

1 Bradley E. Neufeld, SBN 126911
2 VARNER & BRANDT LLP
3 3750 University Avenue, Suite 610
4 Riverside, California 92501
5 Tel. (951) 274-7777
6 Fax. (951) 274-7770

Exempt per Gov't Code §6103

5 Attorneys for
6 Northwest Mosquito & Vector Control District

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF RIVERSIDE

<p>10 IN THE MATTER OF NORTHWEST 11 MOSQUITO AND VECTOR CONTROL 12 DISTRICT APPLICATION FOR 13 INSPECTION AND ABATEMENT WARRANT</p>	<p>CASE NO. CVRI2105607 INSPECTION AND ABATEMENT WARRANT</p>
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14 TO THE GENERAL MANAGER OF THE NORTHWEST MOSQUITO AND VECTOR
15 CONTROL DISTRICT ("DISTRICT"), ANY REPRESENTATIVE OR DESIGNEE THEREOF,
16 AND ANY SHERIFF, POLICE OFFICER OR PEACE OFFICER IN THE COUNTY OF
17 RIVERSIDE:

18 Proof by Affidavit of Dr. Mark Breidenbaugh, of the District, having been made before the
19 above-entitled Court that there is probable cause to believe that all neglected pools or other stagnant
20 water sources on the properties within the District are potential breeding sources of mosquitoes that
21 can potentially transmit West Nile and other arthropod-borne viruses and must be inspected and
22 treated. By this reference, the Affidavit of Dr. Mark Breidenbaugh which accompanies this warrant,
23 is incorporated herein as if stated in full herewith.

24 The District's jurisdiction includes all of the incorporated cities of Calimesa, Canyon Lake,
25 Corona, Lake Elsinore, Eastvale, Jurupa Valley, Norco and Riverside. The District also controls
26 vectors in the northwest portion of Riverside County including the following unincorporated
27 communities: Arlanza/Arlington, Canyon Crest, Coronita, Glen Avon, Highgrove, Home Gardens,
28 La Sierra, Pedley, Rubidoux, Woodcrest and other unincorporated areas within the boundaries of

1 the Northwest Mosquito and Vector Control District (collectively hereinafter, the "District's
2 Jurisdiction").

authorized

3 This Request is for a warrant to provide the District with authority to enter all properties
4 within the District's Jurisdiction for purposes of inspecting and abating health and safety conditions
5 described more fully in the Affidavit of Dr. Mark Breidenbaugh. Justification for this expanded
6 authority lies in the discovery made by the District of *Aedes aegypti* in the District's Jurisdiction,
7 as more specifically discussed in the attached and incorporated Affidavit of Dr. Mark
8 Breidenbaugh.

9 ~~District's Jurisdiction warrants of this type were upheld in the case of *Camara v. Municipal*
10 *Court of San Francisco* (1967) 387 U.S. 523. As the United States Supreme Court recognized in
11 that case, when health and safety issues arise, an agency's need "to conduct an area inspection is
12 unavoidably based on its appraisal of conditions in the area as a whole, not on its knowledge of
13 conditions in each particular building." (*Id.* at 536) For this reason, the Court further noted that area
14 warrants have historically been used to prevent epidemics and are therefore of "indispensable
15 importance to the maintenance of community health." (*Id.* at 537)~~

16 The Superior Court has previously issued a similar warrant for the 2021 year. (See Case
17 No: CVRI2100995).

18 YOU ARE THEREFORE AUTHORIZED: Commencing on the date this warrant is
19 executed, or as soon thereafter as practicable, and for a period extended through and including
20 December 31, 2022, to enter the exterior of any property in the District's Jurisdiction when the
21 District believes that said property contains a neglected pool or other stagnant water sources, based
22 upon aerial imagery, historical records, public complaints to investigate possible standing water
23 sources, or the observation of district personnel. Historical records include a history of harboring a
24 neglected pool or stagnant water source at specified addresses or locations.

25 You may enter the exterior area of these properties for the purpose of inspecting for the
26 presence of mosquito larvae that are potentially capable of transmitting West Nile virus and other
27 arboviruses once they become adults. Once it is determined by you that mosquito breeding is
28 occurring, you may examine water quality and identify the various mosquito stages that are present

1 and utilize larvicides or mosquito fish as control measures. Treatment may also be made as a
2 preventive measure if conditions exist that are conducive to mosquito breeding. Adulticides may
3 also be used if large numbers of adult mosquitoes are present to reduce risk of disease transmission.

4 Prior to entering each said property, you shall knock on the front door of the property and
5 request voluntary consent to enter the property. If you do not receive consent for any reason, you
6 shall leave a written communication giving 24-hour notice to resolve any obstruction before entry
7 is made. After 24-hour notice is given, you may enter the exterior of the property to conduct the
8 inspection, testing, and treatment. You may use minimal reasonable force to enter an area (e.g.,
9 opening, or otherwise entering into areas behind ^{unlocked} ~~locked~~ fences and gates) of any property within
10 the District's Jurisdiction if District believes said area contains a neglected pool or other stagnant
11 body of water. If destruction of property is necessary to gain entry, a more particularized showing
12 will be required.

13 Upon identifying a neglected pool or stagnant body of water on the property that either is
14 currently breeding mosquitos or has conditions conducive to breeding mosquitos that are potentially
15 capable of transmitting West Nile and other arthropod-borne viruses once they become adults, the
16 District may take any and all necessary actions to test, treat, remediate, and abate such conditions
17 consistent with applicable Federal, State, and local regulations. This includes but is not limited to
18 *Health and Safety Code* §§2040 and 2053 and *Code of Civil Procedure* §1822.50, et seq.

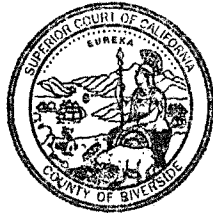
19 Notwithstanding the foregoing, if *Aedes aegypti* is confirmed on any given property, the
20 District will place a written notice on all private properties found within a 450-foot radius of said
21 location where the *Aedes aegypti* has been identified. The notice will inform the property owner
22 that within 48 hours, the District will be performing an inspection on said property in an effort to
23 determine whether any water sources on said property are infected with *Aedes aegypti*.
24 Notifications will consist of information about *Aedes aegypti*, public health significance, and what
25 the District will do while performing the inspection and treatments. A phone number for the District
26 shall be included with the posting asking residents to contact the District to schedule an inspection
27 appointment. The resident will be informed that if he/she does not contact the District within 24
28 hours to schedule an appointment, District staff will return to the residence to request entry to the

1 property for inspection and, if the resident is not present or refuses, the District will move forward
2 with execution of the warrant. District staff will then perform an inspection of the front, side and
3 backyards for stagnant water (such as, but not limited to, include buckets, pots with or without
4 plants, pot bases, ornamental ponds, decorative fountains, birdbaths, animal water dishes, bowls,
5 toys, broken appliances, discarded tires, portable pools, cisterns, leaking water supplies,
6 evaporative coolers, gutters, yard drains, drain pipes) and take the necessary action to abate
7 mosquito breeding, all consistent with the attached and incorporated Affidavit of Mark
8 Breidenbaugh.

9 This warrant may only be executed between the hours of 7:00 am. and 6:00 p.m. each day
10 that it is in effect.

11 The District shall file periodic returns with the court on or before the last business day of
12 each quarter commencing March, 2022, and continuing through December 31, 2022. Each
13 return shall identify the address of each property being inspected, how the District determined the
14 property had a neglected pool or stagnant water sources; the method of notice used; the date and
15 time of inspection; and a description of the steps of abatement taken.

16
17 DATE: December 15, 2021



Craig G. Riemer
JUDGE OF THE SUPERIOR COURT
Craig G. Riemer
Judge of the Superior Court