

Administrative Warrant

On October 22, 2018, the Board of Alderpersons passed Ordinance 586, electing the City of Frontenac as the provider of municipal court personnel, services, and facilities. The ordinance included provisions for the issuing of an Administrative Warrant.

What is an Administrative Warrant?

An "*administrative warrant*" is a written order by the **municipal judge**. The administrative warrant allows for the inspection of property by a fire marshal, health officer, or code enforcement official, for the purposes of identifying a fire or health hazard, an unsafe building condition, or a violation of any fire, health, or building regulation, statute, or ordinance. An Administrative Warrant does not allow for the arrest of anyone. ***An administrative warrant is used only in extreme cases where the health and safety of residents is of grave concern.***

In order for an Administrative Warrant to be issued the matter must be presented before the judge. Attorneys representing the city will present the judge with a signed and sworn Affidavit explaining the need for the warrant. The fire marshal, health officer, or code enforcement official must present sufficient evidence of a suspected unsafe building condition, or a violation of any fire, health, or building regulation, statute, or ordinance. Based on the evidence presented, the judge must determine whether probable cause exists to issue warrant. If the judge determines that probable cause exists, then judge will sign the warrant, which then authorizes the property inspection ***only for the purposes identified in the warrant.***

An example would be a case of hoarding. For instance, if a municipality is in receipt of complaints regarding the property, the city's Code Enforcement Officer would inspect the property for any violations to city codes. In the event of any code violations, the Code Enforcement Officer would issue citation(s) to the property owner. Should the issues not be resolved by the property owner and if the overall condition of the property drew concern for the public health, safety, or welfare of those living in the property or nearby, the Code Enforcement Officer, in conjunction with the city's Prosecuting Attorney, would then appear before the municipal judge. Evidence as to the state of the property and the means taken by city officials to work with the property owner to abate the code violations would be presented to the Judge, and the Judge would decide if an inspection was necessary for property code enforcement purposes.

Should you have any further questions or concerns about an Administrative Warrant, please feel free to attend an upcoming Board of Alderpersons meeting and address the board during the public comment section.