

STATE OF ILLINOIS)

) SS.

COUNTY OF)

IN THE _____ JUDICIAL CIRCUIT, _____ COUNTY, ILLINOIS

IN THE MATTER OF)

)

CASE NUMBER:

)

)

COMPLAINT FOR ADMINISTRATIVE SEARCH WARRANT

NOW APPEARS _____, Building and Code Enforcement Officer for the Village of _____, Complainant, before the undersigned Judge of the _____ Judicial Circuit, and requests the issuance of an Administrative Search Warrant, to inspect the premises of _____, to determine if said premises are maintained in compliance with the ordinances of the _____, being the 20XX International Property Maintenance Code (20XX IPMC) of the XXXXXXXX, as adopted and amended in Section _____ of the _____ Code. In support hereof, Complainant states as follows:

1. That I am a Building and Code Inspector for the _____.

2. The 20XX International Property Maintenance Code as amended and adopted by reference in Section _____ of the _____ Code prescribes minimum maintenance standards for all structures and premises for basic equipment and facilities for light, ventilation, occupancy limits, heating, plumbing, electricity and sanitation; for safety from fire; for space, use and location: and for safe and sanitary maintenance for all structures and premises now in existence.

3. Section IPMC 104.4 of the 20XX International Property Maintenance Code as amended and adopted by reference in Section _____ of the _____ Code provides that: "The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law".

4. Camara v. Municipal Court of San Francisco, 87 S.Ct. 1727(1967) provides that the issuance of a search warrant authorizing municipal health and safety inspections to enter and

inspect dwellings include those situations where there is probable cause to believe there is a violation of the codes but need not be confined to cases in which inspectors possess probable cause to believe. Administrative search warrants are not limited to the issue as to whether that particular dwelling contains violations of minimum standards prescribed by the code being enforced. The court can look at the passage of time, the nature of the building or the conditions of the entire area in addition to specific knowledge of conditions.

5. People v. Sojourners Motorcycle Club, Ltd., 134 Ill.App.3d 448, 89 Ill.Dec. 358, 480 N.E.2d 840(2nd Dist. 1985) provides that the powers to inspect and procure an administrative search warrant are implied powers necessary to achieve enforcement of a code (in that case a county zoning ordinance). In this matter, the property maintenance code sets forth provisions for the code official to pursue recourse as provided by law to gain entry for inspections. In order to be able to enforce the _____'s property maintenance codes, it is necessary to perform inspections. When entry is refused or cannot be obtained, it must obtain an administrative search warrant as authorized by Camara v. Municipal Court of San Francisco in order to achieve the reasonable public goal of making sure that the dwelling meets minimum safety standards.

6. The Complainant, if allowed entry into the premises, shall inspect the items listed on the attached inspection form that is attached hereto and made a part hereof.

7. There is probable cause and a reasonable basis for the issuance of an administrative search warrant due to the following evidence:

a. _____ is the owner and occupant of _____, _____, IL _____, a single family residence in the _____, IL. I know this because I checked the records of the _____ County Recorder on (date) and the records show that _____ is the last owner of record. I also know this because I have met with _____ a number of times in 20XX and 20XX (dates if you know) at his residence and he has admitted that he lives in the residence.

b. I first became involved with this property when I inherited a court case from my predecessor, XXXXXXXXXX on (date). Mr. _____ had been issued various citations in the past for existing code violations on the property at _____, _____, IL _____. On June 7, 20XX, the _____ issued citations for the following code violations of the 20XX International Property Maintenance Code of the _____, as adopted and amended in Section _____ of the _____ Code for the exterior of his property to _____. (see attached Complaint, Village Exhibit A):

- Failure to Maintain Driveway, 20XX IPMC 302.3
- Storage of Inoperable Vehicles, 20XX IPMC 302.8
- Failure to Provide Protective Treatment 20XX IPMC 302.4

Failure to Maintain Roof and Drainage 20XX IPMC 304.7
Accumulation of Rubbish, 20XX IPMC 307.1

Though one vehicle has been removed, there is no compliance for the remaining violations based on my inspection on *(date)*.

c. These charges were based on my inspections on *(dates)* during which I saw that the soffit and fascia boards on the home are missing, rotted and stuffed with random debris such as leaves, garbage and plastic toy particles (see attached Village Exhibit B. The roof and roof supports appear to be sagging and there are large holes on the northeast side of the home allowing animals to enter the structure and which allow moisture from rain and snow to enter the interior of the property (see attached Village Exhibit C. I was told by _____'s neighbor, on *(date)* that he saw animals such as squirrels, mice and raccoons entering into the structure. There is an unlicensed, inoperable red vehicle in the backyard which cannot be removed unless scrub trees are cut down to get the car out of the rear yard (see attached Village Exhibit D. Due to these various problems, the exterior of the property is in a dilapidated condition. The interior of the structure needs to be checked to see if there is damage to the structure because of water infiltration due to the holes in the exterior.

d. The 20XX IPMC as amended and adopted by reference in Section _____ of the _____ Code provides:

302.5 Rodent Harborage: All structures and exterior property shall be kept free from rodent harborage and infestation”.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.

e. On _____ 20XX, _____ pleaded guilty to each and every code violation as set forth in the complaint, Village Exhibit A.

f. At the _____, 20XX court hearing _____ admitted in open court that he did not have running water or a working toilet in the home and has not had said sanitary facilities for an extended period of time. The _____ water records show no usage since *(date)*.

g. I met _____ at his home on _____, 20XX with a representative from the water department to verify that the water was on at the b-box. The _____ water department verified that the water was on at the main connection but not getting into the home due to an internal problem inside the structure.

h. On *(date)* I checked with the Sanitary District which verified that _____'s sanitary line is 90-95% blocked. This was discovered when new sewer lines were being laid on _____ Street in that area during *(time period)*.

i. On *(date)* I checked with _____ at the Public Works Department and found out that _____ has refused to allow a new water meter to be installed at the residence.

j. The 20XX IPMC as amended and adopted by reference in Section _____ of the _____ Code provides:

504.1 General - Plumbing Systems and Fixtures All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

505.3 Water Supply The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

k. I have checked the refuse records from the _____ that show that _____ has not had garbage pickup since _____ of 2000.

l. On or about *(dates)* I spoke to _____'s next door neighbors on both sides of his residence. They both stated that there is a foul odor that they both smell emanating from his home especially in the warmer months. It is so strong that they cannot use the exterior of their properties to barbecue. I verified this odor on or about *(dates)* when I was walking the property with _____ discussing his code violations with him. The odor smells like a combination of rotting garbage and human waste. I smelled this odor when _____ opened his door. He has not allowed me to check out the odor inside his residence. _____ appears not to have bathed in sometime in that he appears encrusted with dirt and smells like urine and rotting garbage.

m. The 20XX IPMC as amended and adopted by reference in Section _____ of the _____ Code provides:

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition.

307.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

n. On _____, 20XX I served _____, the owner of _____, _____, IL in the _____ Court with both a Notice of Condemnation (Village Exhibit E) under the 20XX IPMC and a 15-Day Notice to Demolish or Repair (Village Exhibit F) the structure. Since that time, I am not aware of anything _____ has done to abate the problem except for putting a handwritten "For Sale" sign on the property.

8. The Complainant, along with inspectors from the _____ and representatives of other public agencies if necessary if biohazard conditions are found in the interior due to a lack of toilet facilities, if allowed entry into the premises, would inspect the premises to determine if code violations exist. A _____ police officer would accompany said persons for the limited purpose of providing security.

9. Based on my observations, there is probable cause to believe that the following sections of the 20XX International Property Maintenance Code as amended and adopted by reference in Section _____ of the _____ Code have been violated:

Structure Unfit for Human Occupancy, 108.1.3,
Rodent Harborage, 302.5
Failure to Maintain Exterior Surfaces, 304.2,
Failure to Maintain Roof, 304.7,
Failure to Maintain Interior Structure in Sanitary Condition, 305.1,

Accumulation of Rubbish or Garbage, 307.1,
Failure to Maintain Plumbing System, 504.1.
Failure to Maintain Water Supply 505.3
Failure to Maintain Sewer Line 506.2 Maintenance

WHEREFORE, Complainant prays that this Court issue an Administrative Search Warrant, to inspect the exterior and interior structure and property at _____, _____, IL _____ to determine if the building, and plumbing components in the home meet the minimum standards set forth in the codes cited in this complaint.

Complainant
Building and Code Enforcement Inspector

Subscribed and sworn to before me
On this _____ day of _____, 20XX

Judge

INSPECTION LIST – _____, _____, Illinois

Check all that apply:

- Structural members will be checked for any evidence of deterioration that would render them incapable of carrying the imposed loads.
- The exterior of the property and premises will be inspected to determine that it is in a clean, safe, and sanitary condition free from the accumulation of rubbish or garbage and to ensure that the exterior structure is in good repair and structurally sound.
- The interior of the structure and its equipment will be examined to make sure it is in good repair, structurally sound and in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants or visitors and to protect the occupants from the environment.
- The structure will be checked for dampness that would be conducive to decay or deterioration of the structure.
- The sanitation of the structure will be inspected to ensure that it is in a clean and sanitary condition free from any accumulation of rubbish or garbage.
- The plumbing facilities will be inspected to ensure that they are in proper operating conditions, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste. The plumbing fixtures will be examined to ensure they are maintained in a safe and usable condition and to make sure they are of approved material. The sink, lavatory, bathtub or shower, water closet or other facility will be inspected to ensure that they are properly connected to either a public water system or to an approved private water system.
- All mechanical equipment will be checked to ensure it is properly installed and safely maintained in good working condition, and be capable of performing the function for which it was designed and intended.
- All electrical equipment, wiring and appliances shall be inspected to ensure they are installed and maintained in a safe manner.
- The residence shall be inspected for any signs of insects, rats, or other pests that could require extermination.

STATE OF ILLINOIS)
) SS.
COUNTY OF _____)

IN THE _____ JUDICIAL CIRCUIT, _____, _____ COUNTY,
ILLINOIS

IN THE MATTER OF)
) CASE NUMBER:
)

_____, Illinois)

ADMINISTRATIVE SEARCH WARRANT

TO: All peace officers and inspectors in the State of Illinois:

On this day, _____, 20XX at _____ a.m./p.m., Complainant, _____ has subscribed and sworn to a Complaint for an Administrative Search warrant before me. Upon examination of the Complaint, I find that it states facts to show a reasonable basis and probable cause, and I therefore command that the structure and property, both the exterior and interior of _____, _____, IL _____, be inspected and said inspectors shall inspect the items listed on the attached inspection form which is attached hereto and made a part hereof, using such force as is necessary to make entry in the event the owner or occupant refuses entry, to determine if said premises is in compliance with the ordinances of the _____, being the 20XX International Property Maintenance Code (20XX IPMC) of the _____, as adopted and amended in Section _____ of the _____ Code specifically but not limited to the following sections of the codes of the _____:

20XX IPMC 108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

20XX IPMC 302.5 Rodent Harborage: All structures and exterior property shall be kept free from rodent harborage and infestation.

20XX IPMC 304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and

fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight.

20XX IPMC 304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.

20XX IPMC 305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition.

20XX IPMC 307.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

20XX IPMC 504.1 Failure to Maintain Plumbing System in Working Order All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

20XX IPMC 505.3 Water Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

20XX IPMC 506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

Said inspection may be videotaped and/or photographed. A peace officer may accompany the inspectors for the limited purpose of providing security.

Time and date of Issuance:
_____, 20XX at ____ a.m.

Judge

