

STATE OF WYOMING )  
COUNTY OF CAMPBELL )  
CITY OF GILLETTE )

BEFORE DUMBRILL

CITY OF GILLETTE )

vs. )

BW NO. 16-0446

REAL PROPERTY LOCATED AT )  
410 NORTH OSBORNE AVENUE, )  
GILLETTE, WYOMING 82716 )

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**AFFIDAVIT IN SUPPORT OF ADMINISTRATIVE SEARCH WARRANT**

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STATE OF WYOMING )  
COUNTY OF CAMPBELL )

COMES NOW, Ken Rogers, Chief Building Official for the City of Gillette, Wyoming, being duly sworn and under oath does hereby make the following statements and accusations:

1. My name is Ken Rogers. I am the Chief Building Official for the City of Gillette, Wyoming.

2. There is a residential structure located at 410 North Osborne Ave., Gillette, Wyoming (hereinafter "Property") which I have reason to believe is a substandard structure. Specifically, the building incurred fire damage in a structure fire on January 11, 2015. The Property was abandoned as a permanent residence. Additionally, on March 28, 2015 there was an unauthorized controlled burn in the yard of the building, as well as a second structure fire to the building on September 21, 2015. The Campbell County Fire Department responded to all three (3) fire incidents. I reasonably believe, through my discussions with Law Enforcement, that the Property is subject to occasional entry by unknown parties for purposes of committing unlawful or immoral acts.

3. I believe that the Property may present a fire or health hazard or unsafe building condition or a violation of fire, health or building regulation, statute or ordinance.

4. The Property is owned by Robert J. Lara, Sr., deceased. According to a review of the Probate Files located in the Sixth Judicial District, Campbell County, Wyoming no probate action has been undertaken to either open, or maintain an action on behalf of the Estate.

5. By and through Ordinance 3312 and by and through Ordinance 3415, the City of Gillette initially adopted the Uniform Code for the Abatement of Dangerous Buildings 1997 (hereinafter "Code") and all appendixes thereto.

6. Section 201.2 of the Code states: "The health officer, the fire marshal and the building official are hereby authorized to make such inspections and take such action as may be required to enforce the provisions of this code." (1997 Abatement of Dangerous Buildings, Section 201.2)

7. Section 201.3 of the Code specifically authorizes the Chief Building Official or his/her authorized representative to make entry at reasonable times to inspect or to perform the



duties imposed the Code. The Code authorizes my entry to the Property without Warrant. However, because of the status of the property, I have chosen to pursue an Administrative Warrant to secure entry to the Property.

8. I reasonably believe, due to a prior fire at the Property, I may find the property to be a "Dangerous Building" as defined by the Code. Specifically, I am concerned as to whether the fire may have damaged the structural strength or stability of the Property; whether the Property in its current condition is capable of withstanding snow or wind loads placed upon it; whether the building is so damaged by fire and has become so dilapidated and deteriorated as to become (i) and attractive nuisance to children, (ii) a harbor for vagrants, criminals or immoral persons, and (iii) to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

9. The Administrative Warrant is sought solely for purposes of gaining access to the Property for purposes of conducting an inspection under Section 302 of the Code, and for purposes of recording the condition of the Property by video or photographic means. I am not entering the Property for purposes of seizure of any property or persons on the premises.

10. For my personal security, I will seek the assistance of law enforcement, while I conduct my inspection of the property. I will also likely be assisted by Jim Brown, my Deputy Building Official in determining the structural soundness and safety of the Property.

WHEREFORE, your Affiant asks for issuance of an Administrative Warrant that will authorize the Affiant and/or his designee to inspect the Property for the purposes of establishing the presence of a fire or health hazard or unsafe building condition or a violation of any fire, health or building regulation, statute or ordinance, more specifically Chapter 5 of the Gillette City Code and the Uniform Code for the Abatement of Dangerous Buildings 1997.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Ken Rogers  
Ken Rogers, Chief Building Official  
City of Gillette, Wyoming

STATE OF WYOMING                    )  
  )  
COUNTY OF CAMPBELL            )

The above and foregoing AFFIDAVIT IN SUPPORT OF ADMINISTRATIVE SEARCH WARRANT was subscribed and sworn to before me on this 3<sup>rd</sup> day of May, 2016.

WITNESS MY HAND AND OFFICIAL SEAL.



Tracy Lynn Olson  
Notary Public

My Commission Expires: 10/15/2016

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ADMINISTRATIVE SEARCH WARRANT

STATE OF WYOMING	)
	)
COUNTY OF CAMPBELL	)

GREETINGS:

WHEREAS, in accordance with Chapter 5-I-10 of the Gillette City Code and in conformance with Section 201.3 of the Uniform Code for the Abatement of Dangerous Buildings 1997, the Chief Building Official is specifically authorized to inspect any premises to determine the presence of a fire or health hazard or unsafe building condition or a violation of any fire, health, or building regulation, statute or ordinance and in accordance with the general police powers granted to the City of Gillette under its police powers, Ken Rogers, Chief Building Official for the City of Gillette, Wyoming has sworn and alleged under oath that a certain premises located at **410 North Osborne Avenue, Gillette, Wyoming** is in apparent violation of the Gillette City Code and the Uniform Code for the Abatement of Dangerous Buildings.

WHEREAS, the particular grounds and probable cause for this Administrative Search Warrant to issue are set forth in the Affidavit, which is attached and made a part hereof; and upon examination by me, I am satisfied that the grounds exist and that probable cause is shown, and I believe in its existence and do so hereby find.

NOW THEREFORE, Ken Rogers, Chief Building Official, and his designees, is commanded to enter and inspect the real property located at **410 North Osborne Avenue, Gillette, Wyoming, between the hours of 8:00 a.m. and 5:00 p.m., and shall announce themselves prior to entry to the same**, to make notes of findings and take photographs and video recordings of the premises to determine the presence of a fire or health hazard or unsafe building condition or a violation of any fire, health or building regulations, statute or city ordinance.

FURTHER, Ken Rogers, Chief Building Official, and his designees, may seek the assistance of law enforcement for purposes of personal security during the inspection of the premises.



FURTHER, Ken Rogers, Chief Building Official, and his designees shall have **fourteen (14) days** from the date of this Administrative Warrant to search the premises located at **410 North Osborne Avenue, Gillette, Wyoming**, and provide a return thereon.

DATED this 3rd day of May, 2016.

A handwritten signature in black ink, appearing to read "R. Douglas Dumbrill", is written over a horizontal line.

R. Douglas Dumbrill  
Municipal Judge, City of Gillette, Wyoming

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**RETURN OF ADMINISTRATIVE SEARCH WARRANT**

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STATE OF WYOMING )  
COUNTY OF CAMPBELL )

I HEREBY CERTIFY THAT I RECEIVED THE ADMINISTRATIVE WARRANT ON  
THE \_\_\_\_ DAY OF MAY, 2016 AT \_\_\_\_\_ O'CLOCK \_\_.M., AND SEARCHED  
THE PREMISES LOCATED AT 410 NORTH OSBORNE AVE, GILLETTE, WYOMING  
82716 ON THE \_\_\_\_ DAY OF MAY, 2016 AT \_\_\_\_\_ O'CLOCK \_\_.M..

During the search I found thereon and therein the following violations of the following  
safety, housing and/or building statutes, regulations, codes and/or ordinances applicable within the  
City of Gillette, Wyoming:

I provided a copy of the Administrative Warrant to \_\_\_\_\_, the owner  
or the occupant of the premises stated herein, or left affixed to the premises a copy of the same.

DATED this \_\_\_\_ day of May, 2016.

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Ken Rogers, Chief Building Official  
City of Gillette, Wyoming