

TITLE 3. PUBLIC BUILDINGS, RECORDS AND FINANCE

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SECTION 3.3.04. ACCESS TO PUBLIC RECORDS

(1) Definitions.

(a) “Authority” means any of the following that have 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.

(b) “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 files), 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 which are available for sale, or which are available for inspection at a public library.

(2) Legal Custodians.

(a) 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.

(b) Unless otherwise prohibited by law, the Clerk/Treasurer or the Clerk/Treasurer's designee shall act as legal custodian for the Village Board and for any board committees.

(c) For every authority not specified in subsection (a) or (b), 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.

(d) Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designate.

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

(3) Procedural Information. Pursuant to Sec. 19.34, Wis. Stats., 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.

(4) Access to records; fees.

(a) The rights of any person who requests inspection or copies of a record are governed by the provisions and guidelines of Sec. 19.35(1), Wis. Stats.

(b) Each authority shall provide any person who is authorized to inspect or copy a record which appears in written form, pursuant to Sec. 19.35(1)(b), Wis. Stats. or any person who is authorized to and requests permission to photograph a record the form of which does not permit copying pursuant to Sec. 19.35(1)(f), Wis. Stats., 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.

(c) Fees.

1. 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.

2. Each authority shall impose a fee upon the requester of 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.

3. 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.

4. 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.

5. 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.

6. Each authority may require prepayment by a requester of any fee or fees imposed under this subsection if the total amount exceeds \$5.00.

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

(5) 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 Village legal counsel before releasing any information under this section.

(Formerly Hallie Ordinance No. 125 "Ordinance Relating to Public Records")

SECTION 3.8.02. SMOKING PROHIBITED IN PUBLIC BUILDINGS

(1) The Village Board adopted Sec. 101.123, Stats., known as the Clean Indoor Air Act, in its entirety, on September 4, 2001.

(2) In accordance with Sec. 101.123, Stats., smoking is prohibited in any enclosed, indoor area in all buildings, vehicles and property owned by the Village of Lake Hallie. The smoking prohibition extends to any buildings, vehicles and property now owned or subsequently acquired by the Village of Lake Hallie.

(3) Penalty. Any person violating this Section shall be subject to forfeiture as specified in Section 1.4.02 of the Village of Lake Hallie Code.

(Resolution #2001-07, Resolution Adopting State Statute #101.123 Clean Indoor Air, Adopted Sept. 4, 2001, Effective Jan. 1, 2002)