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VILLAGE GOVERNMENT

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VILLAGE GOVERNMENT

CHAPTER 1

Section 1.01. REGULAR AND SPECIAL MEETINGS OF THE VILLAGE BOARD.

(1) Place of Meeting. Meetings of the Board of Trustees of the Village of River Hills shall be held in the Village Hall, or at such other place as may be determined by the Board of Trustees. (Rep & Rec Ord #524, 03/18/15)

(2) Village Board Meetings. Village Board meetings shall be scheduled at such times as the Board of Trustees determines are necessary. Once the Village Board has scheduled a meeting the Village Clerk shall provide notice to the members of the Board at least 48 hours in advance of any scheduled meetings unless all of the Trustees consent verbally or in writing to the holding of such meeting without the specified advance notice. (Rep & Rec Ord #524, 03/18/15)

(3) (Deleted Ord #524, 03/18/15)

Section 1.02. BY-LAWS GOVERNING PROCEEDING OF VILLAGE BOARD.

(1) The following By-Laws shall govern the proceedings of the Village Board of Trustees, also known as the "Village Board", to-wit:

- [a] Roll call.
- [b] Reading of minutes of previous meetings; approval of same.
- [c] Presentation of accounts and vouchers; allowance or disallowance of same.
- [d] Presentation of petitions and communications.
- [e] Reports of standing committees.
- [f] Reports of special or select committees.
- [g] Reports of Village Officers.
- [h] New business.

[i] Unfinished and miscellaneous business.

[j] Adjournment.

(2) Absence of President. If the Village President is absent for any reason whatsoever at the designated time for any meeting, the senior trustee present (based upon the date of his original election or appointment as such trustee) shall call the meeting to order and shall preside as Acting President for the meeting.

(3) Calling Adjourned Meetings. The President, or President Pro Tem as above specified, shall call the Board to order at the hour to which the Board stands adjourned.

(4) Appointment of Committees. The President shall, unless otherwise ordered by the Village Board, appoint all committees.

(5) Quorum. At any and all meetings of the Board of Trustees, four members thereof shall constitute a quorum for the transaction of business.

(6) Precedence of Motions. At the time a question is in debate, no action shall be in order except the following:

[a] To adjourn.

[b] To lay on the table.

[c] To call the previous question.

[d] To postpone to a certain date.

[e] To refer to a standing, select or special committee.

[f] To amend.

[g] To postpone indefinitely.

(7) Debating; Voting on Questions, or Motions.

[a] Every Trustee present shall vote when a question is put, unless the other Trustees present shall excuse him. The President shall not be required to vote unless in case of a tie vote.

[b] If made previously to the decision of the President on the particular question

before the Board, it shall be in order to call for a decision or for the ayes and noes on all questions before the Board.

[c] It shall be in order for any member who has voted with the majority to move for a reconsideration of any vote in question at the same meeting, or at the next succeeding regular or adjourned meeting. A motion to reconsider, after being put and lost, shall not be renewed.

[d] No Trustee shall speak more than twice on the same question, if objection thereto is raised, except upon leave therefor granted by a majority of the Board members presents.

[e] Any member desirous of terminating the debate, may call the previous question when the question announced by the President shall be "Shall the main question be put?". If a majority of the members present vote in the affirmative, the main question shall be put to a vote without further debate, thereby ending all debate and bringing the Board to a direct vote, first upon the pending amendment and then upon the main question.

(8) Suspension of Rules. Any of the provisions of this section may be suspended temporarily by a vote of a majority of the Trustees present at any meeting.

(9) General Rules of Order. The deliberations of the Village Board, while in session, shall be governed by the manual of parliamentary practice commonly known as the "Robert's Rules of Order", except when otherwise limited or modified by this Chapter.

(10) Amendment to By-Laws. The By-Laws set forth in this section, may be amended, altered or repealed in whole or in part at any regular meeting, or at any special meeting called for that purpose, by a three-fourths vote of the entire Board of Trustees.

Section 1.03. FINANCIAL PROCEDURE. Pursuant to the provisions of Section 66.0609, Wisconsin Statutes, an alternative system for the approval of financial claims against the Village of River Hills Treasury is hereby provided, to-wit:

(1) Auditing and Approving Claim. Payment of a claim other than claims subject to Section 893.80 Stats., may be made from the Village Treasury provided that the Village Clerk shall have audited and approved each claim and he or she and the Village Manager shall have each endorsed their approval thereon, after determining that there has been a compliance with the following conditions, to-wit:

[a] That the funds are available therefor, pursuant to the budget approved by the Village Board.

[b] That the item or service covered by such claim has been duly authorized by

the proper official, department head, board or committee.

[c] That the item or service has been actually supplied or rendered in conformity with such authorization.

[d] That the claim is just and valid, pursuant to law.

The Clerk may require the submission of such proof and evidence to support the foregoing as he or she may deem necessary in his or her discretion.

(2) List of Claims Filed Monthly. The Village Clerk shall file with the Village Board, at each monthly meeting of the Board, a list of the claims approved, showing the date paid, the name of the claimant and the purpose and amount thereof. The Village Board shall thereupon, by motion, approve or disapprove the said list of claims.

(3) Detailed Annual Audit. There shall be an annual detailed audit of the financial transactions and accounts of the Village of River Hills by a public accountant licensed under the provisions of Chapter 442, Stats., the designation to be made by the Village Board.

(4) Clerk's Fidelity Bond. In order that the procedure outlined in this section may be applicable, the Village Clerk is hereby required to furnish to the Village a fidelity bond of not less than Twenty Thousand (\$20,000.00) Dollars. (Rep & Rec Ord #537, 10/16/19)

(5) Claim Procedure Inapplicable. The claim procedure required by Sections 62.25(1) and 61.51, Wis. Stats. And other relevant provisions, except Section 893.80, Stats., shall not be applicable to the Village of River Hills.

(6) Village Treasury Disbursements. Pursuant to the provisions of Section 66.0607(3) of Wisconsin Stats., all disbursements from the Village Treasury shall be by order check signed by the Village Clerk and Village Treasurer, or their duly authorized deputies. All checks in excess of Twenty-Five Thousand (\$25,000.00) Dollars shall be countersigned by the Village President. (Rep & Rec Ord #537, 10/16/19)

Section 1.04. REMITTANCE OF COUNTY TAXES.

(1) Obligation of Village. Pursuant to Section 70.67, Wis. Stats., the Village Treasurer shall not be required to give a bond to the Treasurer of Milwaukee County. The Village board hereby agrees, binds and obligates the Village of River Hills to pay to the Treasurer of Milwaukee County, in case the Village Treasurer or successor shall fail so to do, all taxes of any kind required to be paid to the County Treasurer and coming into the Village Treasurer's hands.

(2) Extension of Treasurer's Bond. The Official Bond, executed by the Village Treasurer to the Village, pursuant to Section 19.01, Wis. Stats., shall extend to and include the liability incurred by the Village of River Hills by virtue of subsection (1) hereof.

Section 1.05. OFFICE OF VILLAGE MANAGER.

(1) Creation of Office; Appointment; Termination. There is hereby created the office of "Village Manager". The said party shall be appointed to said position by the Village President, subject to confirmation by vote of two-thirds of the Village Trustees, for a term of indefinite duration, subject to termination upon thirty (30) days' prior written notice by either the Village Board or the said Village Manager to the other. The employment of the Village Manager may be terminated by the Village Board for cause at any time.

(2) Administration of Office. The Village Manager shall be the chief administrative officer of the Village, subject to such limitations as may from time to time be in effect by virtue of resolution or ordinance of the Village. The Manager shall be responsible to the Village Board for the proper administration of the business affairs of the Village in accordance with the Wisconsin Statutes and the ordinances and resolutions of the Village.

(3) Powers and Duties. The Village Manager shall have the following powers and duties, to-wit:

[a] To attend all meetings of the Village Board unless excused by the Board.

[b] To keep the Village Board advised concerning developments pertaining to the Village administration, business affairs.

[c] To make recommendations from time to time for the improvement of the efficiency and quality of the services performed by the Village.

[d] To appoint, and when necessary for the good of the service, suspend or remove employees of the Village, except as he or she may authorize the head of a department or office to appoint, suspend, or remove subordinates in such department or office.

[e] To perform, ex-officio, the duties of superintendent of the Police and Fire Departments of said Village.

[f] To have charge of the operation and maintenance of all Village owned property, lands, buildings, improvements, and equipment, and all public ways, ditches, drains, storm sewers, water mains and water hydrants.

[g] To take charge of the construction of all public ways, public works and improvements, undertaken directly by the Village of River Hills.

[h] To purchase all items of materials, supplies, or equipment, for which funds are provided in the budget; and to obtain three bids in each case, if feasible. (Rep & Rec Ord #537, 10/16/19)

[i] To recommend to the Village Board from time to time the purchase of items of materials, supplies or equipment. (Rep & Rec Ord #537, 10/16/19)

[j] To prepare and submit annually to the Village board, as of the end of each fiscal year, a complete report on the financial condition and administrative activities of the Village for such year.

[k] To prepare and submit annually to the Village Board a financial budget of anticipated income and expenditures for the ensuing fiscal year; and to supervise the administration of such budget as adopted.

[l] To perform such other duties as may be delegated to the Manager by the Village Board, or any committee thereof.

Section 1.06. BOARD OF REVIEW.

(1) Membership. Pursuant to Section 70.46 of Wisconsin Statutes, the Board of Review of the Village of River Hills shall consist of five (5) Village resident members. The Village resident members shall be appointed by the Village President, which appointments shall be confirmed by the Village Board. In addition, the Village President shall appoint four (4) Village residents as alternate members of the Board of Review in addition to the five (5) members provided for above. The appointment of alternate members shall be confirmed by the Village Board. Alternate members shall act with full power only when one or more of the five members of the Board of Review are absent.

(2) Term. The Village resident members, including alternate members, shall serve from the time of their appointment until the succeeding first day of May, without compensation.

(3) Confidentiality of Income and Expense Information. Whenever the Assessor, in the performance of the Assessor’s duties, requests or obtains income and expense information pursuant to Section 70.47(7)(af), Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that said information may be revealed to and used by persons: in the discharge of duties imposed by law; in the discharge of duties imposed by office (including, but

not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), Stats., is not subject to the right of inspection and copying under Section 19.35(1), stats., unless a court determines that it is inaccurate.

Section 1.07. PLAN COMMISSION.

(1) Creation; Authority and Powers. Pursuant to Sections 61.35 and 62.23 of the Wisconsin Statutes, there is hereby created a "PLAN COMMISSION" for the Village of River Hills. Said Plan Commission is hereby invested with all the authority and powers specified and delegated to the Village Plan Commission, pursuant to Section 62.23 and acts amendatory thereof and supplementary thereto.

(2) Membership. The Plan Commission shall at all times consist of nine (9) members composed of the following: The President of the Village who shall be the chairman of the Plan Commission, a Trustee of the Village and seven (7) citizens of the Village. The citizen members shall be persons of experience and qualifications and shall receive no compensation for services on the Commission.

(3) Appointment.

[a] The Trustee member of the Commission and the seven (7) citizen members shall be appointed by the Village President which appointments shall be confirmed by the Village Board.

[b] The Trustee member of said Commission shall be appointed in April of each year for a period ending one (1) year from the succeeding first day of May, and three (3) citizen members of the Commission shall be appointed to hold office for a period ending one (1) year from the succeeding first day of May, two (2) of the citizen members shall be appointed to hold office for a period ending two (2) years from the succeeding first day of May, and two (2) of said citizen members shall be appointed to hold office for a period ending three (3) years from the succeeding first day of May, and thereafter, annually during April such citizen members whose term is expiring shall be appointed for a term of three (3) years from the succeeding first day of May. A vacancy on the Plan Commission shall be filled for the remainder of the unexpired term in the same manner as the original appointment of that person. (Ord. 558, 03/09/22)

Section 1.08. PUBLIC WORKS-ADOPTION OF SECTION 62.15, WISCONSIN STATUTES. Pursuant to the authority set forth in Section 61.56, Wisconsin Statutes, the provisions of Section 62.15 Wisconsin Statutes, relating to "Public Works", are hereby adopted by

the Village of River Hills.

Section 1.09. POSTING NOTICES AND OFFICIAL BULLETIN BOARDS.

(1) Except when otherwise required by law to publish a notice in a newspaper, the Village Clerk shall post official notices and ordinances in one of the two following ways:

(a) on at least one of the official bulletin boards listed below and on the Internet site maintained by the Village; or

(b) on each of the three official bulletin boards listed below.

(2) Location of Official Bulletin Boards. There are hereby established, as locations for public bulletin boards, within the Village of River Hills, for the purpose of posting of official notices and ordinances of the said Village, the following designated points and places:

(a) One at the intersection of Range Line Road and the Dean Road.

(b) One at or about 1100 West Heather Lane.

(b) One at the Village Hall. (Rep. & Rec. 04/16/14, Ord #520; Rep. & Rec. 05/18/16, Ord #527)

Section 1.10. MUNICIPAL COURT.

(1) Creation. Pursuant to the authority granted by the Wisconsin Statutes, there is hereby created the Municipal Court for the Village of River Hills, Milwaukee County, Wisconsin.

(2) Office of Municipal Judge Created. Pursuant to the authority granted by the Wisconsin Statutes, there is hereby created the office of Judge of the Municipal Court for the Village of River Hills, Milwaukee County, Wisconsin.

(3) Election, Term. The Municipal Judge shall be elected at large for a term of four (4) years commencing on May 1, succeeding his election.

(4) Salary. The Municipal Judge shall receive a salary as determined from time to time by the Village Board, which salary shall be in lieu of fees and costs. No salary shall be paid to the Municipal Judge for any time during his term for which he has not executed and filed his official bond and oath as required by this Ordinance.

(5) Bond, Oath. The Municipal Judge shall execute and file with the Clerk of the

Circuit Court for Milwaukee County, WI, the oath prescribed by Section 757.02 Wis. Stats., and a Bond in the penal sum of One thousand (\$1,000.00) Dollars.

(6) Jurisdiction. The Municipal Judge shall have such jurisdiction as is provided by law.

(7) Procedure.

[a] The Municipal Court for the Village of River Hills shall be in session at such times as determined by the Municipal Judge.

[b] The Municipal Judge shall keep his office and hold Court in the Village Hall of the Village of River Hills.

[c] The procedure in the Municipal Court for the Village of River Hills shall be as provided by this Ordinance and the Wisconsin Statutes, including, but not limited to, Chapters 66, 755, 778, and 800.

[d] The Municipal Judge shall order the payment directly to the Village Treasurer of all forfeitures, fees, penalty assessments and costs in all actions or proceedings for violation of Village Ordinances.

(8) Municipal Court Authority to Impose Alternative Juvenile Dispositions and Sanctions.

[a] Pursuant to Section 938.17(2)(cm), Wis. Stats., the River Hills Municipal Court, upon finding that a juvenile has violated a municipal ordinance, is authorized to impose any of the dispositions listed in Sections 938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes.

[b] Pursuant to Section 938.17(2)(cm), Wis. Stats., the River Hills Municipal Court, upon finding that a juvenile has violated a municipal ordinance and a subsequent condition of a dispositional order of the Municipal Court issued under Section 938.343 or 938.344, Wis. Stats., is authorized to impose any of the sanctions listed in Section 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.

(9) Contempt: Jail Sentence.

[a] The Municipal Judge may impose a forfeiture in an amount not to exceed two hundred (\$200.00) Dollars for contempt of court, as defined in and in accordance with the procedures established under Section 800.12 Wis. Stats.

[b] The Municipal Judge may also impose a imprisonment in the county jail not to exceed seven (7) days for contempt of court as set forth under Section 800.12 Wis. Stats. (Rep. & Rec. Ord # 517, 12/14/11)

Section 1.11. ELECTION OFFICIALS. At every election held in the Village of River Hills there shall be three (3) inspectors and two (2) ballot clerks. The inspectors shall also act as clerks of election, and perform all duties assigned to such clerks of election by the Wisconsin Statutes.

Election workers may work in shifts of several hours on election days as established at the discretion of the Village Clerk. (Rep. & Rec. 09/16/20, Ord #544)

Section 1.12. POLL HOURS. The polls at any election held within the Village of River Hills shall be open from seven (7:00) a.m. until eight (8:00) p.m.

Section 1.13. WARDS.

(Rep. Ord 554, 11/17/2021)

Section 1.14 PROPERTY TAX COLLECTIONS.

(1) Definitions:

[a] "General Property Taxes" means taxes levied upon general property, as defined in §70.02, Wis. Stats., and measured by the property's value.

[b] "Special Assessment" means an amount entered in the tax roll as an assessment against real property to compensate for all or part of the costs of public work or improvements which benefit the property. "Special Assessment" includes any interest and penalties assessed for nonpayment of the special assessment before it is placed in the tax roll.

[c] "Special Charge" means an amount entered in the tax roll as a charge against real property to compensate for all or part of the costs to a public body of providing services to the property. "Special Charges" includes any interest and penalties assessed for nonpayment of the special charge before it is placed in the tax roll. "Special Charge" also includes penalties under Section 70.995(12), Wis. Stats.

[d] "Special Tax" means any amount entered in the tax roll which is not a general property tax, special assessment or special charge. "Special Tax" includes any interest and penalties assessed for nonpayment of the tax before it is placed in the tax roll.

(2) Real Property Tax Payments.

[a] Real property taxes levied in the Village of River Hills shall be paid in one of the following ways:

1. In full on or before January 31, or in installments as follows:
2. The real property taxes may be paid in three installments. Each installment is due, in the percentages shown, on the last day of the designated months.
 - a. The first installment - January; 50% of the real property taxes levied shall be paid on or before the last day of January.
 - b. The second installment - March; 25% of the real property taxes levied shall be paid on or before the last day of March.
 - c. The third installment - May; 25% of the real property taxes levied shall be paid on or before the last day of May.
3. The minimum amount for installments is \$100.00 and the taxpayer must pay the remaining unpaid balance on any installment date.
4. Option to pay balance. On any installment date or any prior date, a taxpayer may pay the balance of the taxes due.
5. All special assessments, special charges, and special taxes that are placed on the tax roll shall be paid in full on or before January 31 and any amounts unpaid as of that date are delinquent as of February 1.
6. If any special assessments, special charges, or special taxes are entered in the tax roll as charges against a parcel of real property and are delinquent under subparagraph 5 above, the entire amount of the real property taxes on that parcel which is unpaid is delinquent as of February 1.
7. If the first installment of real property taxes is not paid on or before January 31, or if the second or any subsequent installment payment of real property taxes is not paid by the due date specified in subparagraph 2 above, the entire amount of the taxes that remain unpaid on that parcel are delinquent as of the first day of the month after the payment is due.
8. All taxes on personal property shall be paid in full on or before January 31 and any amounts of said taxes unpaid as of that date are delinquent as of February 1.

(3) Delinquent Payments; To Whom Paid.

[a] All general property taxes, special assessments, special charges and special taxes that become delinquent and are paid on or before July 31, shall be paid, together with interest and penalties charged from the preceding February 1, to the Village Treasurer.

[b] All general property taxes, special assessments, special charges, and special taxes that become delinquent and are not paid on or before July 31 to the Village Treasurer, shall be paid together with interest and penalties charged from the preceding February 1, to the County Treasurer.

(4) Collection By Village Treasurer. The Village Treasurer shall retain the tax roll and make collections through July 31. On or before August 15 of each year the Village Treasurer shall return the tax roll to the County Treasurer who shall collect all returned delinquent real property taxes, special assessments, special charges and special taxes, together with interest and penalties assessed from the previous February 1, all as provided under Section 74.47, Wis. Stats.

(5) Payment Priority.

[a] If the Village Treasurer received a payment from a taxpayer which is not sufficient to pay all general property taxes, special charges, special assessments and special taxes due, the treasurer shall apply the payment to the amounts due, including interest and penalties, in the following order:

1. Special charges.
2. Special assessments.
3. Special taxes.
4. General property taxes.

[b] The allocation under subsection (a) above is conclusive for purposes of settlement under §74.25 to 74.30, Wis. Stats. and for determining delinquencies under this ordinance.

Section 1.15. PUBLIC RECORDS.

(1) Definitions.

[a] "Authority" means any of the following Village entities having custody of a Village record: an officer, 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 sub-unit of the foregoing.

[b] "Custodian" means that officer, department head, division head, or employee of the Village designated under sub. (3) or otherwise responsible by law to keep and preserve any Village records or file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public record and who is required by this section to respond to requests for access to such records.

[c] "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 inspection at a public library.

(2) Duty to Maintain Records.

[a] Except as otherwise provided by law, each officer and employee of the Village shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officer or employees.

[b] Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefor to the officer or employee, who shall file said receipt with the Village Clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

(3) Legal Custodian(s).

[a] The Village Clerk, or in his or her absence or disability or in case of vacancy, the Acting Clerk, is hereby designated the legal custodian of all Village records with the exception that the Chief of the Police and Fire Departments, or in his absence, the officer in charge of the Departments, is hereby designated the legal custodian of all records of said departments.

[b] Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designee.

[c] The legal custodian shall have full legal power to render decisions and carry out the duties of an authority under sub. ch. II of ch. 19, Stats., and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

(4) Public Access to Records.

[a] Except as provided in sub. (6), any person has a right to inspect a record and to make or receive a copy of any record, as provided in Section 19.35(1), Stats.

[b] Records will be available for inspection and copying during all regular office hours.

[c] A requester shall be permitted to use facilities comparable to those available to Village employees to inspect, copy or abstract a record.

[d] The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

[e] A requester shall be charged a fee to defray the cost of locating and copying records as follows:

1. The cost of photocopying shall be as set forth in the schedule of fees as adopted and subject to amendment from time to time by resolution of the Village Board. The Resolution and the applicable schedule of fees shall be kept on file in the Office of the Village Clerk and will be posted on the village website. Said cost has been calculated not to exceed the actual, necessary and direct cost of reproduction. (Rep & Rec Ord #537, 10/16/19)

[f] Pursuant to Section 19.34, 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. Each authority shall also prominently display at its offices, for the guidance of the public, a copy of subs. (4) through (6) of this ordinance. This subsection does not apply to members of the Village Board.

(5) Access Procedures.

[a] A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Section 19.37, Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under sub. (4)(e) 6. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

[b] Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the Village Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.

[c] A request for a record may be denied as provided in sub (6). If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five (5) business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record were made in writing, then the determination is subject to review upon petition for a writ of mandamus under Section 19.37(1), Stats., or upon application to the attorney general or a district attorney.

(6) Limitations on Right to Access.

[a] As provided by Section 19.36 Stats., the following records are exempt from inspection under this section:

1. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
2. Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;

3. Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and

4. A record or any portion of a record containing information qualifying as a common law trade secret.

[b] As provided by Section 43.30, Stats., public library circulation records are exempt from inspection under this section.

[c] In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Village Attorney, may deny the request in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:

1. Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.

2. Records of current deliberations after a quasi-judicial hearing.

3. Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any Village Officer or employee, unless such officer or employee consents to such disclosure.

4. Records concerning current strategy for crime detection or prevention.

5. Records of current deliberations or negotiations on the purchase of Village property, investing of Village funds or other Village business whenever competitive or bargaining reasons require nondisclosure.

6. Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.

7. Communications between legal counsel for the Village and any officer, agent or employee of the Village, when advice is being rendered concerning strategy with respect to current litigation in which the Village or any of its officers, agents or employees is or

is likely to become involved, or communications which are privileged under Section 905.03, Stats.

[d] If a record contains information that may be made public and information that may not be made public, the custodian 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. The custodian shall confer with the Village Attorney prior to releasing any such record and shall follow the guidance of the Village Attorney when separating out the exempt material. If in the judgment of the custodian and the Village Attorney there is no feasible way to separate the exempt material from the non-exempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

(7) Preservation Through Microfilm. Any Village officer, or the department head of any department of Village government may, subject to the approval of the Village Board, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction methods. Such records shall meet the standards for photographic reproduction set forth in Section 16.61(7)(a) and (b) Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of subs (4) through (6) of this ordinance.

(8) Severability. The provisions of this ordinance are severable. If a section, subsection, paragraph, sentence, clause or phrase shall be adjudged by a Court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance.

(9) Retention of Public Records.

[a] *General Records Schedule Adopted.* The Village of River Hills hereby adopts, by reference, the Wisconsin Municipal Records Schedule with the addition of the “Risk Management & Related Records” (hereinafter “Records Schedule”), pertaining to the retention and destruction of public records, and approved by the State of Wisconsin Public Records Board (hereinafter, “Records Board”) on August 27, 2018. A copy of the Records Schedules will be kept on file in the Village Clerk’s office located at 7650 N. Pheasant Lane, River Hills, WI and made available for public viewing during business hours.

[b] *Other Records.* In the event the Village creates a record not contemplated by the Records Schedule, the Village may, subject to the Records Board’s prior approval, either adopt an applicable records retention schedule set forth by the Records Board, if available, or create its own retention schedule pertaining to the record.

[c] *Repeal.* All ordinances, or portions thereof, and resolutions or portions thereof, in conflict with any portion of the Records Schedule are hereby repealed. Any approved

Village retention schedule, or portion thereof, for any record not contemplated by the Records Schedule shall remain in full force and effect. (Cr. 05/15/19, Ord # 532)

Section 1.16. BOARD OF HEALTH.

(1) North Shore Health Department authorized. The North Shore Health Department authorized to and shall provide public health services for the Village of River Hills pursuant to an intergovernmental agreement between the Village of River Hills and other North Shore municipalities, (“Agreement for Public Health Services, North Shore Health Department”) as such agreement shall be amended from time to time, and it shall be the Village of River Hills Health Department.

(2) Board of Health. The North Shore Health Department Board of Health shall be the Board of Health for the Village of River Hills.

(3) Composition.

[a] The Board of Health shall consist of one representative from the Villages of Bayside, Brown Deer, Fox Point, River Hills, Shorewood and Whitefish Bay and the City of Glendale. Each community’s representative shall serve for a term of two years. The Board of Health shall have a Medical Officer that shall be a member of the North Shore Health Department Board of Health and shall be appointed by the Board of Health for a two-year term. The health officer to the North Shore Health Department shall be staff representatives to the Board.

[b] Each person appointed to represent a municipality shall have demonstrated interest or competence in the field of public health or community health. Appointments made to the board of health shall consist of no more than nine members, and at least three of these members shall be persons who are not elected officials or employees of the governing bodies. A good faith effort shall be made to appoint a registered nurse and a physician. The Board of Health should reflect the diversity of constituents served.

(4) Appointment to Board of Health. The Village of River Hills representative shall be appointed by the Village President for a two-year term, subject to confirmation by the Village Board.

(5) Selection of officers. The Board of Health shall annually elect a chair and clerk at its first meeting of each calendar year. The director of the North Shore Health Department or his/her designee shall record minutes for Board of Health meetings.

(6) Meetings. All meetings of the North Shore Health Department Board of Health shall be properly posted and notice given in accordance with state open meeting law. Meetings

shall be held at least quarterly. The board of health may meet more often, on an as-needed basis, at the call of the chair, so long as the meeting is properly posted and notice given in accordance with Wis. Stats. 19.84.

(7) Jurisdiction and duties.

[a] The Board of Health shall govern the North Shore Health Department and ensure the enforcement of state public health statutes and public health rules of the department, subject to the “Agreement for Public Health Services, North Shore Health Department” and applicable ordinances of each participating municipality.

[b] Specifically, the Board of Health shall:

1. Assist in determining public health needs and advocate for the provision of reasonable and necessary public health services.
2. Develop policy and provide leadership that fosters local involvement and commitment, that emphasizes public health needs and that advocates equitable distribution of public health resources and complementary private activities commensurate with public health needs.
3. Ensure conformance with the “Agreement for Public Health Services, North Shore Health Department.”
4. Assure that measures are taken to provide an environment in which individuals can be healthy.
5. Assure that the North Shore Health Department is a Level II or III health department, as specified in Wis. Stats. 251.04(1) and (2).

(8) Health Officer. The North Shore Health Department shall provide a Health Officer for the Village of River Hills pursuant to the intergovernmental Agreement for Public Health Services, North Shore Health Department between the Village of River Hills and other North Shore municipalities and the Health Officer of the North Shore Health Department shall be the Health Officer for the Village of River Hills. (Rep. & Rec. Ord 528, 07/20/16)

Section 1.17 CODE OF ETHICS.

(1) Declaration Of Policy. The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that

public service not be used for personal gain; and that the public have confidence in the integrity of government. In recognition of these goals, there is hereby established a Code of Ethics for all Village of River Hills officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees, and commissions of the Village, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the Village. The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Village of River Hills. The provisions and purpose of this Code of Ethics and such rules and regulations as may be established are hereby declared to be in the best interests of the Village of river Hills, and are promulgated under the authority granted to the Village of River Hills pursuant to Section 19.59(lm), Wisconsin Statutes.

(2) Statutory Standards of Conduct. There are certain provisions of the Wisconsin Statutes which should be considered by public officials and employees. Although not part of this Code of Ethics, they are listed below:

- 946.10 - Bribery of Public Officers and Employees
- 946.11 - Special Privileges from Public Utilities
- 946.12 - Misconduct in Public Office
- 946.13 - Private Interest in Public Contract Prohibited

(3) Responsibilities of Public Office. Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the constitution of this state, to carry out impartially the laws of the nation, state, and municipality, to observe in their official acts the highest standards of morality, and to discharge faithfully the duties of their office regardless of personal considerations.

(4) Dedicated Service. All officials and employees of the Village of River Hills should be loyal to the objectives expressed by the electorate and the programs developed to attain these objectives. Appointive officials and employees should adhere to the rules of work and performance established as the standard for their position by the appropriate authority.

Officials and employees should not exceed their authority, or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.

(5) Standards of Conduct. Certain provisions of the Wisconsin Statutes, while not set forth herein, should be considered an integral part of this Code of Ethics. The provisions of the following sections of the Wisconsin Statutes are incorporated herein by reference and are made a part of this Code and shall apply to all officials and employees whenever applicable:

- Wisconsin Code of Ethics for Local Government Employees
- 19.42 (7u)

19.42 (7w)

19.59

19.85(1)(h)

(6) Use of Public Property. No public official or employee shall request, use, or permit the use of Village-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided for the use of such official or employee in the conduct of official business, or under the terms of employment.

(7) Conflict of Interest. No official or employee whether paid or unpaid shall engage in any business of transaction or shall act in regard to financial or other personal direct or indirect interest which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this ordinance or which would tend to impair independence or judgement or action in the performance of official duties.

(8) Advisory Opinion. Any questions as to the interpretation or application of any provision of the Code of Ethics shall be referred to the Ethics Board. The Ethics Board may issue advisory opinions in accordance with Section 19.59 Wis. Stats., or may authorize the Village Attorney to act in its place where delay would be of substantial inconvenience or detrimental to the requesting party.

(9) Creation of Ethics Board. There is hereby created an Ethics Board to consist of 3 members. The membership of the Ethics Board shall consist of 3 citizens. The Village Manager shall provide necessary staff assistance to the Ethics Board and shall serve as its secretary, but shall not vote. The Village Attorney shall furnish the Ethics Board whatever legal assistance is necessary to carry out its functions.

The members of the Ethics Board shall be appointed by the Village President subject to confirmation by the Village Board. Terms of office of the members shall be 3 years except that when the initial appointments are made, 1 member shall be appointed for 1 year, 1 member for 2 years, and 1 for three years. Vacancies shall be filled by appointment to complete the term and shall be made in the same manner as the original appointment. Members of the Ethics Board shall be limited to serving two full three year terms. After an absence of one term, a member may be appointed for two additional terms. The members of the Ethics Board shall be residents of River Hills and shall not be elected officials, appointed officials, village employees, or concurrently serving on any other village board, committee, or commission.

In the event a member of the Ethics Board is allegedly involved in an Ethics Code violation, the Village President, subject to confirmation by the Village Board, shall appoint another individual to replace temporarily the member of the Ethics Board who is under investigation.

(10) Jurisdiction of Ethics Board. The Ethics Board shall administer and enforce the provisions of this Code of Ethics except as enforced by the District Attorney under Chapter 19 of the Wisconsin Statutes.

The Ethics Board shall elect its own chairperson and vice-chairperson and shall develop written rules of procedure which shall be submitted to the Village Board for approval.

The Ethics Board may make recommendations concerning amendments to this Code of Ethics which shall be submitted to the Village Board for approval.

Either on its own motion or on sworn complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this Code, the Ethics board shall conduct an investigation of the facts of such allegations. If the investigation indicates that no probable cause exists to believe that a violation of this Code has occurred, the complaint shall be dismissed and no further action taken. If the Ethics Board concludes that probable cause exists, it shall conduct a public hearing in accordance with the requirements of due process of law. The Ethics Board shall, in written findings of fact and conclusions, make a determination concerning the propriety of the conduct of the subject official or employee. If the Ethics Board determines that this Code has been violated, it shall make a determination of sanctions to be imposed, if any.

Records of the Ethic Board's opinions, opinion requests, and investigations of violation of the Code of Ethics of the Village of River Hills may be closed to public inspection in whole or in part, except that the Ethics Board shall permit inspection of records that are made public in the course of a hearing held to determine if a violation of the Code of Ethics has occurred.

(11) Sanctions. A determination that an official's or employee's actions constitute improper conduct under the provisions of this Code of Ethics may constitute a cause for suspension, removal from office or employment, or other disciplinary action. As an alternative or an addition to the sanctions imposed herein, an official or employee may be subject to a forfeiture of not less than \$25.00 nor more than \$1,000.00 for each violation.

(12) Severability. If any provision of this Code of Ethics is invalid or unconstitutional, or if the application of this Code of Ethics to any person or circumstances is invalid or unconstitutional, as determined by a Court of Record, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Code of Ethics which can be given effect without the invalid or unconstitutional provision or application.

Section 1.18. TREE COMMISSION.

(1) Definition.

[a] Street Trees: “Street Trees” are herein defined as trees, shrubs, bushes, and all other wood vegetation on all Village owned land or Right of Way within the Village limits.

[b] Park Trees: “Park Trees” are herein defined as trees, shrubs, bushes, and all other woody vegetation in public areas having individual significance or identification owned by the Village, to which the public has free access as a park.

(2) Term, Compensation, Operation and Duties of Tree Commission. The Tree Commission was created by Resolution 2013-04 of the Village Board on January 16, 2013 which appointed the members of the Committee on the Environment as the members of the Tree Commission whose terms of office on the Tree Commission shall run concurrently with their terms of office on the Committee on the Environment. The members of the Tree Commission shall serve without compensation. The Tree Commission shall choose its own officers and keep minutes of its proceedings. A majority of the members shall be a quorum for the transaction of business and it shall meet as it determines necessary. It shall be the responsibility of the Tree Commission to review the efforts of the Village staff to preserve, prune, plant, replant, remove or dispose of trees and shrubs in parks, along streets and in other public areas. The Tree Commission when requested by the Village Manager may make recommendations to the Village board on matters coming within the scope of its responsibilities.

(3) Spacing, Distance and Type of Street Tree Species to be Planted.

[a] Spacing. The spacing of Street Trees will be generally in accordance with the tree species size classes listed below in (c).

[b] Distance. The distance trees may be planted from the edge of road pavement or curbs or curb lines and sidewalks will be in accordance with the tree species size classes listed below in (c).

[c] List of permitted Tree Species. The following list of small, medium and large trees constitute the official Street Tree species for River Hills, WI. No species other than those included in this list may be planted as Street Trees without written permission of the Village Tree Commission.

Small Trees

- Apricot
- Crabapple, Flowering
- Hawthorne
- Pear, Bradford
- Redbud
- Soapberry

Medium Trees

- Ash, Green
- Hackberry
- Honey locust (thorn less)
- Linden or Basswood
- Oak, English
- Oak, Red

Large Trees

- Maple, Silver
- Maple, Sugar
- Oak, Burr
- Sycamore

Lilac, Japanese	Pagoda tree, Japanese
Peach, Flowering	Pecan
Plum, Purple leaf	Birch, River
Serviceberry	Persimmon
	Poplar, White
	Sassafras

(4) Utilities. No Street Trees other than those species listed as Small Trees in (3)(c) above should be planted under or within 10 lateral feet of any overhead utility wire, or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

(5) Public Tree Care. The Village may plant, prune, maintain and remove street or public area trees, plants and shrubs, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(6) Pruning and Corner Clearance. The owner of any tree overhanging any street or right-of-way within the Village shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the light from any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk and if such branches obstruct traffic control devices or signs or the sight lines or visibility for users of the street at corners or intersections. Said owner shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a hazard or danger to the safety of the public. The Village shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign or the visibility for users of the street at any corners or intersections.

(7) Review by Village Board. The Village Board shall have the right to review the conduct, acts and decisions of the Tree Commission. Any person may appeal from any action of the Tree Commission to the Village Board who may hear the matter and make a final decision.

(8) Penalties. The penalty and enforcement provisions of Section 2.15 of Chapter Two (2) of the General Ordinances of the Village of River Hills are hereby made applicable to any violations of this section. (Cr. Ord # 518, 03/13/13)