

ORDINANCE NO. 348**AN ORDINANCE GRANTING A RIGHT OF ENTRY TO AUTHORIZED CITY OFFICIALS FOR THE INSPECTION OF BUILDINGS AND PREMISES FOR THE ENFORCEMENT OF THE PROVISIONS OF THE CITY OF MADRAS, OREGON, ORDINANCES AND DECLARING AN EMERGENCY.****The city of Madras ordains as follows:**

Section 1. [Right of Entry; Notice.] Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the city, any authorized official of the city of Madras, Oregon, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; PROVIDED, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/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 and/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. In the event the owner and/or occupant refuses entry after such request has been made, the official is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

Section 2. [Repeal.] All other ordinance sections which grant any official of this city any right of entry are hereby repealed. Specifically, these sections are:

(1) That portion of Section 1, Article 6, Ordinance No. 236, which reads as follows, to wit: For purposes of inspection, they are hereby empowered to enter any and all buildings and premises at any reasonable hour.

(2) Paragraph five of Section 2, of Ordinance No. 70, which reads as follows: If any person, firm or corporation should fail or neglect to destroy or remove such nuisance within said period of ten days, it shall be the duty of the city marshal to go upon such premises with the assistance of such persons as he shall deem necessary and destroy, eradicate or remove such nuisance in such manner as shall be most effective.

(3) That portion of Section 9, Ordinance No. 135, which reads as follows: The superintendent may inspect pipes and plumbing at proper times.

Section 3. Emergency Clause. The city of Madras being in the process of

reviewing all their ordinance procedures and these changes being necessary to conclude said work, the city council hereby finds that this ordinance is necessary for the health and welfare of the citizens of the city of Madras, and that an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and signing by the mayor.

Passed by the council and approved by the mayor July 8, 1975.