours. An authority is not required by this subsection to purchase or lease photocopying, duplicating, photographic, or other equipment or to provide a separate room for the inspection, copying or abstracting of records.

(3) (a) Each authority shall impose a fee upon the requester of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by the law. Photocopies shall cost 25¢ per page.

(b) Each authority shall impose a fee upon the requester of a copy of a record for the actual, necessary and direct cost of photographing and photographic processing if the authority provides a photograph of a record, the form of which does not permit copying.

(c) Except as otherwise provided by law or as authorized to be prescribed by law, an authority shall impose a fee upon a requester for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is \$50 or more.

(d) Each authority shall impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping of any copy or photograph of a record which is mailed or shipped to the requester.

(e) An authority may provide copies of a record without charge or at a reduced charge where the authority determines that waiver or reduction of the fee is in the public interest.

(f) Each authority shall require prepayment by a requester of any fee or fees imposed under this subsection if the total amount exceeds \$5.

(4) Each authority in acting upon a request for any record shall respond within the times and according to the procedures set out in s. 19.35(4), Statutes.

**10.05. SEPARATION OF INFORMATION.** If a record contains information that may be made public and information that may not be made public, the authority having custody of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. Each authority shall consult with the County Corporation Counsel before releasing any information under this section.

**10.06.** Pursuant to Section 59.20(3)(c) of the Wisconsin Statutes and in order that processing, recording and indexing of documents may be completed to conform to the day of reception, the cutoff reception time for filing and recording of documents is hereby advanced by one hour in any official business day during which time the Register of Deeds Office is open to the public. The register of deeds may provide in his or her notice under s. 19.34(1) that requests for inspection or copying of the records of his or her office may be made only during a specified period of not less than 35 hours per week. For all other purposes, the office shall remain open to the public. [Amended 10/11/05, Ordinance No. 2005-26]

**EFFECTIVE DATE.** This ordinance shall become effective immediately upon passage and publication as provided by law.

Adopted on December 21, 1982, Ord. 2.09  
Amended 10/11/05, Ordinance No. 2005-26