

MOTION

The Department of Building and Safety and the City Attorney have advised that Municipal Code Section 98.0105 (*Inspections*) should be amended to clarify the current right of entry for Building and Safety inspectors to conduct inspections, to include additional language to clear any ambiguity as to the inspection process that Building and Safety inspectors must follow when entering occupied or unoccupied properties, where there is reasonable cause to believe there exist building code violations that are hazardous, unsafe, or dangerous.

In addition, a new section needs to be added that prescribes the inspection process when entrance to a property is refused or cannot be obtained, as follows:

Inspection Warrant. If consent to enter is refused or cannot be obtained, whether a property is occupied or unoccupied, the Superintendent of Building or his authorized representative shall obtain an inspection warrant.

I THEREFORE MOVE that the Council request the City Attorney, with the assistance of the Department of Building and Safety, to prepare and present an ordinance, to amend Municipal Code Section 98.0105, *Inspections*, to clarify the right of entry for Department of Building and Safety inspectors to conduct inspections, as follows:

1. Add language that indicates that Department of Building and Safety inspectors must explain the reasons to conduct inspections, and that requests consent of the occupant to enter when the property is occupied; and when the property is unoccupied to locate the owner or other person having control of the property, to explain the reasons for the inspection and consent to enter.
2. Add a new section that specifies, that an 'Inspection Warrant' is required when entrance to a property is refused or cannot be obtained, as follows:

Inspection Warrant. If consent to enter is refused or cannot be obtained, whether a property is occupied or unoccupied, the Superintendent of Building or his authorized representative shall obtain an inspection warrant.

PRESENTED BY: 

MARQUEECE HARRIS-DAWSON
Councilman, 8th District

SECONDED BY: _____

BOB BLUMENFIELD (verbal)
Councilmember, 3rd District

JUN 24 2020