

TITLE 1. GENERAL PROVISIONS

CHAPTER 1.24

RIGHT OF ENTRY

SECTIONS

1.24.710 Authority
1.24.720 Procedures

1.24.710 AUTHORITY

Whenever necessary to make an inspection to enforce any portion of this code, or whenever there is reasonable cause to believe there exists an ordinance or code violation in any building or upon any premises within the jurisdiction of the city, any authorized employee of the city may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect or to perform any duty imposed upon him by ordinance or this code, provided that the procedures set out in section 1.24.720 of this chapter are complied with in every respect. (prior code section 1.500)

1.24.720 PROCEDURES

Entry onto any premises under section 1.24.710 of this chapter shall proceed in accordance with the following:

1. Entry at any time is permitted when there is actually or reasonably appears to be an emergency situation, or when the consent of the owner or occupant has been otherwise obtained for such entry.
2. Except as provided under subsection 1. of this section, the inspecting city official shall give the owner or occupant, if they can be located after reasonable effort, twenty-four hours' written notice of the authorized official's intention to inspect. The notice transmitted to the owner or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate.
3. If the owner or occupant refuses entry after such request has been made, the city official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.
4. No warrant under subsection 3. of this section shall be issued until an affidavit has been filed with the municipal court showing probable cause for such inspection by stating the purpose and extent of the proposed inspection, citing this section as the basis for such inspection, whether it is an inspection instituted by complaint or other specific or general information concerning any alleged violation. (prior code section 1.405)