

Document 5 (SAMPLE 2)

THE STATE OF NEW HAMPSHIRE

_____ COUNTY

_____ DISTRICT COURT

PETITION FOR AN ADMINISTRATIVE INSPECTION WARRANT IN ACCORDANCE WITH RSA 595-B

NOW COMES the Petitioner _____ of _____ and respectfully requests the issuance of an Administrative Inspection Warrant in accordance with RSA 595-B. In support of this request the Petitioner states as follows:

1. The Petitioner is currently the Health Officer for the Town of _____.
2. In accordance with RSA 128:5 the Petitioner has the authority and duty to enforce public health laws and regulations. This includes the authority to conduct investigations into the safety and sanitary conditions of property and structures located within the town. In conducting such investigations the Petitioner is authorized by law to enter on private property, but he/she is not authorized to enter and inspect any living quarters located on the property unless he/she first has the consent of the property owner or specific authorization from a court of law.
3. The Petitioner has probable cause to believe that property located at:

_____ does not comply with statutes, rules and/or ordinances governing public health and safety standards and, as such, poses a risk to the occupants and the public. Specifically, the Petitioner has probable cause to believe that the property in question is in violation of the following statute(s), rule(s) and/or ordinance(s):

_____ Attached to this Petition is an affidavit setting forth the specific facts that demonstrate that there is probable cause for the issuance of an Administrative Inspection Warrant.

WHEREFORE, for the reasons set forth in this Petition the Petitioner respectfully requests that this Honorable Court issue an Administrative Inspection Warrant authorizing him/her to enter and inspect the property identified above.

Respectfully submitted,

Hearing Officer

**AFFIDAVIT IN SUPPORT OF THE PETITION FOR AN
ADMINISTRATIVE SEARCH WARRANT**

I, _____ hereby state the following facts which it is believed constitute probable cause for the issuance of an Administrative Inspection Warrant in accordance with RSA 595-B:

Respectfully submitted,

Health Officer

STATE OF NEW HAMPSHIRE
_____ COUNTY

Personally appeared the above-named _____ and gave oath that the foregoing statements are true to the best of his/her knowledge and belief.

Before me,

Justice of the Peace/Notary Public

THE STATE OF NEW HAMPSHIRE

_____ COUNTY

_____ DISTRICT COURT

ADMINISTRATIVE INSPECTION WARRANT

This Court, having reviewed the Petition for the issuance of an Administrative Inspection Warrant, including the sworn affidavit of the Petitioner, hereby determines that there is probable cause to believe that the property identified in the Petition is unsafe and/or unsanitary and as such poses a risk to the occupants of the property and to the public.

The Court hereby authorizes the Petitioner to enter the identified property including any living quarters, either with or without the consent of the property owner and/or occupants, and fully inspect the property. Such inspection shall take place at the earliest convenience of the Petitioner, however, such inspection must occur after 8:00 a.m. and before 8:00 p.m. Following the inspection the Petitioner may take such action as is authorized by law.

SO ORDERED.

Presiding Judge

