

LEGAL SERVICES DEPARTMENT


Office of the City Attorney

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TO: Members of the Safety and Licensing Committee
FROM: Stacy Doucette, Assistant City Attorney 
DATE: July 22, 2014
RE: Municipal Ordinance regarding Records Retention

Municipal Ordinance 2-1 pertains to the retention and destruction of records. By law, if a municipality wants to destroy records they must have an ordinance. Most records must be retained for seven years before they can be destroyed. However, shorter time periods can be set by statute or by the State Public Records Board.

The Police Department frequently utilizes traffic camera footage; however, the ordinance on the destruction of records does not specifically mention this type of record. Traffic cameras are maintained by DPW; however, once the Police Department makes a copy of any footage, the footage becomes the Police Department's record. Based upon requests made by other municipalities, a shortened retention period of 120 days for these types of records is typical. Therefore, the Police Department requested a shorter retention period of 120 days for these records and the request was granted by the State Public Records Board. Although, by amending the ordinance the Police Department would be allowed to destroy such records after 120 days, any footage that is needed for evidentiary purposes would be retained for a longer period of time.

Attached is a copy of the ordinance with the proposed change. The addition to the ordinance is marked in bold and underlined.

If you have any question, please feel free to contact me at 832-1580.

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City Attorney

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ARTICLE I. IN GENERAL

Sec. 2-1. Destruction of public records.

(a) **Financial records.** The Director of Finance is empowered to destroy the following nonutility records under their jurisdiction after the completion of any audit by the Department of State Audit or an auditor licensed under state law; but not less than seven (7) years after payment or receipt of the sum involved in the applicable transaction:

- (1) Bank statements, deposit books, slips and stubs.
- (2) Bonds and coupons, after maturity.
- (3) Canceled checks, duplicates and check stubs.
- (4) License and permit applications, stubs and duplicates.
- (5) Payroll and other time and employment records of personnel included under the state Retirement fund.
- (6) Receipt forms.
- (7) Special assessment records.
- (8) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

(b) **Utility records.** The Director of Finance is empowered to destroy the following records of municipal utilities subject to regulation by the State Public Service Commission and after an audit as provided in subsection (a) of this section, but not less than two (2) years after payment or receipt of the sum involved in the applicable transaction:

- (1) Water, sewer, electrical stubs and receipts of current billings.
- (2) Customer's ledgers.
- (3) Vouchers and supporting documents pertaining to charges not included in plant accounts.

Other utility records may be destroyed after seven (7) years with the written approval of the State Public Service Commission.

(c) **Police records.** The Police Department may destroy the following records of which they are the legal custodian and which are deemed obsolete by the Police Department, but not less than seven (7) years after the record was effective unless another period has been set by statute or by the State Public Records Board, then after such a shorter period. In addition, the Wisconsin Historical

Society has waived the sixty day notification period specified in Wisconsin State Statute 19.21 for the following types of police records.

- (1) Traffic accident reports.
- (2) Citizen contact warning tickets.
- (3) Telephone line recordings.
- (4) City of Appleton summonses for violation of city ordinances and all other supporting records pertaining thereto.
- (5) In-car video recordings and personal recording devices.
- (6) Weekly reports.
- (7) Ride-along records.
- (8) False alarm records.
- (9) Fingerprint records and mug shots.
- (10) Overtime vouchers.
- (11) Daily roster/schedule.
- (12) Daily alert bulletin.
- (13) Master cash register receipt rolls.
- (14) Offense reports/investigations.
- (15) State uniform traffic citations and all other supporting records pertaining thereto.
- (16) Overnight parking register.
- (17) Surveillance recordings from any booking room(s) or interview room(s)
- (18) **Monitoring and Surveillance Recordings (includes traffic camera footage)**

(d) **Other records.** Officers are empowered to destroy the following records, but not less than seven (7) years after the record was effective:

- (1) Assessment rolls and related records, including record of review minutes.
- (2) Contracts and papers relating thereto.
- (3) Correspondence and communications.

- (4) Financial reports other than annual financial reports.
- (5) Insurance policies.
- (6) Justice dockets.
- (7) Oaths of office.
- (8) Reports of boards, commissions, committees and officials duplicated in the official minutes.
- (9) Resolutions and petitions.
- (10) Voter record cards.

(e) **Notice to Historical Society.** Prior to the destruction of any public record described in this section, at least sixty (60) days' notice shall be given the State Historical Society, unless otherwise indicated.

(f) **Limitation.** This section does not authorize destruction of any public record after a period less than that prescribed by statute or state administrative regulations.

(g) **Microfilm and similar devices.** Any public record may be kept and preserved by the use of microfilm or other reproductive device. Any photographic reproduction shall be deemed an original record for all purposes if it meets the applicable standards of W.S.A. §16.61(7). Once reproduced by photographic reproduction, the original document may be destroyed or otherwise disposed of.