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POLICE AND FIRE REGULATIONS

CHAPTER 2

Section 2.01. NOISY, DRUNKEN OR DISORDERLY CONDUCT. Any person who shall use any vulgar or obscene language, or who shall make use of any loud, boisterous, insulting or threatening language, or who shall refuse to abide by an orderly ruling made by a person in authority, or who shall engage in any violent, abusive, loud, boisterous, vulgar, wanton, obscene, or other disorderly conduct, tending to create or provoke a breach of the peace or to disturb or annoy others, whether in a business, private or public place, or upon any private or public lands, streets, roads, or highways within the Village of River hills, shall be subject upon conviction to a forfeiture of not less than Ten (\$10.00) Dollars nor more than Five Hundred (\$500.00) Dollars, and the costs of the action; and in default thereof, shall be subject to imprisonment in the County Jail or the House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs, have been paid, but in any event, not to exceed thirty (30) days.

Section 2.015. CONCEALED WEAPONS.

(1) It shall be unlawful for any person, except those listed in subsections 2.015 (1) (a) – (e) below, to carry or go armed with a concealed and dangerous weapon and upon conviction, shall be subject to a penalty as set forth in Section 2.15 of Chapter Two (2) of the General Ordinances of the Village of River Hills.

(a) A law enforcement officer as set forth in s. 941.23, Wis. stats.

(b) A qualified out-of-state law enforcement officer as set forth in s. 941.23, Wis. stats.

(c) A former law enforcement officer as set forth in s. 941.23, Wis. stats.

(d) A person that is licensed to carry a concealed or dangerous weapon, pursuant to the provisions of Wisconsin law including s. 175.60 Wis. stats., or pursuant to an out-of-state licensee, as defined in s. 175.60 (1) (g), Wis. stats., if the dangerous weapon is a weapon, as defined under s. 175.60 (1) (j) Wis. stats.

(e) A person who carries a concealed and dangerous weapon, as defined in s.175.60(1)(j) Wis. stats., in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies.

(2) A "dangerous weapon" as used in subsection (1) means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm or any other device or instrumentality which, in the manner in which it is used or intended to be used, is calculated or likely to produce death or great bodily harm." (Rep. & Rec. Ord 515, 10/19/11)

Section 2.02. INDECENT CONDUCT, EXHIBITION OR EXPOSURE. Any person who shall, within the limits of this Village, make any indecent, immodest or immoral exhibition or exposure of his or her person, or cause or procure any other person so to do, or to be guilty of any such indecent exposure or exhibition or any indecent conduct in any automobile or other vehicle, parked or in motion, in any place where any other person might see the same, or in any public house or place where a number of persons may be assembled, shall be subject upon conviction to a forfeiture of not less than Ten (\$10.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each and every offense, and the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or the House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs, have been paid, but in any event not to exceed thirty (30) days.

Section 2.03. TRESPASS.

(1) Entering Upon Property. Any person who shall willfully drive or park any automobile or any other motor or horsedrawn vehicle, or who shall ride or drive any horse or other animal, or who shall drive or permit any cattle to go upon, or who shall enter upon, walk over, occupy, prowl or loiter upon, or in any other manner, use any lane, roadway, lands or premises owned or lawfully occupied by another, within the Village of River Hills without the consent or permission of the owner or occupant thereof, the burden of proof to show such consent or permission being upon such accused person, shall be guilty of trespass and upon conviction, shall be subject to a forfeiture of not less than Ten (\$10.00) Dollars nor more than Five Hundred (\$500.00) Dollars, and the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or the House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs, have been paid, but in any event not to exceed thirty (30) days. Each day upon which such trespass shall occur, shall constitute a separate offense.

(2) Damage, Destruction or Removal. Any person willfully, maliciously or wantonly committing any of the following acts, without the permission or consent of the owner or lawful occupant of the said property, the burden of proof to show such permission or consent being upon the accused person, shall be guilty of malicious trespass and upon conviction shall be subject to a forfeiture of not less than Ten (\$10.00) Dollars nor more than Five Hundred (\$500.00) Dollars, and the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or the House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs, have been paid, but in any event not to exceed thirty (30) days,

to-wit:

[a] Destroy, remove, throw down or damage any fence, hedge or wall enclosing any orchard, pasture, meadow, garden or any field whatsoever, on land belonging to or lawfully occupied by another.

[b] Upon or leave open, throw down, damage, remove or destroy any gate or bars in such fence, hedge or wall.

[c] Cut down, dig or root up, sever, damage, destroy, or carry away when severed any fruit, shade, ornamental or other tree, or any shrub, root, plant, flower, grain or vegetable, or any mineral, earth or stone.

[d] Tear down, mutilate, deface or damage any building, sign-board, fence or railing, or sever or carry away any part thereof standing or being upon the land of another.

[e] Damage, destroy, remove or carry away any vase or statue, arbor, or any ornamental structure standing or being in any street or public ground in the Village, or any private enclosure or private roadway.

[f] Destroy, remove, mutilate or damage any milestone, guide-post or board erected in any highway or other public way in the Village or deface or obliterate any device or inscription thereon.

[g] Cut down, break down, remove, mutilate or damage any monument erected, or tree marked, for the purpose of designating the boundaries of the Village or any tract of land or subdivision thereof, or deface or obliterate any figures, letters, device or inscription thereon made for such purpose.

[h] Break, remove, destroy, or damage any post, guard, railing, light, lamp, lantern or other lighting device, or the equipment used in holding same in place, erected or being on any bridge, roadway, street, sidewalk or other public ground.

[i] Damage or destroy any personal property of another located upon the premises of such other person, or upon any highway adjoining such premises within the Village.

[j] Engage, aid or abet in transporting any flowers, trees, bushes, shrubs, plants or other matter or thing cut, broken, removed, mutilated or damaged without the consent or permission of the owner or occupant of the premises from which said materials were transported.

Section 2.04. VAGRANTS. Any person found guilty of being a vagrant, mendicant, or street-beggar, within the Village of River Hills, shall be subject to a forfeiture of not less than Ten

(\$10.00) Dollars nor more than Five Hundred (\$500.00) Dollars, and the costs of the action; for each and every offense for which convicted; and in default of payment thereof, shall be subject to imprisonment in the County Jail or the House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs, have been paid, but in any event not to exceed thirty (30) days.

Section 2.05. FIREARMS and DANGEROUS WEAPONS.

(1) Discharge of firearms.

(a) Definition. Firearms are hereby defined to mean and include all weapons for the purpose of propelling bullets, shot or other missiles, whether from cartridge, shell or other container, by explosive or other power, and including without limitation because of specific enumeration, all forms of rifles, high-powered air rifles, revolvers, pistols, pellet guns, automatic and semi-automatic machine guns, or other similar types of equipment whereby bullets, shot or missiles are propelled through the air by discharge of explosives, caps or other power.

(b) Prohibited. No person shall discharge any firearms, as herein defined, within the Village of River Hills.

(c) Exceptions. This ordinance shall not be construed to prohibit

(1) an officer of the law from discharging a firearm in the performance of his duty;

(2) any person from discharging a firearm when pursuant to s. 66.0409(3)(b) Wis. Stats. or any future amendments thereof, their conduct is lawfully justified or, had it been subject to a criminal penalty, would have been subject to a defense described in s. 939.45 Wis. stats.; or

(3) to the use of a bow and arrow solely in connection with the sport of archery and conducted on private property, or on the property of an established school as a part of a regular educational program in which such use of bows and arrows shall be so controlled that the arrow propelled shall not pass over or upon the premises of another or over or upon the public highways or grounds; or

(4) the discharge of firearms (including a bow and arrow) by any person or persons authorized to do so by specific action of the Village Board for the specific purpose or purposes directed by the Village Board and subject to any limitations, conditions, or restrictions imposed by the Village Board; or

(5) any person hunting with a bow and arrow or a crossbow provided

that:

- (i) the person has all required hunting licenses or permits; and
- (ii) there shall be no hunting on any land or water without the owner's permission; and
- (iii) there shall be no hunting within 100 yards of a building used for human occupancy located on another person's land unless the owner of that land specifically allows the person to hunt within a 100 yards or some other specified distance less than 100 yards; and
- (iv) no person may hunt with a bow and arrow or crossbow unless the person discharges the arrow or bolt from the respective weapon towards the ground or water. (Amd. Ord # 521, 07/16/14)

(2) Dangerous Weapons are prohibited in certain buildings.

(a) No person other than a law enforcement officer may carry or possess a firearm or dangerous weapon (defined in Section 2.015 (2) of this code) in any building that is owned, occupied or controlled by the Village of River Hills or that is jointly owned, occupied or controlled by the Village of River Hills with any other governmental entity including but not limited to the Village Hall and Police Station, Department of Public Works building, and any and all other such municipal buildings whether now in existence or later constructed subject to the following:

(1) The building is posted with signs meeting the requirements of s. 943.13, Wis. stats.

(2) Any person who violates this section of the Village Code shall upon conviction thereof be subject to the penalties set forth in Section 2.15 of Chapter Two (2) of the General Ordinances of the Village of River Hills, except that any person that has a permit to carry a concealed weapon who violates this section of the Code by carrying a concealed weapon shall, upon conviction thereof, be subject to a maximum forfeiture of \$500.00.

(b) The Village Manager is authorized and directed to have the proper signage required by s.943.13, Wis. stats. posted in prominent places near public entrances of all municipal buildings where firearms and dangerous weapons are restricted. Ordinance No. 515 Adopted 10/19/2012

Section 2.06. FISHING OR LOITERING ON BRIDGES. Any person found guilty of fishing from or loitering upon any bridge located on a public highway crossing the Milwaukee River, shall be subject to a forfeiture of not less than Ten (\$10.00) Dollars nor more than Five Hundred

(\$500.00) Dollars, and the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or the House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs, have been paid, but in any event not to exceed thirty (30) days.

Section 2.065. OBSTRUCTION OF OFFICER.

(1) Whoever knowingly obstructs an officer while such officer is doing any act in his official capacity and with lawful authority, shall upon conviction be subject to a forfeiture of not less than Ten (\$10.00) Dollars nor more than Five Hundred (\$500.00) Dollars, and the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or the House of Correction of Milwaukee County until such forfeiture and costs have been paid, but not to exceed thirty (30) days.

(2) As used in this section:

[a] "Officer" means a peace officer or other public officer or public employee having the authority by virtue of his office or employment to take another into custody.

[b] "Obstructs" includes without limitation, knowingly giving false information to the officer with intent to mislead him in the performance of his duty including the service of any citation, summons or civil process.

Section 2.07. DUMPING ON PUBLIC OR PRIVATE PROPERTY.

(1) Prohibited. Dumping or throwing of refuse, garbage, wastepaper, rubbish or other litter upon any public highway or other public property or upon private property without the consent of the owner thereof within the Village of River Hills is hereby prohibited.

(2) Penalty. Any person found guilty of the violation of the terms of subsection (1) hereof, shall be subject to a forfeiture of not less than Ten (\$10.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each and every offense, and the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or the House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs, have been paid, but in any event not to exceed thirty (30) days.

Section 2.075. PLACEMENT OF YARD REFUSE IN PUBLIC ROADWAY RIGHT OF WAY.

(1) Prohibited. No person shall dump, place, or cause to be placed on any part of right of way of any public roadway within the Village of River Hills, any refuse, debris, rubbish, garbage, grass clippings, leaves, brush, tree clippings, branches, or other litter of any kind, except

as hereinafter specifically permitted.

(2) Exceptions.

[a] A reasonable amount of chippable brush, branches and/or tree clippings, unmixed with leaves or grass clippings or with other refuse of any kind, may be placed within the adjoining public right-of-way with cut ends together and facing the roadway, by the owner or occupant of the adjoining property or a full time caretaker employed by the owner or occupant, provided that the full time caretaker does not perform lawn, yard care, or tree trimming services for any other person or persons.

(1) A "reasonable amount" of chippable brush is defined as a pile of such material small enough not to project out or over the paved roadway surface and having a total length of not more than twenty (20) feet, a width of not more than six (6) feet, and a height of not more than six (6) feet, placed within the adjoining public right-of-way with the cut ends together and facing the roadway once per each 30 day period from April 1 to November 30.

(2) "Chippable material" is defined as material consisting solely of tree clippings, brush or branches which is capable of being reduced to wood chips by use of the Village's or Contractor's chipping equipment in a safe manner and which does not contain any branch having a diameter greater than six (6) inches. Trunk wood and limb wood exceeding six (6) inches in diameter will be permitted if all branches are trimmed off and be no longer than ten (10) feet in length.

[b] Notwithstanding the exceptions provided herein, no person shall deposit any refuse of any kind on any part of a public right of way other than that part thereof which is adjacent to and abuts such person's property.

[c] The exceptions permitted in this subsection (2) shall not apply if any refuse of any kind not specifically excepted above has also been placed on the right of way adjoining the owner or occupant's property.

(3) Pickup by Village or Its Agent.

[a] Refuse complying with the exceptions provided in subsection (2) above will be picked up by the Village or its agents, from the public right of way, at no charge to the owner or occupant unless, in the judgment of the Village or its agent, such refuse is in such proximity to utility lines that pickup would be hazardous. Such pickup will also be made from the land adjacent to private roads which are reasonably accessible, and which serve more than one (1) parcel within the Village, but only if the placement and composition of the refuse complies with the exceptions provided in subsection (2) above.

[b] Owners or occupants and their agents, shall be responsible for the disposal

of grass clippings and leaves. There shall be no pickup by the Village or its agents of grass clippings and leaves.

(4) Removal of Non-Complying Refuse and Charge Therefore.

[a] If any refuse not complying with the exceptions provided herein has been placed by anyone on any part of the public roadway or right of way adjacent to the owner's or occupant's property, the Village or its Agent shall remove the prohibited materials from the right of way of the public roadway and charge the full costs of such removal, including dumping or disposal fees, to the owner of the abutting real estate. The costs of removal shall be paid within ten (10) days after billing by the Village or its agent.

[b] In the event such costs are not paid when due, the charges shall bear interest at the rate of one and one-half (1-2%) percent per month from the due date until paid. In the further event that such charges and accrued interest are not paid by December 1 of the year of billing, the charges and accrued interest to December 31, shall be entered on the tax roll as a special charge against the real estate.

Section 2.08. SMOKE REGULATIONS.

(1) Dense Smoke Declared Nuisance. No person shall emit or cause or permit to be emitted in the open air, within the limits of the Village or within one mile therefrom, any dense smoke which shall be and is hereby declared to be a nuisance.

(2) Liability. The owner or owners, or any officer, manager or agent of any corporation or company owning any stationary or locomotive engine, engine used in dredging or driving piles, portable boiler, or furnace or tar kettle, or of any other industry of any nature, and the owner, lessee or occupant of the building, or any officer, manager or agent of any corporation or company owning, leasing or occupying any building from which dense smoke is permitted or allowed to issue or to be emitted within the limits of the Village or within one mile therefrom, shall be held liable for any violation of this section.

(3) Penalty. Any person found guilty of a violation of this section shall be subject to a forfeiture of not less than Ten (\$10.00) Dollars nor more than Five Hundred (\$500.00) Dollars, and the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or the House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs, have been paid, but in any event not to exceed thirty (30) days.

Section 2.09. REGULATIONS FOR SETTING FIRES TO GRASS, ETC.

(1) Public Policy. The Village Board of the Village of River Hills does hereby declare that it is necessary in the interests of public safety, public welfare, the protection of property and

the reduction of unnecessary expense in fighting grass fires, to regulate the matter of setting or starting fires for the burning of grass, hay, weeds, brush or other similar materials within the Village of River Hills.

(2) Responsibility. The word "person" as used herein shall include all persons, both real and corporate, and shall be deemed to hold responsible, under the terms of this section, all corporations, co-partnerships, associations, societies or other organizations of similar character. Such organizations shall be deemed responsible for the conduct of any or all of their officers, agents, servants or employees with respect to the matters referred to in this section.

(3) Permits Required; Application for Permit. No person shall undertake to burn or set fire to grass, hay, weeds, brush or other similar materials upon any premises within the Village of River Hills, without first making application for and obtaining a permit to burn or set fire to such materials.

[a] Permits for burning a pile of brush, grass, hay, weeds or other similar materials that are no larger than four feet (4') in height and six feet (6') in diameter shall be issued by the Chief of River Hills Police Department or his designee on forms provided by the village.

[b] Permits for burning brush, grass, hay, weeds or other similar materials in a pile that is larger than subsection [a] above, shall be issued by the Chief of the North Shore Fire Department on forms provided by the Department.

(4) Conditions for Issuance of Permit.

[a] Permits shall be issued only to the owner or occupant of the premises, or to a duly authorized agent thereof. The permit shall state the name of the applicant and the location of the premises upon which such fire is to be set, together with such directions and regulations as may be specified by the Chief of the Department issuing the permit. There shall be attached to such permit, or printed thereon, as may be determined to be most feasible, a copy of the general regulations for control and management of such fires.

[b] No permit shall be issued for the starting, burning or setting of any such fire at any location in the Village of River Hills which may be within a distance of 100 feet of any building or structure, or in any location or at any time where it is reasonable to anticipate that there is danger of the fire spreading in such manner as to endanger any land or buildings within the Village, whether such building or land be owned by the person starting the fire or otherwise.

[c] Any fire which may be started, pursuant to authority granted by such permit, shall be regulated and controlled in such manner as may be directed by the said Chief of the Department issuing the permit. Any failure to follow such regulations or directions shall be construed to be a violation of this section.

[d] Only one such permit for burning covered under the provisions of Section 2.09(3)[a] shall be issued for one day per premises per calendar week.

[e] Notwithstanding the provisions of 2.09(4)[d] above, a permit may be issued on a daily basis for burning of leaves only during the months of October and November.

[f] Notwithstanding the provisions of 2.09(4)(d) above, a permit may be issued on a daily basis to the holder of a special use permit issued under the Village of River Hills Zoning Ordinance for burning on a parcel that consists of at least thirty (30) contiguous acres in area during the months of November, February and March of any year. (Ord. 481, 4/15/03)

(5) Costs and Damages Incurred; Penalty.

[a] In addition to the penalty provided herein, any person convicted of violating the provisions of this section shall be required to pay all costs incurred by or on behalf of the Village and North Shore Fire Department in extinguishing or attempting to extinguish such fire with its fire equipment or otherwise; and also, to reimburse any other owner of property for any loss or damage which may be sustained by such owner because of such misconduct.

[b] In addition to the requirements above set forth, any person found guilty of a violation of this ordinance, shall be subject to a forfeiture of not less than Ten (\$10.00) Dollars nor more than Five Hundred (\$500.00) Dollars, and the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or the House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs, have been paid, but in any event not to exceed thirty (30) days. (Rep. & Rec. Ord. 552, 3/9/22)

Section 2.095. LIMITATIONS ON OPEN BURNING.

(1) Other than as authorized by section 2.09 of this Chapter, no person shall cause or permit the burning of any substance or material outdoors, within the Village of River Hills, with the following exceptions:

[a] Fires used for cooking on grills, fireplaces, or otherwise contained and controlled for cooking purposes.

[b] Fires set for practice and instruction of firemen or testing of fire fighting equipment.

[c] Small open flames or fires for welding, acetylene torches, safety flares, heating tar, or similar applications.

[d] Small open flames or fires used in making street repairs, installation or repair of sewers, water, electric, telephone mains and services, and similar activities.

[e] Small bonfires and gas fire features for cooking, or recreation are allowed provided that the fire is confined by a control device, structure or other device specifically designed for that use such as a fire pit, masonry barbeque pit, chimenea, outdoor fireplace or similar device or as approved by the village and the fire department. The maximum open burn area is 33 inches in diameter or six square feet. All of the above must be configured to prevent sparks from becoming readily airborne and to ensure all hot embers are confined to prevent the spread of fire. Only untreated or uncontaminated wood shall be burned. Open burning structures that are elevated off the ground more than 18 inches require approval from the Building Board.

Small bonfires for cooking, or recreation under this section shall only be conducted at a location not closer than 25 feet from the nearest building, accessory structure, fence, deck or any other combustible surface. Any open burning of this type shall be constantly attended and supervised by competent persons of at least 18 years of age; this includes the time from ignition until the fire is extinguished. These persons shall have readily available for use such fire extinguishing equipment as may be necessary for the total control and extinguishment of the fire (i.e., garden hoses that are connected and charged, five-gallon buckets of water or other suitable extinguishing method).

[f] Permanent outdoor gas fire features may be utilized for open burning upon compliance with all applicable codes and standards, including securing all permits and permissions from the village and fire department. Fuel for this type of fire shall only be those designated for the appliance. The appliance shall have an enclosure that is permanently anchored to the exterior of the fire feature. Fire features shall not be located closer than 25 feet from the nearest building, accessory structure, fence, deck or any other combustible surface and shall be used on a non-combustible, safe and level surface. No combustible materials shall be allowed within five feet of the appliance. Features must be located a minimum of ten feet from building air intakes or other openings. Any open burning of this type shall be constantly attended and supervised by competent persons of at least 18 years of age; this includes the time from ignition until the fire is extinguished. These persons shall have readily available for use such fire extinguishing equipment as may be necessary for the total control and extinguishment of the fire (i.e., a garden hose(s) that are connected and charged, five-gallon buckets of water or other suitable extinguishing method). A timer shall be installed allowing a maximum of sixty (60) minutes burn time, and control systems shall have safeguards to automatically shut off gas once the set time expires. The igniter shall be secured to prevent unauthorized persons from igniting the burner. A visible emergency shut-off shall be provided within reach.

[g] No hibachi, gas fired grill, charcoal grill, electric grill or other similar device used for cooking shall be used or kindled above grade level, on any balcony or under any overhanging portion or within ten feet of any structure, from any combustible material, combustible wall or partition, exterior window opening, exit access or exit. All other types of open

burning at one- and two-family dwellings shall comply with the provisions of this section.

(2) All open burning shall be conducted in a safe, pollution free manner and in conformance with the general regulations of the River Hills Police Department and North Shore Fire Department. (Rep. & Rec. Ord. 552, 3/9/22)

Section 2.10. PUBLIC TREES AND SHRUBS.

(1) Consent Required Affecting Trees or Shrubs on Public Streets. No person shall cut down, trim or in any other manner deal with any tree or shrub in and along the public streets and highways of the Village, without first obtaining consent therefor in writing from the Village Manager, which said consent shall specify the particular location of the tree or trees, or shrubs to be affected and the manner in which they are to be treated.

(2) Any person found guilty of the violation of any provision of this section shall be subject to a forfeiture of not less than Ten (\$10.00) Dollars nor more than Five Hundred (\$500.00) Dollars, and the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or the House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs, have been paid, but in any event not to exceed thirty (30) days.

Section 2.11. FEEDING OF DEER.

(1) Feeding Prohibited. No person shall feed any deer in the Village of River Hills, except as provided in subsection (2) herein.

(2) Exceptions. The feeding of deer may be authorized by the Village Manager of the Village of River Hills, solely for the purpose of assisting in any program for the removal of deer from the Village of River Hills.

Section 2.12. REGULATION OF FIREWORKS.

(1) Definition. "Fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- [a] Fuel or lubricant.
- [b] A firearm cartridge or shotgun shell.
- [c] A flare used or possessed or sold for use as a signal in an emergency or in

the operation of a railway, aircraft, watercraft, or motor vehicle.

[d] A match, cigarette lighter, stove, furnace, candle, lantern, or space heater.

[e] A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.

[f] A toy snake which contains no mercury.

[g] A model rocket engine.

[h] Tobacco and Tobacco products.

[i] A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate.

[j] A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.

[k] A device designed to produce an audible sound, but not explode, spark, move, or emit an external flame after ignition and which does not exceed three grams in total weight.

[l] A device that emits smoke with no external flame and does not leave the ground.

[m] A cylindrical fountain not exceeding 100 grams in total weight with an outside tube diameter not exceeding 0.75 inch, designated to sit on the ground and emit only sparks and smoke.

[n] A cone fountain not exceeding 75 grams in total weight designated to sit on the ground and emit only sparks and smoke.

(2) Sale of Fireworks. No person may sell fireworks, as defined herein, within the Village of River Hills.

(3) Possession and/or Use of Fireworks. No person shall possess or use fireworks within the Village of River hills without obtaining a user's permit as herein provided.

(4) Permit.

[a] A permit authorizing the possession and/or use of fireworks may be issued by the Chief of the Fire Department of the Village of River Hills only to the following:

- (1) A public authority.
- (2) A civic organization.
- (3) A group of resident or non-resident adult individuals.

[b] A permit shall specify all of the following:

- (1) The name and address of the permit holder.
- (2) The date on or after which the fireworks may be purchased.
- (3) The kind and quality of fireworks which may be purchased.
- (4) The date and location of permitted use.
- (5) The location of the fireworks prior to the time of their use.

[c] The permit holder shall notify the Chief of the Fire Department of the proposed use of the fireworks at least two days in advance.

[d] The permit holder shall cause a search to be made of the grounds at which the fireworks are used, as well as adjoining properties if necessary, within one (1) hour after sunrise of the day following the use of the fireworks, for any possible unexpended fireworks devices, and shall immediately remove the same.

(5) Indemnity Bond or Liability Insurance. The Chief of the Fire Department when issuing a permit, may require an indemnity bond with good and sufficient sureties or a policy of liability insurance for the payment of all claims that may arise by reason of injuries to persons or property from the handling, storage, use or discharge of fireworks under the permit. The surety bond or liability policy, if required, shall be taken in the name of the Village and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained. The bond or policy, if required, shall be filed in the office of the Village Clerk.

(6) Further Restrictions. No person may store or handle fireworks in premises unless the premises are equipped with fire extinguishers approved by the Fire Chief; no person may smoke where fireworks are stored or handled; no person may store fireworks within fifty (50) feet of a dwelling, and no person may store fireworks within fifty (50) feet of a public assemblage or

place where gasoline or volatile liquid is stored or used.

(7) Non-Liability of Village, its Officers, Agents or Employees. This ordinance shall not be construed as assuming any liability on the part of the Village of River Hills, its officers, agents, or employees for any damage to any person injured or any property damaged or destroyed by reason of the handling, storage, use or discharge of fireworks pursuant to a permit issued under this ordinance.

(8) Penalty. Any person found guilty of a violation of this ordinance shall be subject to a forfeiture of not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred Dollars together with the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs have been paid, but in any event, not to exceed thirty (30) days.

Section 2.13. REGULATIONS RELATING TO ANIMALS, FOWL AND BIRDS.

(1) Cruelty to Animals. Any person found guilty of cruelly beating, striking, cutting, maiming, or injuring any horse, or other animal within the Village shall be subject to a forfeiture of not less than Ten (\$10.00) Dollars nor more than Five Hundred Dollars together with the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs have been paid, but in any event, not to exceed thirty (30) days.

(2) Cruelty to Birds. Any person found guilty of injuring any birds, birds' nests, or birds' eggs, or throwing stones, shooting or using any implement to kill or frighten any birds (except for the purpose of hunting or trapping as permitted by law) shall be subject to a forfeiture of not less than Ten (\$10.00) Dollars nor more than Five Hundred Dollars together with the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs have been paid, but in any event, not to exceed thirty (30) days.

(3) Animals or Fowl Running at Large. Any person found guilty of permitting the running at large of horses, mules, cattle, sheep, goats, swine, geese, ducks, turkeys, chickens or other fowl, shall be subject to a forfeiture of not less than Ten (\$10.00) Dollars nor more than Five Hundred Dollars together with the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs have been paid, but in any event, not to exceed thirty (30) days.

Section 2.14. REGULATING AND LICENSING OF DOGS.

(1) Definitions.

[a] "Owner" includes any person, firm, corporation, association, partnership, or legal entity owning, harboring, sheltering or keeping a dog.

[b] "Dog" means all domesticated members of the canis family.

[c] "At Large" means a dog that is off the premises of its owner and not within the control of the owner or some other person.

[d] "Unlicensed Dog" means a dog that does not have its valid license tag attached to the dog or a collar on the dog whenever the dog is outdoors, except when the dog is securely confined in a fenced area.

[e] "Officer" means any peace officer, health officer, humane officer, warden, any rabies control officer designated by the Village Board, or any other person designated under sec. 95.21, Wis. Stats.

(2) License Required. The owner of a dog harboring, sheltering, or keeping a dog in the Village of River Hills is required to obtain a license, pursuant to the provisions of Chapter 174 of the Wisconsin Statutes, which are hereby adopted by reference, including any amendments thereto, as if fully set forth herein.

(3) Restrictions on Owners of Dogs. It shall be unlawful for the owner of a dog to harbor, shelter or keep a dog which does any of the following within the Village of River Hills:

[a] Habitually pursues any vehicle, including bicycles, upon any public street;

[b] Assaults or attacks any person;

[c] Is at large;

[d] Habitually barks or howls to the annoyance or disturbance of any person or persons;

[e] Kills, wounds or worries any domestic animal;

[f] Is infected with rabies;

[g] Is unlicensed.

(4) Impoundment of Dogs. Any officer may impound a dog that falls within the classifications listed in subsection (3) hereof, pursuant to the provisions of Chapter 174, Wis.

Stats., which are hereby adopted by reference, including any amendments thereto, as if fully set forth herein.

[a] Impoundment Fees. In addition to any other fees or forfeitures, including boarding fees, the possession of any impounded dog may not be obtained unless a fee of Twenty-five (\$25.00) Dollars is paid to the Milwaukee Area Domestic Animal Control Commission. In the event that the dog is impounded again the owner shall pay a fee of Fifty (\$50.00) Dollars to obtain possession of the dog from each subsequent impoundment. The Milwaukee Area Domestic Animal Control Commission shall pay these fees over to the Village Treasurer as soon as practicable.

(5) Rabies Control. The provisions of sec 95.21, Wis. Stats. are hereby adopted by reference, including any amendments thereto, as if fully set forth herein.

(6) Regulation of Potentially Dangerous, Dangerous and Vicious Dogs:

[a] Definitions.

(1) *Bite injury* means any contact between an animal's mouth and teeth and the skin of a bite victim which causes visible trauma, such as a puncture wound, laceration, or other piercing of the skin.

(2) *Dangerous dog* means any dog: (1) that has caused a bite injury to a person; or (2) causes injury to any person while at large; (3) or causes serious physical injury to a person or domestic animal; and is not a vicious dog.

(3) *Enclosure* means a fenced or walled area having a fence or wall height of at least six (6) feet suitable to prevent the entry of young children and suitable to confine a dog.

(4) *Impoundment* means seizing and confining a dog by any Officer under the provisions of this Section.

(5) *Muzzle* means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of a dog that prevents the dog from biting any person or other animal and that does not interfere with its respiration.

(6) *Potentially dangerous dog* means a dog that while at large: (1) behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or domestic pet or animal, or (2) causes injury to a domestic pet or animal; or (3) a dog not in strict conformity with the rabies control program of the Village.

(7) *Provocation* means any action or activity, whether intentional or unintentional, which would be reasonably expected to cause a normal dog in similar circumstances to react in a manner similar to that shown by the evidence.

(8) *Vicious dog* means a dog that on two separate occasions without provocation or justification causes serious physical injury to a person or a domestic pet or animal without provocation while off its owner's property.

[b] Exceptions: It is a rebuttable presumption that a dog is not potentially dangerous, dangerous or vicious if it is used by law enforcement officers in the performance of their duties or if it bites, attacks or menaces any person, domestic pet or animal in order to:

- (1) Defend its owner, caretaker or another person from an attack by a person or animal.
- (2) Protect itself, its young or another animal.
- (3) Defend itself against any person or animal which has tormented, assaulted or abused it.
- (4) Defends its owner's or caretaker's property against trespassers.

[c] Determination of Status.

(1) An Officer may find and declare a dog potentially dangerous, dangerous, or vicious if the Officer has probable cause to believe that the dog falls within the definition of "potentially dangerous dog", "dangerous dog" or "vicious dog". The finding must be based upon:

- (i) The written complaint of a person who is willing to testify that the animal has acted in a manner which causes it to fall within the definition of "potentially dangerous dog", "dangerous dog" or "vicious dog"; or
 - (ii) Dog bite reports filed as required by law; or
 - (iii) Actions of the dog witnessed by any Officer or any law enforcement officer; or
 - (iv) Other substantial evidence admissible in a court.
- (2) A dog may be declared dangerous under this section if the dog has

within a twelve-month period:

(i) behaved in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person on more than one occasion; or

(ii) attacked and killed a domestic animal on more than one occasion. For purposes of this subsection only, a domestic animal does not include any feral animal or does not apply where the attack was upon a domestic animal that was at large or upon a domestic animal that was tormenting or attacking the dog.

(3) If an Officer determines that a dog is potentially dangerous, dangerous or vicious as defined in this Section, the Officer shall immediately inform the owner in writing, by personal service or certified mail, of such determination. The owner may contest the determination by a written request for a hearing to the Chief of Police within 5 business days of service of the determination. The Chief of Police or his/her designee will convene a hearing. At the hearing, the owner, the Officer, or any interested party shall have the opportunity to present evidence as to why the dog should or should not be declared potentially dangerous, dangerous or vicious. Any other interested party should be notified of the hearing in writing, by regular mail. The hearing shall be held promptly within no less than seven days, nor more than fourteen days, after the service of the notice upon the owner of the dog. Pending the outcome of the hearing, all of the regulations applicable to a dog for which such determination has been made are applicable. After the hearing, the owner shall be notified in writing of the determination. If the Officer's determination is affirmed or modified, the owner shall comply with the provisions of this Section in accordance with a time schedule established by the Chief of Police, but in no case more than 30 days after the date of the determination. If the owner further contests the determination, he or she may appeal the decision within 5 business days of receiving the decision to the Board of Appeals. The decision of the Chief is not stayed pending the appeal, unless the Board of Appeals grants a stay. In the absence of a time schedule being established by the Board of Appeals, the owner should comply in accordance with the time schedule previously established by the Chief of Police.

(4) *Notice.* When notice is given by regular mail to the owner's last known address, notice is effective on the third day after the notice was placed in the mail, postage prepaid, to the owner's last known address. When notice is given by certified mail, notice is effective when received; provided however, if certified mail delivery has been refused, notice is effective by publication or posting and whenever notice is accomplished by publication or posting the notice is effective and deemed received on the earlier of the day the property is posted or the newspaper is published.

[d] Regulations of Potentially Dangerous Dogs.

(1) No person owning, harboring or having the care or custody of a potentially dangerous dog shall permit the dog to go at large or leave the owner's property unless

the dog is securely leashed and muzzled.

(2) *Spaying/Neutering.* All owners of potentially dangerous dogs may be required to spay or neuter the dog and provide proof of sterilization to the Chief of Police within 30 days of the Officer declaring the dog potentially dangerous. In the event that the owner submits a timely request for a hearing or appeal of the declaration then this requirement shall be stayed until such time as any further right to appeal has been exhausted or the declaration has been overturned on appeal.

(3) The owner of a potentially dangerous dog may apply to the Chief of Police to have the declaration waived after two (2) years upon meeting the following conditions:

(i) The owner and offending dog has no subsequent violations of this Section; and

(ii) The owner of the dog has complied with all the provisions of this Section for a period of two (2) years; and

(iii) The owner provides proof to the Chief of Police of successful completion of a behavior modification program administered by a Certified Pet Dog Trainer (CPDT), Certified Dog Behavior Consultant (CDBC), or Veterinary Behaviorist, certified through the American College of Veterinary Behaviorists (ACVB) or equivalent training.

If the Chief of Police finds sufficient evidence that the dog owner has complied with all conditions in this subsection, then the Chief of Police may rescind the potentially dangerous dog declaration within 30 days after written notice to the Owner and to any other interested person who submitted a written complaint at the time the declaration was originally made or appeared at any hearings if the owner contested the declaration or appealed the declaration or decision of the Chief of Police.

[e] Regulation of Dangerous Dogs.

(1) Once a dog has been declared dangerous, it shall be kept in a secure enclosure subject to the following requirements:

(i) *Leash.* No person having charge, custody, control or possession of a dangerous dog may permit such dog to go outside of its enclosure unless the dog is securely attached to a leash, no longer than 4 feet in length, and the owner or any other person has the physical ability to restrain the dog at all times. No owner may permit a dangerous dog to be kept on a chain, rope, leash or similar restraining device outside its enclosure unless a person competent to govern the animal is in physical control of the restraining device and remains in position to control the dog at all times

(ii) *Muzzle.* It shall be unlawful for any owner or keeper of a dangerous dog to allow the dog to be outside of its proper enclosure unless it is necessary for the dog to receive veterinary care or exercise. In such cases, the dog shall wear a properly fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

(iii) *Confinement.* Except when leashed and muzzled as provided in this Section, a dangerous dog shall be securely confined in a residence or confined in a locked pen or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light, and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:

(1) The structure must have secure sides and a secure top, or all sides must be at least six (6) feet high;

(2) The structure must have a bottom permanently attached to the sides or the sides must be embedded not less than one (1) foot into the ground; and

(3) The structure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own.

(iv) *Indoor Confinement.* No dangerous dog shall be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog shall be kept in a house or structure when the windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(v) *Spaying/Neutering.* All owners of dangerous dogs must spay or neuter the dog and provide proof of sterilization to the Chief of Police within 14 days of the Officer declaring the dog dangerous. In the event that the owner submits a timely request for a hearing or appeal of the declaration, then this requirement shall be stayed until such time as any further right to appeal has been exhausted or the declaration has been overturned on appeal.

(vi) *Identification Photographs.* All owners, keepers, or harborers of dangerous dogs must within ten (10) days of determination provide to the Chief of Police two color photographs of the registered dog clearly showing the color and approximate size of the dog.

(vii) *Sale or Transfer of Ownership Prohibited.* Sale - No person shall sell, barter or in any other way dispose of a dangerous dog registered with the Village to any person within the Village unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog, provided that the owner of a dangerous dog

may sell or otherwise dispose of a registered dog to persons who do not reside within the Village. Owner must disclose dog's status as a dangerous dog to anyone to whom the owner transfers custody or care of the dog.

(viii) *Notification of Escape.* The owner or keeper of a dangerous dog shall notify the Village Police Department immediately if such dog escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the dog bites or attacks a person or domestic animal.

(ix) *Failure to Comply.* It shall be an offense to fail to comply with the restrictions in this Section. Any dog found to be in violation of this Section shall be subject to immediate seizure and impoundment pursuant to 4-208. In addition, failure to comply with the requirements and conditions set forth in this Ordinance shall result in the revocation of the dog's license and the permit providing for the keeping of such dog.

(x) *Liability Insurance, Surety Bond.* The owner of a dangerous dog may be required to present to the Chief of Police proof that he has procured liability insurance or a surety bond in the amount of not less than one hundred thousand dollars (\$100,000) covering any damage or injury that may be caused by such dangerous dog. The policy shall contain a provision requiring that the Village be notified immediately by the issuing company if the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a dangerous dog. The dog owner shall sign a statement attesting that he shall maintain and not voluntarily cancel the liability insurance policy during the twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog prior to the expiration date of the permit period.

(2) A dangerous dog owner may apply to the Chief of Police to have the declaration waived after three (3) years upon meeting the following conditions:

(i) The owner and offending dog has no subsequent violations of this Section; and

(ii) The owner of the dog has complied with all the provisions of this Section for a period of three (3) years; and

(iii) The owner provides proof to the Chief of Police of successful completion of a behavior modification program administered by a Certified Pet Dog Trainer (CPDT), Certified Dog Behavior Consultant (CDBC), or Veterinary Behaviorist, certified through the American College of Veterinary Behaviorists (ACVB) or equivalent training.

If the Chief of Police finds sufficient evidence that the dog owner has complied with all conditions in this subsection, then the Chief of Police may rescind the dangerous dog declaration within 30

days after written notice to the Owner and to any other interested person who submitted a written complaint at the time the declaration was originally made or appeared at any hearings if the owner contested the declaration or appealed the declaration or decision of the Chief of Police.

[f] Regulation of Vicious Dogs.

(1) Once a dog has been declared vicious, it shall be subject to all of the requirements applicable to a dangerous dog in subsection (e) above.

(2) Upon request from the Chief of Police the Village Board may authorize the Village Attorney to commence a civil action to obtain a judgment from a court ordering an officer to kill or destroy such dog, as specified under sec. 174.02(3), Wis. Stats.

(3) The owner of a vicious dog shall be liable for and shall pay all costs associated with impoundment, removal, or euthanasia of said animal. The owner shall pay any other associated costs incurred.

[g] Permit for Vicious Dog. The owner of a vicious dog shall, within seven (7) business days after the declaration of the dog as vicious, or upon acquisition of such a dog, obtain an annual permit from the Village Clerk to harbor the dog. The fee for such permit shall be one thousand dollars (\$1,000.00) per year. The initial fee shall be prorated if issued after January 1st and shall be due on or before January 1st of each year thereafter. In the event that the owner submits a timely request for a hearing or appeal of the declaration, then this requirement shall be stayed until such time as any further right to appeal has been exhausted or the declaration has been overturned on appeal.

[h] Declaration of Dangerous or Vicious Dog by Others. Any dog that has been declared dangerous or vicious by any agency or department of another municipality, county, or state shall be subject to the provisions of this Section for the remainder of its life. The person owning or having custody of any dog designated as a dangerous or vicious dog by any municipality, county, or state government shall notify the Police Department and Village Clerk of the dog's address and the conditions or restrictions of maintenance already imposed by the other agency or department within ten (10) days of moving the animal into the Village. All of the restrictions and conditions of maintenance of any dog declared dangerous or vicious by another municipality, county, or state shall remain in force while the dog remains in the Village, unless expressly modified in writing by the Chief of Police or his/her designee. In addition all of the provisions of this Ordinance shall apply to such dog unless the restrictions or conditions of maintenance imposed by the other agency or department are more restrictive than the requirements of this Ordinance.

[i] Removal of Dangerous or Vicious Dog. If the owner or caretaker of a dog that has been designated dangerous or vicious is unwilling or unable to comply with the regulations

for keeping the dog in accordance with this section, he or she shall remove the dog from the Village, with the dog only being allowed to be returned if there is compliance with all regulations of this section. The owner shall remove the dog within 24 hours of service of written notice to do so. In the event that the owner refuses to accept such notice, the police department may attach the written notice to the front door of the owner's residence and such notice shall be deemed served upon posting on the door. (Rep & Rec Ord # 530, 11/14/18)

(7) It shall be unlawful for any person to permit a dog to defecate on the property, public or private, not owned or possessed by that person, if such person does not immediately remove and clean up the animal waste and dispose of it in a manner approved by the state and local regulations. (Amd. Ord#504, 7/16/08)

(8) Penalty. Any owner of a dog who is found guilty of the violation of any provision of this Section shall be subject to a forfeiture of not less than Ten (\$10.00) Dollars nor more than Two Thousand (\$2,000.00) Dollars, together with the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs have been paid, but in any event, not to exceed ninety (90) days. Each day a violation continues constitutes a separate offense (Amd. Ord #504, 7/16/08)

Section 2.15 GENERAL PENALTY. Any person, firm or corporation found guilty of the violation of any provision of this Chapter, unless another penalty is therein provided, shall be subject to a forfeiture of not less than Ten (\$10.00) Dollars nor more than Two Thousand (\$2,000.00) Dollars together with the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs have been paid, but in any event, not to exceed ninety (90) days. Each day a violation continues constitutes a separate offense.

Section 2.16. CONTROL OF DUTCH ELM DISEASE.

(1) Duties of Village Manager. The Village Manager of the Village of River Hills is hereby invested with the power and authority to carry out the terms and provisions of this Ordinance in such manner as in his discretion he believes to be most appropriate and equitable, including the power to retain additional Village employees if that is found to be necessary, the power to delegate to the Village Forester the carrying out of the terms and provisions of this Ordinance and the further power to determine whether any or all work to be done hereunder shall be performed by Village personnel or independent contractors; the exercise of these powers to be subject to review at all times by the Village Board.

(2) Inspection and Reports. The Village Manager is to cause periodic inspections and reports to be made of all elm trees on public and private property within the Village for the purpose of discerning wherever possible the existence of any other infected, diseased or dead elm trees or

elm wood. The Village Forester and/or any other Village employee designated by the Village Manager shall have the authority to enter upon private property at reasonable times for the purpose of carrying out any of the provisions of this Ordinance.

(3) Removal of Diseased, Weak, or Dead Elm Trees or Elm Wood. The Village Manager, with the aid and assistance of the Village Forester, shall direct, supervise and control the removal of weak, diseased, or dead elm trees and/or dead elm wood found within the Village by removal, burning, or by any other means which he determines to be necessary to prevent as fully as possible the spread of Dutch Elm Disease or the insect pests or vectors known to carry such disease fungus.

(4) Removal of Diseased, Weak, or Dead Elm Wood on Private Property. Whenever the Village Manager shall determine with reasonable certainty that diseased, weak, infected, or dead elm wood exists upon private premises, he is hereby authorized to serve or cause to be served personally or by certified mail upon the owner of such property, a written notice of the existence of such nuisance and of the action necessary to be taken to abate such nuisance. Such notice shall describe the nuisance and recommend procedures for its abatement and shall further state that unless the owner shall abate the nuisance in the manner specified in the notice within ten (10) days after service of such notice, the Village Manager shall proceed to abate the nuisance and cause the full cost thereof to be assessed against the property in accordance with the procedures provided in this Ordinance. The Village Manager may extend the time allowed the property owner for abatement work, but not to exceed an additional ten (10) day period.

(5) Cost of Tree Care; Special Assessments.

[a] The Village's full costs of abating such nuisance shall be charged to the property on which such nuisance, tree or wood is located as follows:

(1) The Village Manager shall keep a strict account of the cost of such work and the amount chargeable to each parcel and shall report such work, charges, descriptions of the lands to which charged and the names and addresses of the owners to the Village Clerk as the work is completed.

(2) The Village Clerk shall thereupon mail notice of the amount of such costs to each owner of property charged at his last known address, stating that unless paid within thirty (3) days of the date of notice, such charges shall bear interest at the rate of six (6%) percent per annum from the due date and shall be entered on the tax roll as a delinquent tax against the property and all proceedings for delinquency in relation to the collection and return of real estate taxes shall apply.

(6) Cutting, Trimming, Pruning or Transport of Oak Trees Prohibited From April 1st to October 1st. No person shall, without a written permit from the Village as specified in subsection

(7) below, do or cause to be done by others any of the following acts:

(a) Cut, trim, or prune oak trees between April 1st and October 1st of each year without first obtaining a written permit from the Village;

(b) Transport any wood or bark known to be infected with oak wilt fungus through the Village from April 1st to October 1st of any year.

(7) Oak Tree Permit.

(a) The Village Manager or his/her designee is authorized to issue permits for cutting, pruning, and trimming of living oaks and transport of oak with infected wood or bark, between the period April 1st to October 1st, subject to the provisions of the following (b) - (e).

(b) The Village Manager or his/her designee may require that the permit application shall be signed by an arborist, landscape architect or horticulturist stating that the oak tree(s) proposed to be cut, trimmed or pruned are not infected with oak wilt fungus or in the proximity of any oak trees which are infected with oak wilt fungus which would promote the spread of the disease and that removal of infected oak will be done in a manner that will not promote the spread of the disease in the Village.

(c) Permits for cutting, trimming, pruning or transport of oaks and oak wood shall not be issued except in exigent circumstances.

(d) The person doing the cutting, pruning, trimming, or transporting shall have a copy of the permit in his/her possession at all times while doing the activity.

(e) The permit shall expire within 20 days of issuance.

(8) Penalty. Any person found guilty of a violation of any of the provisions of subsections (6) or (7) of this ordinance shall be subject to the penalty provisions of Section 2.15 of this Chapter. (Ord. #487, 8/18/04)

Section 2.17 ANIMALS, PROHIBITED AND NUISANCE.

(1) No person shall harbor, raise or possess, either temporarily or permanently, a wild animal, including but not limited to a live monkey or other nonhuman primate, bat, raccoon, skunk, coyote and coyote-dog hybrids, fox, prairie dog, poisonous reptile, or snake, poisonous insect or arachnid, cheetah, cougar, jaguar, leopard, lion, lynx, panther, tiger or hybrids thereof, wolf and wolf-dog hybrids or any other animal or bird of prey which can normally be found in the wild state. No swine, goat, sheep, mules, donkeys, turkeys, geese, cattle, or fur bearing animals shall

be kept or harbored within the Village, except on such lots where the pursuit of agriculture is a lawful non-conforming use. Honey bees and chickens may be kept in the Village pursuant to the following provisions:

(a) Honey Bees.

1. Keeping of Honey Bees. A person may keep honey bee hives on a lot, provided the following:

a. Hives shall be actively maintained. Hives not under active human management and maintenance shall be dismantled or removed.

b. In addition to compliance with the requirements of this section, no person may keep a hive or hives that cause any unhealthy conditions or interfere with the normal use and enjoyment of human or animal life of others, any public property or property of others.

(b) Chickens

1. Keeping of Chickens. A person may keep chickens on a lot, provided the following:

a. No person may keep any chickens that cause any unhealthy conditions or interfere with the normal use and enjoyment of human or animal life of others, any public property or property of others.”
(Amd. Ord 514, 03/23/2011)

(2) No person shall harbor, raise or possess, either temporarily or permanently, any animal or animals of any nature whatsoever within the Village of River Hills which, by their nature or conduct, shall constitute either a private or public nuisance.

(3) Impounding of Animals.

(a) Any police officer of the Village may apprehend and impound any animal within the classification of Sections (1) and (2) hereof. The officer shall notify the owner(s) of the animal as soon as reasonably possible. If the owner(s) is not known, reasonable efforts to ascertain the owner(s) shall be made.

(b) The possession of any animal that is impounded pursuant to the ordinance may be obtained by paying to the Treasurer of the Village a fee of Twenty-five (\$25.00) Dollars plus the current daily fee for each day or fraction thereof during which the animal has been

impounded.

(c) Animals may be impounded in any facility with which the Village has contracted and established a redemption-fee schedule.

(4) Penalty. Any person found guilty of a violation of any of the provisions of this ordinance shall be subject to the penalty provisions of Section 2.15 of this Chapter.

Section 2.18. STATE STATUTES ADOPTED, PUBLIC HEALTH and EMERGENCY ORDERS

(A) STATE STATUTES ADOPTED. Except as otherwise specifically provided herein, the statutory provisions of Chapter 161, 941 to 948 inclusive and Chapter 961, and sections 252.25, 323.28, 939.32 and 940.19(1) of the Wisconsin Statutes, all exclusive of any provisions therein relating to penalties to be imposed, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required to be performed or any act prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be a part of this ordinance. Any person found guilty of a violation of any of the provisions of this subsection shall be subject to the penalty provisions of Section 2.15 of this Chapter, except for violations of subsection (B) for which a specific penalty is provided.

(B) PUBLIC HEALTH and EMERGENCY ORDERS. Any act required to be performed or any act prohibited by any State Statute, Administrative Rule, Emergency Declaration by the Village Board or orders of the North Shore Health Department and relating to a Public Health Emergency, are adopted and made enforceable by this ordinance. Any person that violates the terms of this section by refusing or failing to comply with the requirements as set forth herein or fails or refuses to comply with the orders of duly authorized law enforcement officers charged with the responsibility of enforcing the provisions of the law or the order related to a Public Health Emergency shall be in violation of the Village ordinance against Disorderly Conduct, Section 2.01 and subject to the penalties provided therein. (Rep. & Rec. Ord # 542, 05/20/2020)

Section 2.19. 911 EMERGENCY

(1) No person within the Village of River Hills shall intentionally dial or use the 911 emergency telephone number to report an emergency, knowing that the fact situation which he or she reports does not exist.

(2) An "emergency" is a fact situation where an immediate response by public safety personnel is essential, and, an existing or very probable situation exists of:

[a] bodily harm or life-threatening illness or condition, or

[b] property damage or loss, or

[c] escape of a suspect in a criminal offense or its municipal offense counterpart.

Section 2.20 TRANSIENT MERCHANTS.

(1) Compliance Required. It shall be unlawful for any person to act as a transient merchant within the Village of River hills without complying with all of the term and provisions of this ordinance and obtaining a Registration Identification.

(2) Definitions. "Transient Merchant" shall mean and include any individual, whether principal, agent or employee, who engages, does, or transacts any transient business in the Village by going in and upon private residences in the Village for the purpose of selling or soliciting orders for the sale of goods, wares, merchandise or services.

(3) Registration Required.

[a] Applicants for registration must complete and return to the Clerk, at least seven (7) days before the first sales efforts are to be made, a registration form furnished by the Clerk which shall require the following information:

1. Name, permanent address and telephone number, and temporary address, if any.
2. Date of birth, height, weight, color of hair and eyes.
3. Name, address and telephone number of the person, firm, association, or corporation that the applicant represents or is employed by, or whose merchandise is being sold.
4. Nature of business to be conducted and a brief description of the goods or services offered.
5. Proposed method of delivery of goods, if applicable.
6. Make, model and license number of any vehicle to be used by applicant in the conduct of his/her business.
7. Last cities, villages, towns, not to exceed three, where applicant conducted similar business.
8. Statement as to whether applicant has been convicted of any crime

or ordinance violation; the nature of the offense and place of conviction.

[b] Applicants shall present to the Clerk for examination:

1. A driver's license or some other proof of identity as may be reasonably required.

[c] At the time the registration is filed with the clerk, a fee as set forth in the schedule of fees as adopted and subject to amendment from time to time by Resolution of the Village Board shall be paid to the Clerk to cover the cost of processing said registration. 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. Upon payment of said fee, submission of a properly completed and signed registration application, and the receipt of a clear report from the Chief of Police or his designee, the Clerk shall register the applicant as a transient merchant, date the entry, and issue a Registration Identification to the applicant. Said Registration Identification shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided below. Complete registration and fee shall be required of each individual, whether principal, agent, or employee who transacts any transient merchants business in the Village. (Rep & Rec Ord #537, 10/16/19)

[d] Exemptions. The following shall be exempt from the registration requirements of this ordinance.

1. Any person delivering newspapers, fuel, dairy products, or bakery goods to regular customers on established routes.

2. Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with and specifically requests a home visit by said person.

3. Any person who has had, or one who represents a company which has had a prior business transaction within the past twelve (12) months, such as a prior sale or credit arrangement with all of the prospective customers to be contacted.

[e] Investigation. Upon receipt of each application, the Clerk shall refer it immediately to the Chief of Police who shall make an investigation of the statements made in such registration, and report the results of his investigation to the Village Clerk within seven (7) days.

[f] Denial or Revocation of Registration. The Clerk shall refuse to register the applicant or shall subsequently revoke registration if it is determined that: the application contains any material omission or materially inaccurate statement; complaints of a material nature having been received against the applicant by authorities in the last cities, villages or towns, not exceeding

three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation, the nature of which is directly related to the applicant's fitness to engage in direct selling; the applicant failed to comply with any applicable provisions of this ordinance; or the Village receives information (whether prior or subsequent to the approval of the application) which would constitute grounds for revocation pursuant to this subsection.

[g] Appeal. Any person denied registration or whose registration is revoked may appeal the denial to the Village Board.

(4) Conduct of Transient Merchants.

[a] A Transient merchant, whether exempt from registration or not, shall not:

1. Misrepresent the quantity, character or quality of any goods, wares, merchandise or services offered for sale.

2. Enter or remain upon any land or building of another after having been notified by the owner or occupant not to enter or remain on the premises. A person has received notice from the owner or occupant within the meaning of this section if he or she has been notified personally either orally or in writing, or if the land is posted. For land to be posted, a sign of at least 11 inches square must be placed in at least 2 conspicuous places. The sign shall bear the words "No Trespassing" or words of similar meaning prohibiting unauthorized entry.

3. Use any noise-making devices or amplifier to attract attention to the person of, or the goods, wares, merchandise or services offered for sale by the transient merchant if the noise produced is capable of being plainly heard outside of a two hundred (200) foot radius of the source.

4. Engage in any business activity or solicitation except between the hours of 9:00 a.m. and 9:00 p.m. Monday through Saturday. Business activity or solicitation may take place at any hour and on any day by specific appointment with the owner or occupant of the premises; the burden of proving the existence of a specific appointment being upon the individual performing the activity.

[b] Disclosure Requirements:

1. After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of goods or services he/she offers to sell, and produce for inspection the permit by the Village.

(5) Severability. If any of the provisions of this ordinance are invalid or

unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

(6) Penalty. Any person found guilty of a violation of this ordinance shall be subject to a forfeiture of not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred Dollars together with the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs have been paid, but in any event, not to exceed thirty (30) days.

Section 2.21. SOLICITORS.

(1) Registration Required. It shall be unlawful for any person or organization to engage in or sponsor solicitation or employ others to engage in solicitation within the Village of River Hills without being registered for that purpose as provided herein, unless specifically exempt from the registration requirements.

(2) Definitions.

[a] "Solicitor" means any individual who, for himself or herself or for any other person, organization, society, association or corporation personally attempts or distributes literature which attempts to promote any cause or conviction or who personally solicits money, services, property, or financial assistance of any kind, in either event from persons other than members of such organization, society, association or corporation.

[b] "Solicitation" means any of the activities described in subparagraph (2)[a] immediately above when engaged in within the Village of River Hills.

[c] "Clerk" shall mean the Village Clerk of the Village of River Hills.

[d] "Registrant" shall mean each individual registered by the Clerk as a solicitor.

[e] "Door to Door Activity" as used herein means the practice by an entity exempt from the registration requirements of this ordinance, and individuals acting on its behalf, of going from door to door within the Village for the purpose of personally attempting, or distributing literature which attempts to promote any cause or conviction, or for the purpose of soliciting money, services, property, or financial assistance of any kind, in either event from residents of the Village who are not members of the exempt entity.

(3) Registration Requirements.

[a] Applications to register as a solicitor shall be obtained from the Village Clerk, completed in full by the solicitor and filed with the Village Clerk. The application shall contain the names, dates of birth and addresses of all persons who shall actually perform solicitation in the Village, the name and address of the organization for which the solicitation will be performed, and a brief statement of the purpose of the solicitation. The Village Clerk shall issue a Solicitor's Registration Identification to each person submitting a properly and truthfully completed registration application which Registration Identification shall be valid for a period of sixty (60) days from the date of issuance.

[b] The Village Clerk shall furnish a copy of each such Solicitor's Registration Identification to the Chief of Police for the use of the police Department in identifying properly registered solicitors.

[c] Exemptions. The following entities and individuals acting on their behalf shall be exempt from the registration requirements of this ordinance:

(1) Corporations organized under the religious corporations law of the State of Wisconsin, and other religious organizations, and charities, operated, supervised, or controlled by or in connection with a religious organization.

[d] Exempt Identification.

(1) Prior to any person commencing door to door activities on behalf of any organization exempt from registration by virtue of subsection 2.21(3)[c] of this ordinance, an official of such exempt organization shall notify the Police Department in writing of the names, addresses, telephone numbers and ages of the individuals who will be performing the actual door to door activities on behalf of such exempt organization within the Village of River Hills. The Police Department shall also be advised of the approximate date and time at which the door to door activities will take place.

(2) Each individual that if performing the actual door to door activity on behalf of an organization that is exempt from registration by virtue of subsection 2.21(3)[c] of this ordinance shall have in her or his possession an identification document issued by the organization for which the door to door activities are being performed. Such individual shall produce such identification document at each residence where a call is made and shall exhibit such document to any Police Officer of the Village upon request.

(4) Fees.

[a] The fee for a Registration Identification hereunder 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 per person for each member of an organization actually performing solicitation. 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. (Rep & Rec Ord #537, 10/16/19)

(5) Regulations.

[a] Identification Required. During actual solicitation, each registered solicitor shall carry the Registration Identification signed by the Village Clerk evidencing the fact that the solicitor is registered to solicit within the Village, and produce for inspection the Registration Identification at each residence whereat solicitation is made.

[b] Hours. The practice of going from door to door within the Village of River Hills for the purpose of performing solicitation is defined in Section 2.21(2)[a] hereof as well as for the purposes defined in Section 2.21(2)[e] hereof may only take place between the hours of 9:00 a.m. and 9:00 p.m., Monday through Saturday. "Solicitation" and "door to door activity" may take place at any hour and on any day by specific appointment with the owner or occupant of the premises; the burden of proving the existence of a specific appointment being upon the individual performing the activity.

[c] Prohibited Acts. No person performing solicitation or door to door activities within the Village of River Hills shall:

1. Falsely represent the uses to which funds obtained or sought will be applied or falsely represent the nature of the individual's connection with the organization for which the activity is being performed, or make any false statements whatsoever.

2. Use or allow the use of any identification document by any persons other than the person named in such identification document.

3. Enter or remain upon any land or building of another after having been notified by the owner or occupant not to enter or remain on the premises. A person has received notice from the owner or occupant within the meaning of this Section if he or she has been notified personally, either orally or in writing, or if the land is posted. For land to be posted, a sign of at least 11 inches square must be placed in at least 2 conspicuous places. The sign shall bear the words "No Trespassing" or words of similar meaning prohibiting unauthorized entry.

(6) Record of Violations. The Chief of Police shall report to the Village Clerk all convictions for any violations of this ordinance, and the Clerk shall note any such conviction on the record of the registrant. The Clerk shall also note any complaint or report of an alleged violation made by a resident of the Village or by a Police Officer.

(7) Severability. If any of the provisions of this ordinance are invalid or

unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

(8) Penalty. Any person found guilty of a violation of this ordinance shall be subject to a forfeiture of not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred Dollars together with the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs have been paid, but in any event, not to exceed thirty (30) days.

Section 2.22. (Rep & Rec Ord #537, 10/16/19)

Section 2.23. DUMPSTERS AND TEMPORARY STORAGE UNITS. (Cr. Ord #551, 7/21/21)

(1) Definitions.

[a] DUMPSTER. A large container designed for the receiving, transporting and dumping of waste materials on a temporary basis during demolition or construction projects and is not intended to include karts or dumpsters employed for refuse or recycling collection. A Dumpster shall not be considered a structure requiring a Building Permit.

[b] TEMPORARY STORAGE UNIT. Any container or portable structure that is designed to be used for the storage of personal property or equipment during construction, remodeling or moving into or from the premises and which is located for such purposes outside an enclosed building. No temporary storage unit shall be allowed on any property without a principal structure in existence on the property. A Temporary Storage Unit shall not be considered a structure requiring a Building Permit.

(2) Permit Required. No person or entity may place a dumpster or temporary storage unit on any private property or premises within the Village of River Hills without first obtaining a written permit from the Village Clerk.

(3) Requirements. Permits for the use of dumpsters and temporary storage units may be approved under the following conditions:

[a] There shall be more than one storage unit and one dumpster per property.

[b] Wherever possible the storage unit or dumpster must be located in the side yard or rear yard, shall comply with the applicable zoning code set-back requirements for the

property, and must be set back a minimum of five feet from the nearest wall of a building.

[c] Permits for dumpsters and storage units are issued for a maximum of 40 days. After a permit has expired, an application for another permit may be issued for an additional 40 days, if the owner or their agent can demonstrate that it is necessary for completion of the construction or other project that it is being used for, but in no event more than 14 days after the completion thereof.

(4) Regulation of Placement. At no time shall a dumpster or temporary storage unit be maintained on any property unless it is placed entirely on the property owner's premises, does not invade the public right-of-way, does not interfere with ingress or egress to the premises or adjacent premises, is located on a portion of the premises which minimizes interference with the aesthetics and function of adjacent properties, and whenever possible is on a hard or graveled surface. Such dumpster or storage unit shall be maintained so as to avoid the removal or consumption of materials contained therein by animals, and to avoid inadvertent removal of material due to natural elements such as wind or rain.

(5) Permit.

[a] A permit authorizing the placement of a Dumpster may be issued by the Village Clerk.

[b] A permit shall specify all of the following:

- (1) The name, address and contact information of the permit holder.
- (2) The date on or after which the Dumpster will be placed at the property and the location on the property where it will be located.
- (3) The expected date of removal.
- (4) The applicant shall pay a fee as designated in the Village Fee Schedule.

(6) Appeals and Penalties.

[a] Decisions under this section may be appealed to the Board of Appeals of the Village of River Hills pursuant to the procedures in Section 7.1000 of the Village Code.

[b] Penalties for violation of this section are set forth in the Section 2.15 the General Penalty section applicable to ordinances in Chapter Two of the Village Code.

Section 2.25. MAINTENANCE OF STRUCTURES. No owner shall permit any premises to exist or any structure or fence to exist on any premises which does not comply with the following requirements:

[a] Every foundation, exterior wall, roof, window, exterior door, basement hatchway, and every other entrance way of every structure shall be so maintained as to be free of holes, breaks, loose or rotting boards and shall be reasonably weather-tight, rodent-proof, insect-proof and shall be kept in a reasonably good state of maintenance and repair.

[b] All exterior wood surfaces of all structures shall be properly protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner.

[c] Every fence shall be kept in a reasonably good state of maintenance and repair or shall be removed. (Rep. & Rec. Ord 513, 03/23/11)

Section 2.26. PROPERTY MAINTENANCE.

(1) Definitions. For the purpose of this ordinance, the following words and phrases shall have the meanings assigned to them in this section. Words and phrases not herein otherwise defined shall have the meaning accepted by common use.

[a] "Blighting Influence". A condition having an adverse effect on surrounding properties.

[b] "Debris". Broken concrete, bricks, blocks, or other mineral matter; bottles, porcelain and other glass or crockery; boxes, lumber (new or used); wire, tin and metal items; discarded household goods or appliances; junk lawn mowers; tar paper; tree or shrub branches; piles of soil, stone, or fill; yard rakings of organic materials such as grass clippings, leaf piles, or garden debris; residues from burning; or any other similar materials.

[c] "Junk". Any old or scrap metal, metal alloy, synthetic or organic material or waste, or any junked, ruined, dismantled or wrecked motor vehicle or machinery, or any part thereof, whether salvageable or not. An unlicensed motor vehicle shall be construed to be a junked motor vehicle.

[d] "Non-combustible Material". Material that cannot be burned.

[e] "Rubbish". Combustible and non-combustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other

combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral matter, glass crockery and dust, and other similar materials.

[f] "Refuse". Debris as heretofore defined.

(2) Exterior Area Requirements.

[a] No person, firm or corporation shall allow or permit the exterior areas of their property to remain in a condition that is not in accord with the following provisions of this ordinance:

1. All exterior areas of any premises shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible material, debris, junk, and refuse or any similar material which could or may cause fire, safety, or health hazards or a serious blighting influence upon surrounding properties.

2. Every premises shall be so maintained as to prevent the premises from becoming a harborage for rats and insect pests.

3. Every premises shall be graded and maintained so no stagnant water will accumulate or stand on the premises or within any building or structure located on the premises. In addition every premises shall be maintained so that debris shall not cause flooding of adjacent property.

4. Exterior areas shall be maintained in a manner that will not have a serious blighting influence upon surrounding properties.

(3) Enforcement of Exterior Area Requirements. For the purpose of administering and enforcing the provisions of this section, the Village designates and authorizes the Village Manager the duties and responsibilities of such administration and enforcement within the Village and further authorizes the Village Manager or any person that he or she specifically delegates in writing to make inspections in response to a complaint that an alleged violation of this ordinance exists; or when there is good reason to believe that a violation is being committed. Any violations may be enforced by municipal citations that may be issued by the Village Manager, the Building Inspector or any employee that is specifically delegated to issue such citations by the Village Manager. (Rep. & Rec. Ord # 525, 05/20/15)

SECTION 2.27. PARKING AND STORAGE OF VEHICLES.

(1) Application. The provisions of this section shall apply to the following: Automobiles, trucks, vans, snowmobiles, mopeds, boats, all-terrain vehicles, camping trailers, mobile homes, motor homes, pick-up campers, motor buses, road tractors, truck tractors,

motorcycles, trailers, semi-trailers, panel trucks, dump trucks, road machinery, farm implements, riding lawn acre/snow removal tractors, and other such engine driven devices or vehicles either self-propelled or designed to be towed by a motor vehicle, collectively referred to herein as "vehicles" unless otherwise specifically stated.

(2) The unenclosed parking or storage of any vehicles is prohibited except as expressly permitted as follows:

[a] Motor vehicles designed and used as private passenger motor vehicles which are licensed and in regular use not to exceed the number of licensed drivers residing at the residence.

[b] Parking of vehicles for temporary periods of time. For the purpose of this ordinance, it shall be presumed that any vehicle parked or stored at one location for a period of time in excess of 48 hours is not parked for a temporary period of time.

[c] A recreational vehicle and/or boat but in no case exceeding 35 feet in length may be parked unenclosed during the period extending from March 15 to November 30 provided such recreational vehicles and/or trailer is in fact in actual use during such period and is not merely being stored.

[d] Snowmobiles may be parked or stored unenclosed during the period extending from November 1 to April 15 provided such snowmobile is in fact in actual use during such period and is owned or leased by the resident and is not merely being stored.

[e] Open storage of any recreational vehicle and/or trailer otherwise prohibited by this ordinance may be permitted with the approval of the Village Manager if such vehicle and/or trailer is effectively shielded from normal observation from the street or adjoining properties by existing landscaping, walls or fencing and providing such storage is not between any portion of the building and an abutting street. Such permission may be rescinded at any time for due cause. Application for storage permission under this section shall be made on forms provided by the Village Clerk. Appeal from a denial or revocation of a permit for unenclosed storage by the Village Manager shall be made to the Board of Appeals.

[f] A temporary visitor permit may be obtained from the Public Safety Department for a recreational vehicle and/or trailer where there is no alternative parking available. Such permit shall be valid for a period of not more than 14 consecutive days and may be renewed up to a maximum period of 28 days in any calendar year. This permit shall only apply to parking on private property. Otherwise, no person shall park, stop, or leave standing any recreational vehicle and/or trailer for more than 48 consecutive hours.

(3) Powers and Duties of Building Inspector. The Building Inspector shall enforce the

provisions of this ordinance and is hereby authorized and directed to make inspections in response to a complaint that an alleged violation of this ordinance exists; or when he has good reason to believe that a violation is being committed.

(4) Penalties. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture as set forth in the General Penalty section of Chapter Two, Section 2.15 of the General Ordinances of the Village of River Hills. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 2.30. USE AND OPERATION OF SNOWMOBILES.

(1) State Snowmobile Laws Adopted. Except as otherwise specifically provided, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes of 1984, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or a term of imprisonment, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required to be performed or any act prohibited by any statute incorporated herein by reference, is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the Statutes incorporated herein are intended to be made a part of this ordinance in order to secure uniform statewide regulations of the use and operation of snowmobiles.

- 350.01 (Definitions)
- 350.02 (Operation of Snowmobiles on or in the vicinity of highways)
- 350.03 (Right-of-Way)
- 350.05 (Snowmobile races, derbies and routes)
- 350.06 (Firearms and bows)
- 350.07 (Driving animals)
- 350.08 (Owner permitting operation)
- 350.09 (Headlamps, tail lamps, and brakes)
- 350.10 (Miscellaneous provisions for snowmobile operations)
- 350.12 (Registration of Snowmobiles)
- 350.15 (Accidents and accident reports)
- 350.17 (Enforcement)
- 350.99 (Parties to a violation)

(2) Forfeiture Penalty.

[a] The penalty for violation of any provision of this ordinance shall be a forfeiture as hereinafter provided together with the costs of prosecution and the penalty assessment imposed by Sec. 165.87 Wis. Stats., where applicable. Any person who shall fail to pay the amount

of the forfeiture, costs of prosecution, and penalty assessment imposed for violation of any provision of this ordinance may, upon order of the Court entering judgment therefor and having jurisdiction, be imprisoned until such forfeiture, costs, and penalty assessment are paid, but not exceeding thirty (30) days.

[b] Forfeitures for violations of any snowmobile regulations set forth in the Wisconsin Statutes which are herewith adopted by reference shall conform to the forfeiture penalty permitted to be imposed for violation of the comparable state statute, including any variations or increases for subsequent offenses; provided however, that this subsection shall not permit prosecution under this ordinance of any offense for which an imprisonment penalty or fine may be imposed.

Section 2.35. PRIVATE ALARM SYSTEMS.

(1) Definitions.

[a] Alarm System shall mean any device designed for the detection of an unauthorized entry on premises or for alerting others of the commission of an unlawful act or both, or for the detection of a fire, and when actuated, emits a sound or transmits a signal or message or both.

[b] False Alarm shall mean an alarm signal necessitating response by the River Hills Police Department or any Fire Department (including the North Shore Fire Department) when an actual emergency situation does not exist.

[c] Excessive false alarms shall mean all false alarms received from the same alarm system at any time after an alarm system has been installed and in operation for a period of two (2) months.

(2) Permits.

[a] Permit Required. A permit shall be required for each type of alarm system now installed on premises within the Village or installed after the effective date of this Ordinance.

[b] Permit Fee. A permit fee as set forth in the schedule of fees as adopted and subject to amendment from time to time by Resolution of the Village Board for each type of alarm system shall be paid at the time of filing an appropriate application for a permit. 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. Fees for any permits issued by the North Shore Fire Department are set forth in the North Shore Fire Department Fee Schedule.

(3) Prohibitions.

[a] Alarm System Permits. No person shall install an alarm system or use or possess an operative alarm system without having a permit in accordance with the provisions of this Ordinance.

[b] No person owning, using or possessing an alarm system shall cause or permit the giving of a false alarm, whether intentional, accidental or otherwise.

(4) Permit Application.

[a] Application Form. Applications for all permits required by this ordinance shall be filed with the Chief of Police for an alarm system for a residential building or property and with the North Shore Fire Departments for a non-residential building or property upon forms requesting such information as is necessary to evaluate and act upon the application; the application form shall be signed by the proposed permittee and in doing so the proposed permittee shall agree to pay any and all forfeitures in excess of the forfeiture deposit which may be due to the Village for false alarms in the amounts set forth in Subsections (5)[a] and [b] of this Ordinance, and upon the failure of the permittee to pay such excess forfeitures by December 1 of the year in which incurred, to authorize the Village Clerk to place the amounts then due and owing to the Village upon the Village Tax Roll; all proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to said forfeitures if they are not paid within the time required for the payment of taxes upon real estate.

(5) Forfeitures.

[a] For each false alarm, resulting in the dispatching of police personnel, the permittee shall be subject to a forfeiture of an amount as amended 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.

[b] For each alarm resulting in the dispatch of fire personnel and equipment where there is no fire or risk of fire, the permittee shall be subject to a forfeiture of an amount as amended from time to time by Resolution of the Village Board for each such false alarm. 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.

(6) Appeal. Any person who has been denied an alarm system permit by the Chief of Police shall have a right to appeal that decision to the Village Board and the Village Board may affirm, amend, or reverse the decision of the Chief or take other action deemed appropriate.

(7) Suspension and Revocation of Permits.

[a] Grounds for Suspension. The Chief of the Police may suspend or revoke a

permit where the permittee has continuously failed to comply with the provisions of this Ordinance or whenever an alarm system actuates excessive false alarms and thereby constitutes a public nuisance.

[b] Hearing. Before a permit issued pursuant to this Ordinance may be suspended or revoked, a hearing must be held before the Chief of the Police. Any permittee may appeal the decision of the Chief to the Village Board within five (5) days after his decision. The Village Board may affirm, amend, or reverse the decision or take such other action as is deemed appropriate.

(8) Penalty. Any person who shall violate any of the terms or provisions of this Ordinance shall, upon conviction thereof, forfeit not less than Twenty-Five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars, together with the costs of the action. Each day's continuance of such violation shall be construed to be a separate offense. (Ord. 560, 03/09/22)

Section 2.36. FAILURE TO OBTAIN SPECIAL PRIVILEGE PERMIT FOR ENCROACHMENT ON VILLAGE STREETS, PUBLIC GROUNDS OR LAND DEDICATED FOR PUBLIC USE.

(1) Removal of Encroachments Constituting a Danger to Public Safety. In addition to any other penalty imposed by law, if the Village Manager determines that a Village street, public grounds or land dedicated for public use is obstructed or encumbered and he determines that such is a danger to public safety, he shall issue a written notice to the property owner of the premises which adjoin the obstructed public area directing that the obstruction be removed as soon as possible but no longer than ten (10) days. If the property owner shall fail to comply with the written notice, the Village Engineer shall remove such obstruction and make the return of the cost and expense thereof to the Village Clerk who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstruction, and such sum shall be levied and collected as other special taxes against the real estate.

(2) Appeals. The Village of River Hills Board of Appeals, created under the Village of River Hills Code pursuant to SS 62.23(7)(e) Wis. Stats., shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by Village personnel in administering this ordinance. The Board shall also use the rules, procedures, duties, and powers authorized by statute and Village ordinances in hearing and deciding appeals. Upon appeal, the Board may authorize variances from the provisions of this ordinance which are not contrary to the public interest, and where owing to special conditions a literal enforcement of the ordinance will result in unnecessary hardship.

(3) Village Not Liable for Damage to Encroachments. The Village shall not be liable for damage to any encroachment on a Village street, public grounds or land dedicated for public

use if such encroachment has not been approved pursuant to Sec. 66.0425 Wis. Stats. (Ord. #482, 7/16/03)

Section 2.40. PRIMARY ENVIRONMENTAL CORRIDOR CONSERVANCY DISTRICT.

(1) Authority. This Ordinance is adopted pursuant to the authority granted to the Village by Section 61.34(1) of the Wisconsin Statutes.

(2) Purpose. The purpose of this Ordinance is to promote the health, safety, prosperity, aesthetics and general welfare of the residents of the Village of River Hills, as well as to preserve the quality of the human environment within the Village of River Hills.

(3) Intent. The intent of this Ordinance is to manage and control the use of those lands and waters within the area of the Village included in the "Primary Environmental Corridor Conservancy District", as hereinafter more specifically defined, so as to

[a] secure safe and healthful conditions for the enjoyment of aquatic recreation;

[b] minimize the conflict between shoreland owners and public water users;

[c] meet conflicting demands for boating, swimming, diving, skiing, fishing, and other water uses within the boundaries of the Village and within the capabilities of the water and shoreland resources;

[d] preserve and protect remaining wetland, woodland, and other significant natural resources which contain the best remaining wildlife habitat and scenic areas within the Village;

[e] restrict the placement or location of structures on land within such district;

[f] provide for the administration and enforcement of this Ordinance and penalties for its violation.

(4) Primary Environmental Corridor Conservatory District. This Ordinance shall apply to all land, water, and air located within the Primary Environmental Corridor Conservancy District, which is herein defined to include all those lands containing scenic, recreational and other natural resources which extend outward from the high water elevation of the Milwaukee River to a distance of five feet. The air included shall consist of the air for a distance of ten feet above the lands and waters within said district. The waters included within said district shall consist of that portion of the Milwaukee River lying within the boundaries of the Village of River Hills. The land and air included within said district shall include only such land and air as shall be within the boundaries of the Village of River Hills.

(5) Primary Environmental Corridor Conservancy District Regulations. Except for special uses authorized pursuant to Section 2.40 (6) of this Ordinance, the following controls and regulations upon the use of lands, waters and air within the "Primary Environmental Corridor Conservancy District" are hereby established.

[a] All uses of land within the "Primary Environmental Corridor Conservancy District" which would substantially impair the natural fauna, flora, watercourses, water regimen or topography are hereby prohibited; but nothing herein contained is intended to prohibit the use of such land for forest and game management; forest reserves; drainage; flood overflows and movement of stream waters; impoundment; ponds or lagoons; stream bank protection; sea walls; recreational uses limited to hiking, wildlife observation, golf courses, tennis courts, equestrian trails, bicycle trails, swimming pools, picnicking, cross-country skiing, sledding, lawn games; preservation of scenic, historic and scientific areas; preservation of wildlife habitat; lawns and gardens accessory to single-family structures; and soil and water conservation practices.

[b] All uses of water within the "Primary Environmental Corridor Conservancy District" which would substantially impair the natural fauna, flora, watercourses, water regimen or topography are hereby prohibited, including specifically the use of all fuel powered recreational vehicles designed for use or usable on or above the waters, whether frozen or otherwise, but nothing herein contained is intended to prohibit the use of such water for wildlife habitat; recreational uses limited to canoeing, rowing, wildlife observation, swimming, fishing, skating, sledding and cross-county skiing; flood overflow and flood water storage; preservation of scenic, historic and scientific areas; soil and water conservation practices; water retention ponds; and irrigation.

[c] All uses of air within the "Primary Environmental Corridor Conservancy District" are prohibited which substantially disturb or impair the natural fauna, flora, watercourses, water regimen or topography.

[d] Notwithstanding the permitted uses described in Paragraphs [a] through [c], any use of the land, water or air shall be conducted so as not to substantially disturb or impair the natural fauna, flora, watercourses, water regimen or topography or to adversely affect the quality of the human environment.

(6) Special Permits.

[a] Upon application in writing to the Village Board of the Village of River Hills, said Board may authorize a special use permit for the use of land, water or air in the said Primary Environmental Corridor Conservancy District for a use which is not specifically authorized by the provisions of subsection (5) hereof upon a showing by the applicant that the proposed use of land, water, or air within said District will not obstruct the floodways, increase

flood flow, increase or decrease the flood stage, retard the movement of flood waters, adversely affect the quality of the human environment or conflict with the purposes of or intent of this Ordinance. In making its determination as to whether a proposed use will or will not adversely affect the quality of the human environment, the Village Board shall take into consideration; (1) the extent to which the proposed use will cause adverse environmental effect in excess of those created by authorized uses in said district, and (2) the quantitative adverse environmental effects of the proposed use itself, including the cumulative harm that would result from the proposed uses' contribution to existing adverse conditions or uses in the Conservancy District.

[b] Any such special use permit granted by the Village Board shall specifically state the uses permitted, the name of the permittee, the period of time for which such permit shall continue, and any such permit shall restrict the use authorized to the named permittee.

[c] All applications for special use permits shall be filed in duplicate with the Village Clerk and shall be accompanied by a filing fee as set forth in the schedule of fees as adopted and subject to amendment from time to time by Resolution of the Village Board for each permit requested. 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. (Rep & Rec Ord # 537, 10/16/19)

[d] In granting any such special use permit, the Village Board may impose such terms and conditions as it deems necessary to insure that the permitted use will not conflict with the intent and purpose of this Ordinance.

(7) Penalty. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not less than Ten (\$10.00) Dollars nor more than Five Hundred (\$500.00) Dollars together with the costs of the action. Each day a violation exists shall constitute a separate offense.

Section 2.45. SAFETY AT SPORTING EVENTS.

(1) Definitions.

[a] "Alcohol beverages" means fermented malt beverages and intoxicating liquor.

[b] "Facility" means building or stadium.

[c] "Fermented malt beverages" has the meaning designated in Section 125.02(8) Wis. Stats.

[d] "Intoxicating liquor" has the meaning designated in Section 125.02(8) Wis. Stats.

[e] "Passing" includes pushing, pulling, throwing and moving.

[f] "Sports facility" means a facility where sporting events are held, regardless of whether that is the exclusive use of the facility.

(2) Body Passing.

[a] A spectator at a sporting event at a sports facility shall not participate in the process of passing another person above the floor or ground from one location to another.

[b] Paragraph [a] does not apply to the act of a person moving another person in order to render first aid or otherwise assist or care for that other person.

(3) Object Passing. A spectator at a sporting event at a sports facility shall not participate in the process of passing bleachers, seats or other objects in a manner which threatens the safety of other persons.

(4) Alcohol Consumption.

[a] A spectator shall not bring alcohol beverages into a sports facility where there is a sporting event at the sports facility.

[b] A spectator shall not possess or consume alcohol beverages at a sporting event at a sports facility if the alcohol beverages were brought to the facility as specified in paragraph [a].

[c] This ordinance does not apply to any vendor or other person who brings alcohol beverages into a sports facility with the authorization of the person in charge of the facility.

(5) Forfeiture. Any person, whether an adult or child, found guilty of a violation of any provision of subsections (2), (3) or (4) hereof, shall be subject to a forfeiture of Fifty (\$50.00) Dollars together with the costs of the action. In the event of the default in payment thereof by an adult, the adult shall be subject to confinement in the County Jail or House of Correction of Milwaukee County until such forfeiture and costs have been paid, but in any event, not to exceed thirty (30) days.

Section 2.50. FIRE DEPARTMENT FEES.

(1) Definitions.

a. North Shore Fire Department. That Fire Department created by an Intergovernmental Cooperation Agreement for fire and emergency services, which Department is jointly owned and operated by the Villages of Bayside, Brown Deer, Fox Point, River Hills, Shorewood, Whitefish Bay, and the City of Glendale, pursuant to the amended and restated North Shore Fire Department Agreement dated December 30, 1994, and under authority of the provisions of Section 66.0301, Wis. Stats.

b. Public building. Defined in Section 101.01 (12), Wis. Stats. (2001-2002 or as hereafter amended) as set forth here to mean any structure, including exterior parts of such building, such as a porch, exterior platform, or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by a multiple family dwelling occupied by 3 or more tenants. For the purposes of this section, public buildings only include those residential buildings that are designed for occupancy or are occupied as three or more separate dwelling units.

c. Place of employment. Defined in Section 101.01 (11) Wis. Stats. (2001-2002 or as hereafter amended) as set forth here to mean every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade, or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade, or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming.

(2) Permit Required. Permits are required and shall be issued by the North Shore Fire Department for all of the plan reviews and inspections, subject to the payment of fees all as listed in subsection (3) below.

(3) Permit Fees. The fees to be charged by the North Shore Fire Department for permits relating to occupancy inspections, work without permit, re-inspection fees, special plan reviews, processing variance requests, acceptance tests, code or evacuation plan consulting and other permit fees for plan reviews and inspections of all residential buildings containing 3 or more housing units, public buildings, places of employment, and special events are set forth in the schedule of permit 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. (Am. 03/06/19, Ord # 531)

(4) Fire inspection permit fees shall be charged, collected and retained by the North Shore Fire Department.

(5) Municipal buildings, municipal sponsored events and municipal construction projects

shall be exempt from fire department permits and fees. (Ord. #488, 8/18/04)