

**ORDINANCE NO. 2023-13
OF THE CITY OF PERU, NEMAHA COUNTY, NEBRASKA**

AN ORDINANCE OF THE CITY OF PERU, NEMAHA COUNTY, NEBRASKA, TO AMEND THE ORIGINAL CHAPTER 31 OF THE MUNICIPAL CODE OF THE CITY OF PERU, NEBRASKA CODE OF ORDINANCES BY ADDING AN ADDITIONAL SECTION WHICH SHALL BE ENTITLED “31.14 CODE ENFORCEMENT OFFICER”; PROVIDING FOR THE APPOINTMENT; TERMS; POWERS; AND DUTIES OF A CODE ENFORCEMENT OFFICER; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; MAKING VARIOUS FINDINGS AND PROVISION RELATED TO THE SUBJECT MATTER HEREIN; ORDERING THE PUBLICATION OR POSTING OF THE ORDINANCE; AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PERU, NEBRASKA:

WHEREAS, the creation of the position of a Code Enforcement Officer for the purpose of prevention, detection, investigation and enforcement of violations of Peru City Code or Ordinance will provide a benefit for public health, safety, and welfare, of the citizens of Peru, Nebraska.

WHEREAS, inspectors charged with the enforcement of fire, health, safety, and building or construction codes of a city of the second class have the authority, after being trained by a certified law enforcement officer in the policies and procedures for issuance of citations, to issue citations for violations of fire, health, safety, or building or construction codes pursuant to Nebraska Revised Statute Section 18-1757.

SECTION 1. That Chapter 31: Appointed City Officials, of the City of Peru, Nebraska, Code of Ordinances is amended, consistent with Code §10.17, to add an addition section which shall be entitled “31.14 Code Enforcement Officer”, to be read as follows:

“§31.14 CODE ENFORCEMENT OFFICER

- (A) There is hereby created the position of Code Enforcement Officer. The Office of the Code Enforcement Officer is an executive office of the city. The Code Enforcement Officer shall be appointed by the Mayor with the Consent of the City Council and may be removed from office by the mayor pursuant to City Code Section 31.01.
- (B) The city code enforcement officer shall have the authority to enforce fire, health, and safety codes and constructional technical codes of the city. As such, the Officer shall have the authority as set forth in Neb. RS 18-1757 to issue citations for violations of fire, health, safety codes and constructional codes that:
 - 1. Constitute infractions or violations of city ordinances;
 - 2. Are violations of fire, health, safety code, or constructional technical codes that the Officer is charged with enforcing; and
 - 3. Do not pose a danger to the Officer.
- (C) The Code Enforcement Officer shall, upon assuming office, be trained by a certified law enforcement officer in the policies and procedures for the issuance of citations.
- (D) The Code Enforcement Officer of the city is directed and is hereby charged with overseeing the proper enforcement of ordinances dealing with the following subjects: health and sanitation

issues, parking ordinances; weeds and unlawful growth; building numbers; signage; and anything that constitutes a public nuisance.

- (E) The Code Enforcement Officer shall work with, cooperate with, and keep fully advised the necessary department heads of the City.
- (F) The Code Enforcement Officer shall be under the supervision of the mayor.
- (G) The authority of the Code Enforcement Officer is to provide notices of city code violation and issue citations in the areas set forth above shall not relieve any other official or department head of their responsibility unless expressly set forth by city ordinance.
- (H) The Code Enforcement Officer shall obtain and file with the City Council, at the expense of the city, a surety bond conditioned upon his or her proper performance of all duties and obligations so vested.
- (I) Compensation. The compensation of the city code enforcement officer shall be fixed by Resolution or Ordinance of the City Council.”

SECTION 2. All other sections of Chapter 31 of the Municipal Code of the City of Peru, Nebraska, shall remain in full force and effect herein.

SECTION 3. Any other Ordinance or section passed and approved to passage, approval, and publication of this Ordinance and in conflict with its provisions shall be repealed.

SECTION 4. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting in pamphlet form as required by law.

Passed and Approved by City Council on this 20 Day of Nov. 2023, by the following votes:

Theresa Westfall	Aye: <u>X</u>	Nay: _____	Absent: _____	Abstain: _____
Quentin Kieler	Aye: <u>X</u>	Nay: _____	Absent: _____	Abstain: _____
Marty Peregoy (seat vacant)	Aye: _____	Nay: _____	Absent: _____	Abstain: _____
Cate Wyckoff (seat vacant)	Aye: _____	Nay: _____	Absent: _____	Abstain: _____
Dave Pease (Mayor) (on tie breaker)	Aye: <u>X</u>	Nay: _____	Absent: _____	Abstain: _____

SUSPEND
READINGS _____
(3/4 VOTE)

FIRST READING _____
SECOND READING 11/20/23
THIRD READING _____

Dave Pease
Dave Pease, Mayor of the City
of Peru, Nebraska

ATTEST:



Clerk of the City of Peru, Nebraska
(Seal)

