

**CITY OF KAUKAUNA
ORDINANCE 1890-2023**

**ORDINANCE REPEAL AND RECREATING SECTION 14.04 BUILDING
INSPECTION AND BUILDING INSPECTION DEPARTMENT**

WHEREAS, the City of Kaukauna conducted an analysis of the different departments in 2022; and

WHEREAS, under the newly structured Planning Department, it was determined that the Building Inspector and Building Department staff would report directly to the Planning Director; and

WHEREAS, that a Code Enforcement Officer was appointed in 2022 and the current code does not adequately state the powers of said position;

NOW THEREFORE, be it ordained by the Common Council of the City of Kaukauna, in the State of Wisconsin, as follows:

SECTION 1: AMENDMENT “14.04 Building Inspector And Building Inspection Department” of the City of Kaukauna Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

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. *Department head.* In the event that the building inspector is an employee of the city, the building inspector shall be a department head and shall be fully covered as a full-time employee.
2. *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.
3. *Organization.* The building inspector shall appoint such number of officers, technical assistants, inspectors, and other employees as shall be necessary for the administration

and enforcement of this chapter and as authorized by the city council.

4. *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.
5. *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.
6. *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.

(Code 2011, § 14.04)

AFTER AMENDMENT

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. *Department head.* In the event that the building inspector is an employee of the city;~~

~~the building inspector shall be a department head and shall be fully covered as a full-time employee. *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. *Organization.* The building inspector shall appoint such number of officers, technical assistants, inspectors, and other employees as shall be necessary for the administration and enforcement of this chapter and as authorized by the city council. *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.~~ **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 Planning Director.

- a. *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.
- b. *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.
- c. *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.
- d. *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.
- e. *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 as approved by council. The code enforcement officer shall report to the Planning Director.
- a. *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.
- b. *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.

(Code 2011, § 14.04)

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON COUNCIL

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Presiding Officer

Attest

Anthony J. Penterman, Mayor, City of
Kaukauna

Sally Kenney, Clerk, City of
Kaukauna