

# **Bond Case Briefs**

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## **MUNICIPAL ORDINANCE - OHIO**

### **State v. Bielski**

**Court of Appeals of Ohio, Seventh District, Mahoning County - December 19, 2013 - Slip Copy - 2013 -Ohio- 5771**

John Bielski was convicted in municipal court of a city property maintenance code violation after being cited for an accumulation of rubbish on his property. The citation stated that Appellant had violated section 307.1 of the Youngstown Property Maintenance Code, a third-degree misdemeanor criminal offense.

Bielski argued on appeal that the Youngstown Property Maintenance Code section he was charged with was so vague that a person of ordinary intelligence would not be put on notice as to the behavior that is proscribed and the Court of Appeals agreed.

Bielski also argued that the offense with which he was charged was a strict liability criminal offense that contained no guidelines defining its parameters or preventing its arbitrary enforcement. International Property Maintenance Code Section 307.1 prohibits the “accumulation of rubbish or garbage” in both the interior and exterior of every structure. The deputies who issued the citation could not explain what “accumulation of rubbish” meant. The section of the actual Youngstown Property Maintenance Code cited on appeal made no reference to whether it is the owner or tenant’s responsibility to keep the premises free from garbage. There was no definition as to how long the rubbish must be present to be treated as an “accumulation.” There were no guidelines explaining when a person should receive a warning, an administrative citation, or a criminal citation. The Appeals Court therefore concluded that International Property Maintenance Code Section 307.1, whether enforced directly or purportedly through Youngstown Ord. Chapter 546, was unconstitutionally vague on its face. Bielski’s conviction was reversed and the charge dismissed.