

ORDINANCE NO. 1825

ORDINANCE REPEALING AND REPLACING SECTION 14.04 BUILDING INSPECTOR AND BUILDING INSPECTION DEPARTMENT

WHEREAS, the City of Kaukauna has not had a full-time hired building inspector since 2012; and

WHEREAS, the City of Kaukauna posted a full-time building inspection position in 2020 and has come to the conclusion that there is not a market for such position; and

WHEREAS, the City of Kaukauna has contracted with McMahon and Associates for building inspection services; and

WHEREAS, the purpose of this ordinance is to revise specific portions of the municipal code to address the utilization of contracted individuals and organizations to perform services in place of city employees in the building inspection department.

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Section 14.04 is hereby repealed and replaced to read as follows:

Sec. 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.

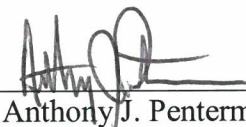
(3) *Organization.* The building inspector shall appoint such number of officers, technical assistants, inspectors, and other employees as shall be necessary for the administration and enforcement of this chapter and as authorized by the city council.


(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 industry, labor, and human relations 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.

This ordinance shall be in full force and effect from and after its adoption and publication.

APPROVED: 
Anthony J. Penterman, Mayor

ATTEST: 
Sally Kenney, Clerk

Adopted: 02/17/2021

Published: 03/03/2021