

**THE BOROUGH OF DARBY  
THE COUNCIL OF THE BOROUGH OF DARBY  
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2019- 791

**AN ORDINANCE AMENDING CHAPTER 220 OF THE DARBY BOROUGH CODE  
FURTHER PROVIDING THE USE OF ADMINISTRATIVE SEARCH WARRANTS IN  
ENFORCEMENT OF THE BOROUGH'S ORDINANCES**

**§220-71 ADMINISTRATIVE SEARCH WARRANTS**

- A. Right of entry; administrative search warrants. The Borough Code Officer or Deputy Code Official(s) and/or designee of the Borough may apply to a judge of the Magisterial District Court for an administrative search warrant to enter any premises to conduct any inspection required or authorized by law to determine compliance with the provisions of any Borough property ordinance, code and/or nuisance ordinance.
- B. Application for and Content of Warrant. The application for an administrative search warrant shall be in writing and sworn to by the applicant and shall particularly describe the place, structure, premises, etc., to be inspected and the nature, scope and purpose of the inspection to be performed by the applicant. Before filing an application for an administrative search warrant with a court, the Borough Code Officer and/or Deputy Borough Code Officer and/or the Borough designee shall obtain approval by the Borough Solicitor as to its legality in both form and substance under the standards and criteria of this section, and a statement to this effect shall be included as part of the application. A judge of a court referred to in this section may issue the warrant on finding that:
- i. The applicant has sought access to the property for the purpose of making an inspection; and


1. After requesting, at a reasonable time, the owner, tenant or other individual in charge of the property to allow access, has been denied access to the property; or
  2. After making a reasonable effort, the applicant has been unable to locate any of these individuals.
- ii. The Borough Code Officer and/or the Borough designee is authorized by law to make an inspection of the property for which the warrant is being sought.
  - iii. Probable cause for the issuance of the warrant has been demonstrated by the applicant by specific evidence of an existing violation or any provision of a Borough Code and/or Borough Ordinance or any rule, regulation and/or ordinance adopted under the Borough Code or by showing:
    1. That a reasonable administrative inspection program exists regarding the condition of the property; and
    2. That the proposed inspection comes within that program.
- b. An administrative search warrant issued under this section shall specify the place, structure, premises, vehicle or records to be inspected. The inspection conducted may not exceed the limits specified in the warrant.
  - c. An administrative search warrant issued under this section authorizes the applicant and other officials or employees of the Borough to enter specified property to perform the inspection, sampling and other functions authorized by law to determine compliance with provision of this Code.

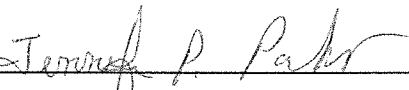
- d. An administrative search warrant issued under this section shall be executed and returned to the judge by whom it was issued within:
- i. The time specified in the warrant, not to exceed 30 days; or
  - ii. If no time period is specified in the warrant, 15 days from the date of its issuance.

ENACTED AND ADOPTED by the Council this 16<sup>th</sup> day of October, 2019.

ATTEST:

COUNCIL OF THE BOROUGH OF DARBY


  
\_\_\_\_\_  
Secretary

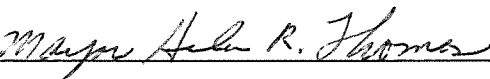
By:   
\_\_\_\_\_  
President of Council (Presiding Officer)

APPROVED, this 16<sup>th</sup> day of October, 2019, by the Mayor of the Borough of Darby.

ATTEST:

MAYOR OF THE BOROUGH OF DARBY

  
\_\_\_\_\_  
Secretary

By:   
\_\_\_\_\_  
Mayor

\* amended to be effective immediately