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9 COACHELLA VALLEY MOSQUITO AND VECTOR  
10 CONTROL DISTRICT

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **COUNTY OF RIVERSIDE—PALM SPRINGS BRANCH**

13  
14 In re:  
15 COACHELLA VALLEY MOSQUITO  
16 AND VECTOR CONTROL DISTRICT,  
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Petitioner.

Case No. **CVRI 2200455**  
**WARRANT TO INSPECT AND ABATE**

**INSPECTION AND ABATEMENT**

TO THE GENERAL MANAGER OF THE COACHELLA VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT ("DISTRICT"), ANY REPRESENTATIVE OR DESIGNEE THEREOF, AND ANY SHERIFF, POLICE OFFICER OR PEACE OFFICER IN THE COUNTY OF RIVERSIDE:

Proof by Declaration of Roberta Dieckmann of the District ("Dieckmann Declaration"), having been made before the above-entitled Court, that there is probable cause to believe that all neglected

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1 swimming pools or other stagnant water sources on the properties within the District's Jurisdiction, as  
2 defined below, are potential breeding sources of mosquitoes that can transmit West Nile and other  
3 arthropod-borne viruses and must be inspected and treated. By this reference, the Dieckmann  
4 Declaration, which accompanies this warrant, is incorporated herein as if fully set forth.

5 The District's jurisdiction includes the following Coachella Valley cities: Palm Springs, Cathedral City,  
6 Desert Hot Springs, Rancho Mirage, Palm Desert, Indian Wells, La Quinta, Indio and Coachella, and  
7 also the unincorporated portions of Riverside County as further depicted on the service area map  
8 attached hereto as Exhibit A and incorporated herein (collectively, "District's Jurisdiction").

9 **I. IDENTIFYING PROPERTIES WITH NEGLECTED SWIMMING POOLS OR**  
10 **OTHER STAGNANT WATER SOURCES**

11 This area warrant authorizes the District to enter all properties within the District's Jurisdiction  
12 for purposes of inspecting and abating health and safety conditions described more fully in the  
13 Dieckmann Declaration. When identifying properties to inspect and abate, the District places emphasis  
14 on neglected water including, specifically, neglected pools. The District conducts regular aerial  
15 reconnaissance over the District's Jurisdiction to locate neglected pools. At times, the District also  
16 receives calls from concerned citizens, homeowners associations and/or neighbors regarding neglected  
17 sources of water and potential breeding grounds for mosquitoes and other vectors. During aerial  
18 surveillance and/or permissible visual observation, District personnel often confirm the suspected  
19 presence of neglected sources of water and potential breeding grounds for mosquitoes and other  
20 vectors. Potential breeding grounds may be any container that can hold water which is a potential  
21 breeding source. These may include buckets, pots (with or without plants), pot bases, ornamental  
22 ponds, decorative fountains, birdbaths, animal water dishes, bowls, toys, broken appliances, discarded  
23 tires, portable pools, cisterns, leaking water supplies, evaporative coolers, gutters, yard drains, drain  
24 pipes, among others.

25 **II. AREA WARRANT**

26 Justification for this expanded authority for an area warrant lies in a discovery of *Aedes aegypti*  
27 made by the District in the District's Jurisdiction, as more specifically discussed in attached and  
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1 incorporated Dieckmann Declaration. Area warrants of this type were upheld in the case of *Camara*  
2 *v. Municipal Court of San Francisco* (1967) 387 U.S. 523. As the United States Supreme Court  
3 recognized in that case, when health and safety issues arise, an agency's need "to conduct an area  
4 inspection is unavoidably based on its appraisal of conditions in the area as a whole, not on its  
5 knowledge of conditions in each particular building." (*Id.* at 536.) For this reason, the Court further  
6 noted that area warrants have historically been used to prevent epidemics and are therefore of  
7 "indispensable importance to the maintenance of community health." (*Id.* at 537.). Likewise,  
8 California law recognizes the need for area warrants within established geographic areas under these  
9 types of circumstances. Specifically, under Code of Civil Procedure section 1822.59 (covering  
10 inspection and abatement warrants), State law recognizes area warrants "for the purposes of an animal  
11 or plant pest or disease eradication" (Cal. Code of Civ. Proc. § 1822.59 [authorizing entry for the  
12 Department of Food and Agriculture].)

13 **YOU ARE THEREFORE AUTHORIZED:**

14 Commencing on the date this warrant is issued, or as soon thereafter as practicable, and for a  
15 period extended through and including January 31, 2023 ("Warrant Term"), to enter the exterior of any  
16 property in the District's Jurisdiction when the District has reasonable cause to believe that said  
17 property contains a neglected swimming pool or other stagnant body of water. You may enter the  
18 exterior area of these properties for the purpose of inspecting for the presence of mosquito larvae that  
19 are potentially capable of transmitting West Nile virus and other arboviruses once they become adults.  
20 If it is determined by you that mosquito breeding is occurring, you may examine water quality and  
21 identify the various mosquito stages that are present and utilize larvicides or mosquitofish as control  
22 measures. Treatment may also be made as a preventive measure if conditions of mosquito breeding do  
23 exist. Adulticides may also be used if large numbers of adult mosquitoes are present to reduce risk of  
24 disease transmission.

25 **III. PRIOR TO ENTERING PROPERTY**

26 Prior to entering each said property, you shall knock on the front door of the property and  
27 request voluntary consent to enter such property. IF YOU DO NOT RECEIVE CONSENT FOR ANY  
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1 REASON, YOU SHALL POST A NOTICE FROM THE DISTRICT ON THE PROPERTY stating  
2 that there is reasonable cause to believe there is a source of water and/or potential breeding grounds for  
3 mosquitoes and/or other vectors on the property. The notice shall also state that pursuant to a warrant  
4 issued by the Riverside County Superior Court, District personnel will enter the exterior of the property  
5 on a succeeding day, identified in the notice, to conduct the inspection, testing, and treatment.  
6 Following notice as set forth above, you may use minimal reasonable force to enter an area (e.g.,  
7 opening or otherwise entering into areas behind locked fences and gates) of any property within the  
8 District's Jurisdiction if the District believes said area contains a neglected swimming pool or other  
9 stagnant body of water. If entry requires the destruction of any locks, the Court will require separate  
10 warrants based on a more particularized showing of probable cause.

11 **IV. INSPECTION, TESTING AND TREATMENT**

12 Upon identifying a neglected swimming pool or stagnant body of water on the property that  
13 either is currently breeding mosquitoes or has conditions conducive to breeding mosquitoes that are  
14 potentially capable of transmitting West Nile and other arthropod-borne viruses once they become  
15 adults, the District may take any and all necessary actions to test, treat, remediate, and abate such  
16 conditions consistent with applicable Federal, State, and local regulations. INSPECTION CONSISTS  
17 OF sampling for mosquito larvae, adults and/or collecting *prima facie* evidence of stagnant water (such  
18 as, but not limited to, include buckets, pots with or without plants, pot bases, ornamental ponds,  
19 decorative fountains, birdbaths, animal water dishes, bowls, toys, broken appliances, discarded tires,  
20 portable pools, cisterns, leaking water supplies, evaporative coolers, gutters, yard drains, drain pipes).  
21 samples of water containing larvae or adult mosquitoes collected will be returned to the district lab for  
22 species identification and/or virus testing.

23 THE CONTROL MEASURES TO BE UTILIZED BY THE DISTRICT ON THE  
24 NEGLECTED SWIMMING POOLS AND OTHER STANDING WATER SOURCES INCLUDE  
25 application of one of the following public health control products that is categorized as biochemical  
26 (such as insect growth regulators), microbial (such as mosquito specific bacterial toxins), mosquitofish,  
27 or mineral oils. These products are registered by the environmental protection agency (EPA) for use  
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1 in California and have a low level of toxicity against non-target organisms. The products are target-  
2 specific affecting mosquito larvae when applied as recommended on the label. In backyards where  
3 large populations of adult mosquitoes may be detected, small amounts of EPA approved mosquito  
4 adulticides may also be used to reduce the risk of virus transmission and adult mosquito biting nuisance.  
5 Possible stagnant water sources will physically be drained in an effort to eliminate future breeding  
6 potential.

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8 It is necessary to perform door to door inspections within "neighborhoods" where *Aedes aegypti*  
9 are found in order to find, treat, or eliminate all potential breeding containers to prevent this invasive  
10 species from spreading further in the District's Jurisdiction. For purposes of the warrant, THE TERM  
11 "NEIGHBORHOOD" IS DEFINED AS 450 FOOT RADIUS OF ADULT, LARVA, AND/OR EGG  
12 DISCOVERY OF *Aedes aegypti* ARE FOUND. The District's inspections will be limited to  
13 backyard/exterior areas of properties. If *Aedes aegypti* is confirmed on any given property in an area  
14 without its prior finding, the District will place a written notice on all properties found within the 450-  
15 foot radius of said location where the *Aedes aegypti* has been identified. In addition, if this mosquito  
16 is confirmed in an area with existing and current populations, the District shall place notices on the  
17 index property and eight other properties around it in what the District calls the "Rule of Nine." The  
18 notice will inform the property owner that within 48 hours, the District will be performing an inspection  
19 on said property in an effort to determine whether any water sources on said property is infested with  
20 *Aedes aegypti*. Notifications will consist of information about *Aedes aegypti*, public health significance,  
21 and what the District will do while performing the inspection and treatments. A phone number for the  
22 District will be included with the posting asking residents to contact the District to schedule an  
23 inspection appointment. The resident will be informed that if he/she does not contact the District within  
24 24 hours to schedule an appointment, District staff will return to the residence to request entry to the  
25 yard for inspection and, if resident is not present or refuses to allow an inspection, the District will  
26 move forward with execution of the warrant and, in furtherance of obtaining entry thereon, the District  
27 shall use reasonable force to secure access, including specifically be so authorized to enter through side  
28 gates (including undoing any latches) and/or climb over such gates and/or any perimeter walls. District

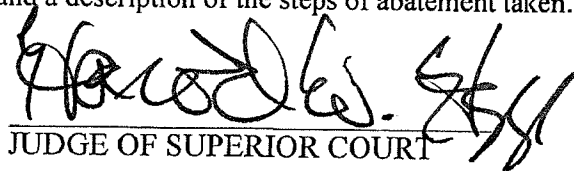
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staff will then perform an inspection of the front and backyard for stagnant water (such as, but not limited to, include buckets, pots with or without plants, pot bases, ornamental ponds, decorative fountains, birdbaths, animal water dishes, bowls, toys, broken appliances, discarded tires, portable pools, cisterns, leaking water supplies, evaporative coolers, gutters, yard drains, drain pipes) and take the necessary action to abate mosquito breeding, all consistent with the attached and incorporated in the Dieckmann Declaration.

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

The District shall file periodic returns with the court on or before the last business day of each quarter of the Warrant Term. Each return shall identify the address of each property being inspected, how the District determined the property had a neglected pool or stagnant water sources; the method of notice used; the date and time of inspection; and a description of the steps of abatement taken.

Dated: February 6, 2022

  
JUDGE OF SUPERIOR COURT



1 **COACHELLA VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT**

2  
3 **EXHIBIT A**

4 **TO**

5 **WARRANT TO INSPECT AND ABATE**

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7 **SERVICE AREA MAP**



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