

**Appendix A**  
**Administrative Inspection Warrants**

A. Authority:

T.C.A. § 68-120-117 (Added by 2003 Pub.Acts, c. 326, § 1, eff. June 11, 2003)

B. Who is authorized to issue an Administrative Inspection Warrant?

- 1) Any official authorized by law to issue search warrants; or
- 2) Any court of record in the county of residence of the agency making application for an administrative inspection warrant.
- 3) Any municipal court having jurisdiction over the agency making application for an administrative inspection warrant, provided that the judge of the court is licensed to practice law in the state of Tennessee.

C. Who may apply for an inspection warrant?

The Building official may apply for the warrant. "Building Official" means any local government building official certified pursuant to § 68-120-113, provided that such official is acting in their capacity as an official of a municipality or county, and provided that the official is seeking to enforce the ordinances or codes of such local government.

D. Under what circumstances may the building official apply for a warrant?

- 1) When the building official is denied permission to make an inspection;
- 2) When a warrant is required by the Constitution of the United States or the State of Tennessee to perform such inspection;
- 3) When probable cause exists to believe that a violation of law has occurred or is occurring;
  - i) Probable cause is not the same standard as used in obtaining criminal search warrants. In addition to a showing of specific evidence of an existing violation, probable cause can be found upon a showing of facts justifying further inquiry, by inspection, to determine whether a violation of any state law or local building, fire, or life safety code is occurring. This finding can be based upon a showing that:

- (1) Previous inspections have shown violations of law and the present inspection is necessary to determine whether those violations have been abated;
  - (2) Complaints have been received by the agency and presented to the issuing officer, from persons who by status or position have personal knowledge of violations of law occurring on the named premises;
  - (3) The inspection of the premises in question was to be made pursuant to an administrative plan containing neutral criteria supporting the need for the inspection; or
  - (4) Any other showing consistent with constitutional standards for probable cause in administrative inspections.
- ii. Probable cause must exist not only at the time the warrant is issued, but also at the time the inspection is carried out.
- 4) The inspection is reasonable and not intended to arbitrarily harass the persons or business involved;
  - 5) The areas and items to be inspected are accurately described and are consistent with the statutory inspection authority; and
  - 6) The purpose of the inspection is not criminal in nature and the agency is not seeking sanctions against the person or business for refusing entry.

E. What information should the application (and warrant) include?

- 1) The name of the agency and building official requesting the warrant;
- 2) The statutory or regulatory authority for the inspection;
- 3) The names of the building official(s) authorized to conduct the administrative inspection;
- 4) A reasonable description of the property and items to be inspected;
- 5) A brief description of the purposes of the inspection; and
- 6) Any other requirements or particularity required by the constitutions of the United States and the State of Tennessee, regarding administrative inspections.

F. What happens after the application is made?

The issuing officer shall immediately make a finding as to whether an administrative inspection warrant should be issued and if the issuing officer so determines, issue such warrant. No notice shall be required prior to the issuance of the warrant.

G. How soon must the warrant be executed?

All warrants shall be executed **within ten (10) days** of issuance.

H. What if someone interferes with the execution of the warrant?

Any person who willfully refuses to permit inspection, obstructs inspection or aids in the obstruction of an inspection of property described in an administrative inspection warrant commits a Class C misdemeanor. The building inspector conducting the inspection should contact a police officer for assistance.

I. How should the inspection be conducted?

- 1) **Read** the inspection warrant carefully to determine the scope of authority to conduct the search (i.e., the specific location of the search, what is or is not included in the search, etc.). If you are not certain, call the City Attorney.
- 2) Conduct the inspection in the most **courteous**, reasonable manner.
- 3) **Document** the search. Take video, photographs and detailed notes. When possible, have a second certified building inspector available to witness the inspection and discuss your findings before you leave the premises.
- 4) If you see any evidence in plain view of a separate, additional crime or violation of state or local law, contact the police or relevant agency (i.e., fire marshal, Animal Control, sanitation department, etc.) as soon as it is practical.

J. What if this procedure or the inspection is not carried out lawfully?

Any person aggrieved by an unlawful inspection of premises named in an administrative inspection warrant may in any judicial or administrative proceeding move to suppress any evidence or information received by the agency pursuant to such inspection. If the court or the administrative agency finds that the inspection was unlawful, such evidence and information shall be suppressed and not considered in the proceeding.

The inspector or the City may be subject to additional penalties. If there is a question, exercise extreme caution. Check with your supervisor or with the City Attorney for advice how to proceed.

Form IW follows:

**IN THE CHANCERY COURT OF WILLIAMSON COUNTY  
STATE OF TENNESSEE**

**IN RE:**

***PERSON TO BE SEARCHED  
LOCATION TO BE SEARCHED.***

**CITY OF FRANKLIN, TENNESSEE  
DEPARTMENT OF CODES ADMINISTRATION  
ADMINISTRATIVE INSPECTION WARRANT APPLICATION**

**AFFIDAVIT**

Personally appeared before me, Gary Luffman, Codes Official and makes oath that he has good ground and belief, and does believe that violations of Tennessee law or the City of Franklin's Code section 12-501, the International Property Maintenance Code, are taking place upon the following described property as detailed in the attached Notice of Violation as Exhibit A hereto and incorporated by reference as if fully stated herein.

Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light and ventilation in dwellings, apartment houses, rooming houses, and other buildings, the International Property Maintenance Code, 2003 edition, (hereinafter "IMPC") was adopted by the City of Franklin on April 12, 2004.

The Codes Official, having been authorized pursuant to T.C.A. § 68-120-117(A) to conduct an inspection of said premises for compliance with the aforementioned code provisions respectfully requests the Court, having been authorize pursuant to T.C.A. § 68-120-117(B) as a court of record in the county of the residence of the agency making application for the administrative warrant, to issue the same for the property located at:

***(PREMISES TO BE SEARCHED, INCLUDING SPECIFIC ADDRESS)***

Further, Affiant states that the City of Franklin Codes Administration has statutory authority to inspect the above premises, that he, as a certified building official, has properly notified owner/occupants but has been denied permission to enter said

premises and the following facts or circumstances exist establishing probable cause that a violation of the aforementioned code(s) is (are) occurring upon said premises:

Form IW

**(PROBABLE CAUSE FOR SEARCH: Choose one OR both)**

- 1) Previous inspection on   (date)   showed violation(s) of law and the present inspection is necessary to determine whether those violations have been abated.
  
- 2) Complaints have been received by the agency and presented herein by persons who by status or position have personal knowledge of violations of law occurring on the named premises.  
**(NAME COMPLAINANTS, TITLE)**

Affiant further states that the purpose of the inspection is:

**(BRIEF SUMMARY OF PURPOSE OF INSPECTION)**

Affiant further states that the purpose of the inspection is: to confirm suspected continuing violations of code as portrayed in the photographs, to determine the extent of repairs made, if any, and to take proper legal action to abate the nuisance existing within and outside the exterior of the structure.

Affiant further states that the inspection is reasonable in scope and not intended to arbitrarily harass the persons or business involved; that the purpose of the inspection is not criminal in nature and the City of Franklin is not seeking sanctions against the person for refusing entry.

Gary Luffman, therefore, complains and asks that a warrant issue to inspect the said **PREMISES** of the above named **PERSON**, above described in said City, where he believes said **PREMISES** described above are currently in violation of City Code(s) .

\_\_\_\_\_  
**Gary Luffman,**  
Codes Official

Sworn to and subscribed before me, this \_\_\_ day of \_\_\_\_\_ 200\_\_.

\_\_\_\_\_  
(Signature of Judge or Magistrate)

Title: \_\_\_\_\_

Court: \_\_\_\_\_  
Williamson County, Tennessee

Prepared by

**WEED, HUBBARD, BERRY & DOUGHTY, PLLC**

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**IN THE CHANCERY COURT OF WILLIAMSON COUNTY  
STATE OF TENNESSEE**

**IN RE:**

**PERSON TO BE SEARCHED  
LOCATION TO BE SEARCHED**

**ADMINISTRATIVE INSPECTION WARRANT**

**TO ANY BUILDING OFFICIAL OF THE CITY OF FRANKLIN:**

Proof by affidavit having been made before me by Gary Luffman, Codes Official of the City of Franklin, Tennessee, Department of Codes Administration, that there is probable cause for believing that violations of the laws of the State of Tennessee or the building, fire, or life safety codes of the City of Franklin are occurring upon the following described property, as stated in his affidavit and Application for Inspection Warrant

***(insert property address, tax map description)***

situated in FRANKLIN, WILLIAMSON County, Tennessee;

And the Codes Inspector, having been authorized pursuant to the under T.C.A. § 68-120-117 to conduct an inspection of said premises for compliance with Franklin's building, fire and life safety codes, including but not limited to the International Property Maintenance Code, you are, therefore, commanded to make an immediate inspection of the above described property and to return this Administrative Inspection Warrant **within ten (10) days**.

**TO THOSE IN POSSESSION OF SAID PREMISES:**

Tennessee Code § 68-120-117 having been complied with, you are hereby notified that subsection (g) of that code section states:

**Any person who willfully refuses to permit inspection, obstructs inspection or aids in the obstruction of an inspection of property commits a Class C misdemeanor.**

This the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Time: \_\_\_\_\_ AM/PM

Title: \_\_\_\_\_  
(Signature of Judge or Magistrate)

Court. \_\_\_\_\_

**IN THE CHANCERY COURT OF WILLIAMSON COUNTY  
STATE OF TENNESSEE**

**IN RE:**

**PERSON TO BE SEARCHED  
LOCATION TO BE SEARCHED,**

**OFFICER'S RETURN**

The \_\_\_\_\_ within warrant came to hand; I executed it on this \_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, by inspection the premises herein described, herein and (if applicable) bringing before the Franklin Municipal Court the following personal property:

I witnessed the following code violations:

***(Detail violations or refer to attached Notice of Violation.)***

Signed: \_\_\_\_\_

Codes Official  
Williamson County, Tennessee