

ORDINANCE NO. 15.08

AN ORDINANCE OF THE TOWN OF BRIDGE CREEK, WISCONSIN, ESTABLISHING FEES FOR THE REPRODUCTION, TRANSCRIPTION, PHOTOGRAPHING, LOCATING, AND MAILING/SHIPPING OF PUBLIC RECORDS PURSUANT TO WISCONSIN STATUTES § 19.35(3);

WHEREAS, the Wisconsin Public Records Law, Wis. Stat. § 19.31 et seq. (the "Law"), provides for public access to government records and authorizes public bodies to impose fees for certain costs associated with fulfilling public records requests; and

WHEREAS, the Town of Bridge Creek incurs actual, necessary, and direct costs in responding to public records requests, including but not limited to costs for reproduction, transcription, photographing, locating, and mailing or shipping of records; and

WHEREAS, it is in the best interest of the Town of Bridge Creek to establish a clear and consistent fee schedule for public records requests to recover these authorized costs and ensure efficient service to the public.

The Town Board of the Town of Bridge Creek, Eau Claire County, Wisconsin, does hereby ordain as follows:

SECTION 1. TITLE.

This ordinance shall be known as the "Public Records Fee Ordinance of the Town of Bridge Creek."

SECTION 2. AUTHORITY AND PURPOSE.

This ordinance is adopted pursuant to the authority granted by Wisconsin Statutes § 19.35(3), which permits municipalities to establish fees for the reproduction, transcription, photographing, locating, and mailing/shipping of public records. The purpose of this ordinance is to establish reasonable and uniform fees for such services to ensure the efficient and cost-effective provision of public records while recovering the actual costs incurred by the Town in fulfilling public records requests.

SECTION 3. DEFINITIONS.

For the purpose of this ordinance, the following definitions shall apply:

- (1) "Actual Cost" means the direct and actual costs incurred by the Town of Bridge Creek in responding to a public records request, including but not limited to the cost of staff time, materials, and mailing/shipping.
- (2) "Public Records" shall have the meaning set forth in Wisconsin Statutes § 19.32(2).
- (3) "Requester" means any person or entity making a public records request to the Town of Bridge Creek.

SECTION 4. ESTABLISHMENT OF FEES.

The Town Board of the Town of Bridge Creek will establish fees for services related to public records requests. Fee consideration shall include, but is not linked to: actual cost of reproduction, actual cost of materials and equipment use, actual cost of staff time (calculated at the hourly rate of the lowest-paid employee capable of performing the task), and actual cost of postage, shipping materials, and any special handling fees. The Town Board may update fees from time to time. Fees shall be charged in compliance with thresholds established by Wisconsin Statutes § 19.35(3)(b) and applicable laws.

SECTION 5. ESTIMATE OF FEES AND PREPAYMENT.

- (1) The Town Clerk or designee shall provide the requester with a written estimate of the fees prior to fulfilling the request, if the total estimated fee is expected to exceed \$5.00.

(2) The Town may require prepayment of any fee, or portion thereof, if the total estimated fee for a request exceeds \$5.00. The Town Clerk or designee shall notify the requester of the requirement for prepayment. Records will not be reproduced, transcribed, photographed, or mailed/shipped until prepayment is received.

SECTION 6. EXEMPTIONS AND WAIVERS.

(1) No fee shall be charged for the first \$50.00 of the actual, necessary, and direct cost of staff time for locating and accessing records, as provided in Wisconsin Statutes § 19.35(3)(b).

(2) The Town Clerk or designee may waive fees for a public records request if, in their discretion, the waiver is in the public interest, consistent with the Wisconsin Public Records Law, and the cost of collecting the fee would exceed the fee itself.

SECTION 7. METHOD OF PAYMENT.

All fees shall be paid by cash, check, or money order made payable to the "Town of Bridge Creek."

SECTION 8. APPEALS.

Any person aggrieved by a fee charged under this ordinance may appeal the decision to the Town Board in writing within 30 days of the fee assessment. The Town Board shall review the appeal at its next regularly scheduled meeting and issue a written decision.

SECTION 9. SEVERABILITY.

If any provision of this ordinance is found to be unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

SECTION 10. EFFECTIVE DATE.

This ordinance shall take effect upon passage and publication as required by law.

Adopted this 17th day of July, 2025.

TOWN OF BRIDGE CREEK TOWN BOARD