

Incorrect Enactment of Ordinance Costs City

On September 6, Commonwealth Court reversed Lycoming County's Court of Common Pleas decision that charged a landlord with violating the Property Maintenance Code in *City of Williamsport, Bureau of Codes v. DeRaffele* (No. 655 C.D. 2016).

The city had allegedly adopted the 2015 International Property Maintenance Code and that year an anonymous complaint was filed with the city's codes office against a landlord, Mr. DeRaffele.

Upon further investigation the Codes Enforcement Department found that the complaint had merit, posted the building with an "Uninhabitable" placard and with a warning that removal of the placard by anyone except the city was a crime, and then cited the landlord for violating the 2015 Property Maintenance Code for renting a property that lacked essential equipment.

DeRaffele was ordered to correct the violation within a day. However, he lived in New York State and did not receive the condemnation notice for several days and argued that the compliance date was incorrect. The trial court ruled that he had violated the ordinance and ordered him to pay the fine and the costs of prosecution.

Two months later a new tenant moved in, the condemnation notice had been improperly removed which constituted another violation and another anonymous complaint was filed with the city.

The city appealed to Commonwealth Court which after a thorough review of the ordinance held that the city had not enacted the 2015 version of the International Property Maintenance Code, but instead was still using the 2013 version and dismissed the case.

From Ron Grutza, PSAB's regulatory affairs coordinator, **"this decision is a good reminder to boroughs that, unlike the UCC, the PMC must be enacted by ordinance and clearly stated which year's version. They may not enact it as the ICC issues their triennial IPMC."**