

OPINION

FIRST AMENDMENT “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press or the right of people peaceably to assemble, and to petition the Government for a redress of grievances.”

OUR VIEW

Forum offers opportunities

Who knew a forum about water quality first held in International Falls 11 years ago would become a unique experience replicated in other parts of the world? Maybe Todd Sellers, executive director of the Lake of the Woods Water Sustainability Foundation in Kenora. Sellers, who was among leaders to first organize the forum, said he’s proud the forum has established a place where agencies, organizations and stakeholders from two provinces and one state identify concerns, share research, and develop plans of action. While the forum is intended for scientists and resource managers, we encourage members of the community, especially our civic and elected leaders, to get a taste of the presentations next year. Sure, some of the discussion may be over our head, and words we may never have heard may be part of a presentation, but it’s impressive to see these folks get together to talk about the details of something we all know: Many aspects of our lives and lifestyles are connected to our water resources. Our lives could change if we aren’t paying

attention to the needs of this resource. With tourism playing an ever increasingly important role in our economy, offering visitors clean, clear water to swim and fish in is crucial. Most of us who live here have some sort of personal relationship with our lakes and rivers: We walk the shorelines, eat the fish, swim and boat, and use them as a source of drinking water for our communities. This forum, which drew nearly 130 people to our community, should also be viewed as an economic boost. Most of the people who attended traveled to get here. This means they stayed in our hotels and motels, ate food from our restaurants and purchased gas or plane tickets here to get home. But strangely, few people in our community seem to know about this forum or understand its value to our resources and economy. Thanks to this forum, this area is now being touted internationally as an example of how collaboration among all players can have an impressive impact on local resources. Talk about good PR.



LETTER TO THE EDITOR

Is the rental license ordinance headed to court?

To the editor,
Our state and federal Constitutions protect us from unreasonable searches of our homes; and landlords, tenants, and owner occupants have a constitutional right to refuse a warrantless entry into their home by a city official, period. But you wouldn’t know this from reading the International Falls Code of Ordinances which allows for “systematic inspection of dwelling units . . . as may from time to time be designated by the housing inspector” and which requires that we give the housing inspector “free access to every part” of our homes regardless of whether the inspector has any basis to believe that a housing code violation exists within our home and which authorizes the inspector to seek a court order that we “cease and desist with such interference” if we refuse entry. Fortunately, this ordinance is not currently being enforced against owner occupants, but if certain members of the International Falls City Council have their way, it will be against landlords and tenants. Our housing code should

require that the housing inspector have what is referred to in constitutional law as “individualized suspicion” that a code violation exists within our home before our home can be searched. This issue has already gone to the Minnesota Supreme Court in the past year in Robert McCaughtry, et al. v. City of Red Wing which involved the city of Redwing’s attempt to force landlords to obtain rental licenses which would not be issued unless the home passed a licensing inspection. Several landlords and tenants refused to allow the inspectors to enter their homes, and the inspectors, although lacking individualized suspicion, applied to the Goodhue County Court for an administrative warrant. The landlords and tenants fought the warrants and succeeded in every case, but their success was a two-edged sword because when the case went up to the Minnesota Supreme Court, the court did not have to answer the question of whether the Minnesota Constitution requires individualized suspicion before a court can issue an administrative warrant for a

home inspection because no unconsented-to inspection had actually occurred. The court said that it would answer this question if and when an administrative warrant is issued without individualized suspicion of a housing code violation. There is precedent in Minnesota that strongly suggests that when called upon the Supreme Court will rule that individualized suspicion is required. Lawmakers in International Falls should read the Redwing case carefully, because if they implement Section 6-44 of the city of International Falls Code of Ordinances requiring landlords and tenants to submit to suspicionless searches of their homes, they should be aware of the consequences. Landlords and tenants can refuse the inspection and demand a warrant. The inspector will have to apply for an administrative warrant, which can be opposed for lack of individualized suspicion just like in Redwing. If despite the objection the warrant is issued, then the question is ripe for the Minnesota Supreme Court. **Andrew W. Barnhart**
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