

# **Bond Case Briefs**

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## **MUNICIPAL ORDINANCE - IDAHO**

### **State v. Freitas**

**Court of Appeals of Idaho - August 12, 2014 - P.3d - 2014 WL 3906469**

Freitas was cited for providing water to a neighbor's residence in violation of city ordinance that prohibited connecting city water to a third person for use in a residence that was not otherwise provided with city water service. Neighbor's water service had been terminated due to non-payment, so Freitas hooked up a hose.

Freitas filed a motion to dismiss, asserting that the ordinance was unconstitutional on its face and as applied under various provisions of the federal and state constitutions.

Freitas did not identify any specific term or phrase of the ordinance that rendered it unconstitutionally vague on its face or even that he found ambiguous. Instead, he asserted that the entire ordinance was a "mishmash" of "garbled language" comprised of "clumps of nonsense words" that are unintelligible to a person of ordinary intelligence and allow for unbridled interpretation by law enforcement.

The Court of Appeals was unable to find anything unconstitutionally vague about the ordinance, noting that "In this case, the conduct that Freitas engaged in—hooking a hose from his home to his neighbor's home to provide that neighbor with water within his home despite termination of the neighbor's water service by the city—is the quintessential example of the conduct the ordinance was designed to prohibit."

Do enough meth and I would imagine that everything eventually starts to sound like clumps of nonsense words.