

**VILLAGE OF WATKINS GLEN
LOCAL LAW NO. 2 OF 2026**

**A LOCAL LAW AUTHORIZING THE CODE ENFORCEMENT OFFICER TO SEEK
ADMINISTRATIVE SEARCH WARRANTS FOR PROPERTY INSPECTIONS**

BE IT ENACTED by the Board of Trustees of the Village of Watkins Glen, Schuyler County, New York, as follows:

§1. TITLE

This Local Law shall be known and may be cited as the “Administrative Inspection Warrant Law of the Village of Watkins Glen.”

§2. LEGISLATIVE INTENT AND PURPOSE

A. It is the intent of the Board of Trustees to promote and protect the public health, safety, and welfare of the residents of the Village of Watkins Glen by ensuring compliance with applicable building, housing, fire safety, property maintenance, and zoning codes and regulations.

B. The Board recognizes that, under the Fourth Amendment to the United States Constitution and Article I, Section 12 of the New York State Constitution, entry onto or into private property or premises for inspection purposes—where consent is not granted—generally requires a warrant issued by a court of competent jurisdiction.

C. The purpose of this Local Law is to expressly authorize the Village’s Code Enforcement Officer and other duly authorized officials to apply for and obtain administrative search warrants, upon a proper showing before a court, in order to lawfully inspect premises for code compliance, in accordance with constitutional requirements and applicable law.

D. Nothing in this Local Law is intended to expand or limit the substantive rights of property owners or occupants beyond what is already required or permitted under federal or state law, but rather to provide a clear local procedure for obtaining court authorization where entry is refused or otherwise not available by consent.

§3. AUTHORITY

This Local Law is adopted pursuant to the authority granted to villages by the New York State Constitution, Article IX; the Municipal Home Rule Law §§ 10 and 10(1)(ii)(a)(12); the Village Law; and any other applicable enabling statutes.

§4. DEFINITIONS

For purposes of this Local Law, the following terms shall have the meanings indicated:

A. **“Code Enforcement Officer”** shall mean the individual(s) duly appointed by the Village of Watkins Glen with authority to administer and enforce the New York State Uniform Fire Prevention and Building Code, the New York State Energy Conservation Construction Code, and/or the Village Local Laws, and any duly authorized assistants or deputies.

B. **“Administrative search warrant”** or **“administrative inspection warrant”** shall mean a warrant issued by a court of competent jurisdiction authorizing entry onto or into premises for the limited purpose of conducting an inspection to determine compliance with applicable codes, ordinances, and regulations.

C. **“Premises”** shall mean any land, building, structure, dwelling, multiple dwelling, apartment, rooming house, commercial or industrial facility, and any other place, whether residential or non-residential, subject to regulation or inspection under applicable law.

D. **“Owner”** shall mean any person, entity, or other legal owner of record of the premises, or any person, entity, or other party in control of the premises.

E. **“Occupant”** shall mean any person in possession of or with the right to occupy the premises, including but not limited to tenants, lessees, or other lawful occupants.

§5. INSPECTIONS; REQUEST FOR CONSENT

A. The Code Enforcement Officer is authorized to perform inspections of premises within the Village as may be necessary to determine compliance with:

1. The New York State Uniform Fire Prevention and Building Code;
2. The New York State Energy Conservation Construction Code;
3. The Village of Watkins Glen Local Laws, including but not limited to property maintenance, housing, zoning, fire safety, and rental registration provisions; and
4. Any other applicable statutes, rules, or regulations for which the Village has inspection or enforcement authority.

B. Where practicable and except as otherwise provided by law, the Code Enforcement Officer shall first attempt to obtain the voluntary consent of the owner, occupant, or person in charge of the premises to conduct an inspection.

C. Consent may be obtained in writing or orally. If consent is refused, withdrawn, or otherwise not obtained after reasonable efforts, or if the premises appear unoccupied and entry cannot be obtained, the Code Enforcement Officer may seek an administrative search warrant in accordance with this Local Law.

§6. AUTHORIZATION TO APPLY FOR ADMINISTRATIVE SEARCH WARRANTS

A. When the Code Enforcement Officer has reasonable grounds to believe that a violation of any applicable code, ordinance, or regulation exists on or within any premises, and:

1. Entry has been refused or the owner, occupant, or person in charge has failed to respond to reasonable attempts to secure consent; or
2. The premises appear unoccupied and entry cannot otherwise be obtained; or
3. Exigent or emergency circumstances are absent but an inspection is reasonably necessary in the interest of public health, safety, or welfare;

then the Code Enforcement Officer is authorized to apply to a court of competent jurisdiction for an administrative search warrant permitting entry and inspection of the premises.

B. Such application may be made to any court having territorial jurisdiction over the premises, including but not limited to a Justice of the Village of Watkins Glen Justice Court, or other court as may be authorized by law.

C. The application shall be made under oath or affirmation and shall include, at a minimum:

1. A description of the premises to be inspected, sufficient for identification;
2. The statutory and/or code provisions under which the inspection is sought;
3. The general purpose and scope of the inspection, including whether it is part of a routine or area-wide inspection program, a follow-up inspection, or based upon a specific complaint or observed condition;
4. A statement of the facts and circumstances justifying the need for the inspection and supporting the reasonableness of entry at the time(s) proposed;
5. A description of the efforts made, if any, to obtain consent for the inspection; and
6. Any other information the court may require to establish that the inspection is reasonable under applicable constitutional standards.

§7. ISSUANCE AND SCOPE OF ADMINISTRATIVE SEARCH WARRANTS

A. The court may issue an administrative search warrant upon a finding that:

1. The inspection is authorized by and sought for a legitimate governmental purpose related to the enforcement of applicable codes, ordinances, or regulations; and
2. Under the totality of the circumstances, the proposed inspection is reasonable, taking into account any legislative or administrative standards for inspections, the nature of the property, the passage of time since last inspection, the existence of any complaints or observed violations, and all other relevant factors.

B. An administrative search warrant issued under this Local Law shall:

1. Be in writing and signed by the issuing judge;
2. Identify with particularity the premises to be inspected;
3. State the purpose and lawful authority for the inspection;
4. Limit the scope of the inspection to that which is reasonably necessary to determine compliance with specified code provisions;

5. Specify the hours during which the inspection may be conducted, which shall generally be during reasonable daylight or business hours, unless otherwise authorized by the court for good cause shown; and
6. Be executed within a time period specified by the court, which shall not unreasonably exceed the time necessary to accomplish the inspection.

C. The warrant may authorize entry by the Code Enforcement Officer and such other Village personnel or agents as may be reasonably necessary to assist in conducting the inspection.

§8. EXECUTION OF WARRANT; USE OF REASONABLE FORCE

A. The Code Enforcement Officer shall execute the administrative search warrant in a reasonable manner, consistent with its terms and with applicable law.

B. Prior to entry, the Code Enforcement Officer shall, unless otherwise authorized by the warrant or by law:

1. Identify themselves and their official capacity;
2. Present a copy of the warrant to the owner, occupant, or person then in charge of the premises; and
3. Provide a reasonable opportunity for the premises to be opened or access voluntarily granted.

C. If, after notice of the warrant and a reasonable opportunity, entry is still denied, the Code Enforcement Officer may request the assistance of law enforcement to effectuate entry as authorized by the warrant, including the use of reasonable force only to the extent permitted by law and the warrant's terms.

D. Nothing in this Local Law shall be construed to limit or restrict the authority of law enforcement officers to act independently pursuant to any other law or warrant, or under exigent circumstances.

§9. EMERGENCIES AND EXIGENT CIRCUMSTANCES

Nothing in this Local Law shall be construed to require the obtaining of an administrative search warrant in circumstances where immediate entry is otherwise authorized by law, including but not limited to situations presenting an imminent danger to life, health, or property, fire or explosion hazards, suspected gas leaks, structural collapse, or other true emergencies which reasonably require prompt action.

§10. REFUSAL TO PERMIT INSPECTION

A. It shall be unlawful for any owner, occupant, or person in charge of premises to willfully obstruct, hinder, or interfere with the Code Enforcement Officer or other authorized Village personnel in the execution of a duly issued administrative search warrant.

B. Any such unlawful obstruction, hindrance, or interference may constitute a violation of this Local Law and/or the Village Code and may be subject to the penalties provided therein, in addition to any other remedies available at law or in equity.

§11. SEVERABILITY

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§12. INCONSISTENCY WITH OTHER LAWS

In the event of any conflict between this Local Law and any other local law, ordinance, or resolution of the Village of Watkins Glen, the provisions of this Local Law shall control to the extent of such inconsistency, unless a specific local law of later adoption shall expressly supersede or amend this Local Law.

§13. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.