

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES  
 ORDINANCE OF THE TOWN OF COTTAGE GROVE, WISCONSIN  
 Adopted pursuant to Sec. 25.01 of the Town of Cottage Grove Code  
 Title: Ordinance 2019-01

Code Section(s) created, amended, <del>or repealed</del>	<u>01.07 DESTRUCTION OF PUBLIC RECORDS</u> <u>22.09 REFUND OF REAL ESTATE TAX OVERPAYMENTS</u>
Presented to Board by	<u>Attorney Susan Allen</u>
Committee Review by	<u>None</u>
Date(s) Public Hearing(s) held (if required)	<u>March 18, 2019</u>
Date adopted	<u>March 18, 2019</u>
Vote	<u>5-0</u>
Date of posting of adoption of ordinance	<u>March 19, 2019</u>
Date of publication of adoption of ordinance	<u>Not Required</u>

The Town Board of the Town of Cottage Grove does ordain as follows:

TCG Ord. Section 1.07 is hereby amended to read as follows:

**01.07 DESTRUCTION OF PUBLIC RECORDS**

(1) AUTHORITY.

This destruction of public records ordinance is enacted pursuant to the authority vested in the Town by §§ 60.83 and 19.21(4) Wis. Stat.

(2) RETENTION PERIOD.

The Town has adopted the General Records Schedule for Wisconsin Municipal and Related Records as approved by the Wisconsin Public Records Board. All public records must be retained by the Town for a minimum of seven (7) years unless:

- (a) a shorter retention period has been fixed by the State of Wisconsin Public Records Board under § 16.61(3)(e) Wis. Stat.; or
- (b) a shorter retention period has been fixed by statute; or
- (c) a longer retention period has been fixed by the Public Records Board or by statute, in which case such Public Records Board or statutory retention periods shall apply.

(3) DESTRUCTION OF RECORDS.

Upon expiration of the required retention period and upon completion of any required audit by the Bureau of Municipal Audit or by a Wisconsin certified public accountant, Town officers may destroy public records of which they are legal custodians subject to the provisions of this ordinance.

(4) HISTORICAL RECORDS.

No public record may be destroyed by the Town unless the Town has given the State Historical Society of Wisconsin (SHSW) at least sixty (60) days written notice of the Town's intent to destroy the public record, or the SHSW has waived the notice requirement for such record. No public record requested by the SHSW may be destroyed until after any SHSW request for inspection has been granted.

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(5) DESTRUCTION AFTER OPEN RECORDS REQUEST FOR INSPECTION.

If an open records request is made for inspection of a public record, no such record may be destroyed until after such request is granted or until 60 days after the open records request is denied. If an action is commenced under § 19.37, Wis. Stat. the requested record may not be destroyed until after a court order is issued authorizing such destruction and all appeals have been completed. § 19.35(5), Wis. Stat.

(6) DESTRUCTION PENDING LITIGATION.

No public record subject to pending litigation may be destroyed until the litigation is resolved.

(7) PRESERVATION OF RECORDS THROUGH MICROFILM OR OTHER ELECTRONIC MEANS.

Any custodian of records may keep and preserve public records by means of microfilm or another reproductive device, optical imaging or electronic formatting. Such records shall meet the standards for reproduction set forth in Wis. Stats. §§ 16.61(7) and 16.612, and shall be considered original records for all purposes.

TCG Ord. Section 22.09 is hereby created to read as follows:

**22.09 REFUND OF REAL ESTATE TAX OVERPAYMENTS**

(1) TITLE AND PURPOSE.

The title of this ordinance is the Town of Cottage Grove Refund of Real Estate Tax Overpayments. The purpose is to reduce the burden and cost on the Town to return small amounts of money that have been overpaid on real estate tax bills.

(2) AUTHORITY.

This section is adopted pursuant to § 60.44(2), Wis. Stats.

(3) PROCEDURE.

Upon verification by the Town Treasurer that a real estate tax payment has been received in excess of the amount of the tax bill, the Town Clerk is authorized to refund the excess tax payment to the parties shown on the tax bill if it is in the amount of \$2.00 or more. If the excess payment is less than \$2.00, the Town Treasurer shall keep a record of such overpayment and return it to the taxpayer if requested in writing by the taxpayer. The Town Clerk shall keep a permanent record of those tax overpayments from year to year. The payments shall be handled in the same manner as other payments of Town bills after the Town Treasurer's February settlement of first installment tax collections with the Dane County Treasurer.

(4) EFFECTIVE DATE.

The foregoing policy, as set forth in this ordinance, shall be in full force and effect upon adoption by the Town Board and upon posting or publication as required under § 60.80, Wis. Stats.

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Adopted this 15<sup>th</sup> day of March, 2019, by a vote of 5 for, 0 against,  
with 0 abstentions.

TOWN OF COTTAGE GROVE

Kris Hampton  
Kris Hampton, Town Chair

ATTEST:

Kim Banigan  
Kim Banigan, Town Clerk

**AFFIDAVIT OF POSTING OF TOWN OF COTTAGE GROVE ORDINANCE**

STATE OF WISCONSIN    )  
  ) ss.  
COUNTY OF DANE         )

I, Kim Banigan, Cottage Grove Town Clerk, being first duly sworn, on oath, state as follows:

On March 19, 2019 the above ordinance adoption was duly posted on the Town of Cottage Grove's internet site and on the Cottage Grove Town Hall Bulletin board, all in accordance with TCG 25.01(4) and Wis. Stats., §60.80.

Kim Banigan  
Kim Banigan, Town Clerk

Subscribed and sworn to before me this 19<sup>th</sup> day of March, 2019.

Debra R. Abel  
(Signature of person authorized to administer oaths)

My commission expires March 7, 2022, or is permanent

Notary Public , or \_\_\_\_\_  
(Official title, if not a notary)



