

## ORDINANCE NO. 1911-2024

### ORDINANCE REPEALING AND REPLACING SECTION 14.04

WHEREAS, the City of Kaukauna Common Council approved a Code Enforcement position to handle all code enforcement issues; and

WHEREAS, the Code Enforcement Officer is limited in the types of ordinance violations it is able to enforce and issue citations for; and

WHEREAS, it is desired to allow the Code Enforcement Officer to be allowed to issue citations under Chapter 21 (Fire Prevention) of the City Ordinances;

NOW, THEREFORE, the Common Council of the City of Kaukauna, Wisconsin, do ordain as follows:

Section 14.04 is hereby repealed and replaced to read as follows:

#### 14.04 Building Inspector And Building Inspection Department

The city building inspection department is hereby created, and the designated official in charge thereof shall be known as the building inspector. The building inspector may be an employee of the city or may be contracted to perform the duties of building inspector, as approved by the Common Council.

1. ***Building Inspector.*** The building inspector may be an employee of the City or may be contracted to perform the duties of building inspector, as approved by council. The building inspector, whether appointed or contracted shall report to the Director of Planning and Community Development.
  1. ***Appointment.*** In the event that the building inspector is an employee of the city, the building inspector shall be appointed by the city council and shall not be removed from office, except for cause and after full opportunity to be heard on specific and relevant charges by and before the city council. In the event that the building inspector is contracted to perform the duties of building inspector, the contract shall be approved by the city council, and removal or termination shall be as set forth in the terms of such contract.
  2. ***Qualifications.*** The building inspector shall possess state certifications in the following categories: residential building and framing; residential heating, ventilating, and air conditioning; residential electric, and plumbing; and commercial building. The building inspector shall also possess the necessary qualifications to supervise the general construction and maintenance of all buildings and structures as required by state and local ordinances. The assistant building inspector and other appointed department employees shall possess necessary Department of Safety and Professional Services inspector certifications

as mandated by law and other qualifications as required by the building inspector and the city.

3. *General Powers and Duties.* The Building Inspector and his delegated assistants shall enforce the building code (Chapter 14), the zoning code (Chapter 17), the housing code (Chapter 19) and remove public nuisances (Chapter 10), all as more specifically set forth in those Chapters of this Municipal Code.
  4. *Citation Authority.* The Building Inspector and his delegated assistants shall have the authority to issue municipal citations for violations of Chapters 10, 14, 17, 19 and other sections of the Municipal Code of the City of Kaukauna that are directly related to the responsibilities of the Building Inspector or Building Inspection Office. This authority shall be exercised in substantial compliance with the requirements of Sections 800.01 and 800.02 of the Wisconsin Statutes as to the service of citations and their form and contents.
  5. *Plan Commission.* The Building Inspector shall be a member of the City of Kaukauna Plan Commission.
2. ***Code Enforcement Officer.*** The code enforcement officer shall be an employee of the City, appointed pursuant to Section 4.03. The code enforcement officer shall report to the Chief of Police.
    1. *General Powers and Duties.* The code enforcement officer and his delegated assistants shall enforce the building code (Chapter 14), the zoning code (Chapter 17), the housing code (Chapter 19) and remove public nuisances (Chapter 10), all as more specifically set forth in those Chapters of this Municipal Code.
    2. *Citation Authority.* The code enforcement officer and his delegated assistants shall have the authority to issue municipal citations for violations of Chapters 10, 14, 17, 19 and other sections of the Municipal Code of the City of Kaukauna that are directly related to the responsibilities of the Code Enforcement Officer or Building Inspection Office. This authority shall be exercised in substantial compliance with the requirements of Sections 800.01 and 800.02 of the Wisconsin Statutes as to the service of citations and their form and contents.
  3. ***Restrictions on employees.*** An official, employee, or contracted building inspector connected with the building inspection department shall not be engaged in or, directly or indirectly, connected with the furnishing of labor, materials, or appliances for the construction, alteration, or maintenance of any building within the city or the preparation of plans or of specifications thereof, unless that person is the owner of the building, nor shall such officer, employee, or contracted building inspector engage in any work which conflicts with official duties or with the interest of the city.
  4. ***Relief from personal responsibilities.*** The building inspector or other department employee charged with the enforcement of this chapter, while acting on behalf of the city, shall not thereby be rendered liable personally and the building inspector or department employee is hereby relieved of all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any department officer, employee, or contracted building inspector because of an act performed by that person in the lawful discharge of duties and under the provisions of this chapter shall be defended by the legal representative of the city until the final termination of the proceedings. The building inspector or any subordinates shall not be liable for any costs in any action, suit, or proceeding that is

instituted in pursuance of the provisions of this chapter and any officer of the building inspection department, acting in good faith and without malice, shall be free of liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

PROPOSED:

#### 14.04 Building Inspector and Building Inspection Department

The city building inspection department is hereby created, and the designated official in charge thereof shall be known as the Building Inspector. The Building Inspector may be an employee of the city or may be contracted to perform the duties of Building Inspector, as approved by the Common Council.

1. **Building Inspector.** The Building Inspector may be an employee of the City or may be contracted to perform the duties of Building Inspector, as approved by council. The Building Inspector, whether appointed or contracted, shall report to the Director of Planning and Community Development.
  1. *Appointment.* In the event that the Building Inspector is an employee of the City, the Building Inspector shall be appointed by the City Council and shall not be removed from office, except for cause and after full opportunity to be heard on specific and relevant charges by and before the City Council. ~~In the event that~~ If the Building Inspector is contracted to perform the duties of Building Inspector, the contract shall be approved by the City Council, and removal or termination shall be as set forth in the terms of such contract.
  2. *Qualifications.* The Building Inspector shall possess state certifications in the following categories: residential building and framing; residential heating, ventilating, and air conditioning; residential electric, and plumbing; and commercial building. The Building Inspector shall also possess the necessary qualifications to supervise the general construction and maintenance of all buildings and structures as required by state and local ordinances. The Assistant Building Inspector and other appointed department employees shall possess necessary Department of Safety and Professional Services Inspector certifications as mandated by law and other qualifications as required by the Building Inspector and the City.
  3. *General Powers and Duties.* The Building Inspector and ~~his~~ ~~their~~ delegated assistants ~~shall~~ ~~may~~ enforce the building code (Chapter 14), the zoning code (Chapter 17), the housing code (Chapter 19) and remove public nuisances (Chapter 10), all as more specifically set forth in those Chapters of this Municipal Code.
  4. *Citation Authority.* The Building Inspector and ~~his~~ ~~their~~ delegated assistants ~~shall~~ have the authority to issue municipal citations for violations of Chapters 10, 14, 17, 19 and other sections of the Municipal

Code of the City of Kaukauna that are directly related to the responsibilities of the Building Inspector or Building Inspection Office. This authority shall be exercised in substantial compliance with the requirements of Wis. Stat. § 800.01 and 800.02 as to the service of citations and their form and contents.

5. *Plan Commission*. The Building Inspector shall be a member of the City of Kaukauna Plan Commission.
2. **Code Enforcement Officer**. The Code Enforcement Officer shall be an employee of the City, appointed pursuant to Section 4.03. The Code Enforcement Officer shall report to the Chief of Police.
  1. *General Powers and Duties*. The Code Enforcement Officer and ~~his~~ **their** delegated assistants ~~shall~~ **may** enforce the building code (Chapter 14), the zoning code (Chapter 17), the housing code (Chapter 19), **fire prevention (Chapter 21)**, and remove public nuisances (Chapter 10), all as more specifically set forth in those Chapters of this Municipal Code.
  2. *Citation Authority*. The Code Enforcement Officer and ~~his~~ **their** delegated assistants ~~shall~~ have the authority to issue municipal citations for violations of Chapters 10, 14, 17, 19, **21**, and other sections of the Municipal Code of the City of Kaukauna that are directly related to the responsibilities of the Code Enforcement Officer or Building Inspection Office. This authority shall be exercised in substantial compliance with the requirements of Wis. Stats. § 800.01 and 800.02 as to the service of citations and their form and contents.
3. **Restrictions on employees**. An official, employee, or contracted **Building Inspector** connected with the **Building Inspection Department** shall not be engaged in or, directly or indirectly, connected with the furnishing of labor, materials, or appliances for the construction, alteration, or maintenance of any building within the **City** or the preparation of plans or of specifications thereof, unless that person is the owner of the building, nor shall such officer, employee, or contracted **Building Inspector** engage in any work which conflicts with official duties or with the interest of the city.

- (1) **Relief from personal responsibilities**. The **Building Inspector** or other department employee charged with the enforcement of this chapter, while acting on behalf of the city, shall not thereby be rendered liable personally and the **Building Inspector** or department employee is hereby relieved of all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any department officer, employee, or contracted **Building Inspector** because of an act performed by that person in the lawful discharge of duties and under the provisions of this chapter shall be defended by the legal representative of the **City** until the final termination of the proceedings. The **Building Inspector** or any subordinates shall not be liable for any costs in any action, suit, or proceeding that is instituted

in pursuance of the provisions of this chapter and any officer of the Building Inspection Department, acting in good faith and without malice, shall be free of liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

Passed and adopted by Council on the 16<sup>th</sup> day of July, 2024.

APPROVED: \_\_\_\_\_  
Anthony J. Penterman, Mayor

ATTEST: \_\_\_\_\_  
Sally Kenney, Clerk