

## ORDINANCE NO. 1932-2025

### ORDINANCE REPEALING AND REPLACING SECTION 19.30.

WHEREAS, on January 16, 2024, the Common Council of the City of Kaukauna passed and adopted Ordinance 1900-2024 repealing and replacing Section 19.30(1) of the City of Kaukauna Municipal Code; and,

WHEREAS, an error within the language of Ordinance 1900-2024 may be misconstrued or cause confusion; and,

WHEREAS, it was not intended to remove Section 19.30(1)(b) from the City of Kaukauna Municipal Code; and

WHEREAS, the matter having come before the Legislative Committee, and having been recommended for approval to the Common Council of the City of Kaukauna;

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

SECTION 19.30 is hereby repealed and replaced as follows:

The building inspector or code enforcement officer, ~~as the case may be~~, shall take the necessary action to see to it that violations of this chapter are prosecuted in the municipal court. However, nothing in this chapter shall preclude the building inspector or code enforcement officer, ~~as the case may be~~, from commencing actions directly under Wis. Stats. § 66.0413 under local ordinances relating to the abatement of nuisances or under Wis. Stats. § 823.02. In any court action or legal proceeding, any error, oversight, or declaration of duty on the part of the building inspector or code enforcement officer, ~~as the case may be~~, shall not constitute a defense.

1. *Notice of violation and order.* As a complete alternative to the direct commencement of a court action, the building inspector or code enforcement officer may serve a notice of violation and order on the owner or any person responsible for the use or occupancy of a building or structure in violation of the provisions of this chapter. If a notice of violation and order is not complied with promptly, the building inspector shall see to the enforcement under this subsection. Where circumstances warrant, the building inspector or code enforcement officer may grant reasonable extensions of time for the completion of any remedial action required.
  - a. The notice and order provided for herein shall:
    1. Be in writing.
    2. Include a description of the real estate sufficient for identification.
    3. Specify the violations which exist, and the remedial action required.
    4. Allow a reasonable time for the performance of any act it requires.
    5. Include a copy of the appeal procedure.
  - b. Notice of violation shall be served upon the owner of record or other responsible

person by certified mail or by direct delivery. Where the owner of record cannot be found, notice of violation shall be deemed to have been delivered by leaving a copy of the notice of violation at the individual's usual place of abode with a person of suitable age and discretion, who shall be informed of the contents, by posting a copy of the notice of violation in a conspicuous place in or about the structure affected by the notice or by causing such notice to be published in a newspaper of general circulation in the area as a Class 2 notice.

2. *Appeals.* Any person aggrieved by an order entered by the building inspector under subsection (1) of this section shall have the right to appeal the order under the provisions of subsection 14.23(4).
3. *Assistance from other officials.* The building inspector in the performance of his duties shall receive the assistance of the chiefs of the police and fire departments and of all other appropriate city officials, including the city attorney, in prosecuting violations of this chapter.

Introduced and reenacted by Common Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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

ATTTEST: \_\_\_\_\_  
Kayla Nessmann, Clerk