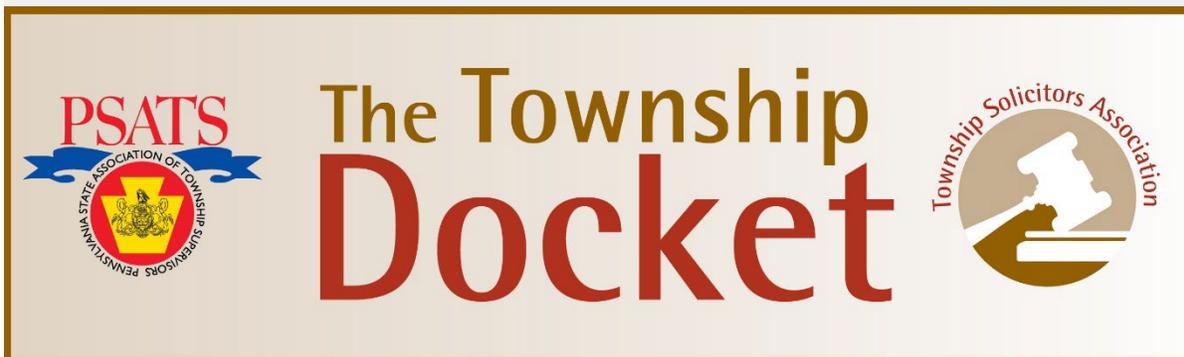


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Newsletter of the Pennsylvania State Association of Township Solicitors

June 6, 2022

Headlines

Commonwealth Court Issues Two Decisions on Gun Regulations

The Commonwealth Court recently upheld the preemption provisions in the Uniform Firearms Act in two cases involving municipal attempts to impose more stringent ordinances. Read more in the Recent Decisions section below.

Court: County Solicitor Potentially Liable for Aiding and Abetting Harassment/Discrimination

In *Doe v. Schuylkill County Courthouse*, No. 3:21-CV-477, 2022 WL 1491611 (M.D.Pa. May 10, 2022), the court denied a motion to dismiss a claim against a county solicitor for aiding and abetting alleged harassment and discrimination by a county commissioner. The court found that the solicitor had a statutory duty to report harassment and assault to county officials, "given that a solicitor's 'principal job. . . [is] to render legal advice to county commissioners.'" The court also relied on the solicitor's obligations under the Pennsylvania Rules of Professional Conduct to support its argument.

Registration Still Open for June 23 Western PA Summer Solicitors Seminar

On June 23, PSATS will be hosting a Solicitors Seminar (3.5 substantive CLE) at Cranberry Township, Butler County. Topics covered will include zoning enforcement issues, municipal wireless and broadband, solar projects, and a recent case update. Tee times have also been reserved at Cranberry Highlands Golf Course in the afternoon for those interested. To register, go to [2022 PSATS Summer Solicitors Seminar](https://www.psats.org/2022-PSATS-Summer-Solicitors-Seminar).

Speakers Wanted for PSATS Regional Forums and Zoning Events

PSATS will be hosting its 2022 Regional Forums in Erie, Lancaster, Cranberry Township/Butler, Gettysburg, State College, Plymouth Meeting, the Lehigh Valley, and Poconos this summer and fall. In addition, it will be hosting seminars for zoning officials. Keep in mind that speakers receive double CLE credits. If you or your colleagues are interested in presenting at one or more of these events, contact Scott Coburn at scoburn@psats.org.

Recent Decisions

Commonwealth Court Strikes Challenge to Uniform Firearms Act

In *Crawford v. Commonwealth*, ___ A.3d ___, 2022 WL 1681980 (Pa.Cmwlt. May 26, 2022), the Commonwealth Court dismissed a petition for review filed by numerous Philadelphia residents in which they alleged that the General Assembly engaged in unlawful conduct because it failed to revise the Uniform Firearms Act and Home Rule Charter and Optional Plans Law to permit regulation of firearms at the local level.

The residents asserted that the General Assembly should be liable under the state-created danger doctrine, substantive due process, and interference with statutory delegation of powers principles. In a lengthy opinion, the court rejected all those arguments and stated, "To the extent Petitioners claim that municipalities could enact local laws more effective than the Firearm Preemption Statutes, these matters are reserved to the social policy-making branch of our government, the General Assembly."

In a concurring opinion, President Judge René Cohn Jubelirer referenced Judge Leadbetter's concurring opinion in a case earlier this year, in which she stated that "local conditions may well justify more severe restrictions than are necessary statewide." Jubelirer argued that the novel arguments raised in this case may provide a basis for the Pennsylvania Supreme Court to reconsider its prior opinions and allow for local restrictions narrowly tailored to local necessities.

Judge Ellen Ceisler filed a dissenting opinion, in which she stated that "Pennsylvania's municipalities have an important duty to protect the health, welfare, and safety of their citizens. In my view, protecting citizens against the threat of gun violence lies at the heart of that duty."

Pittsburgh Gun Ordinances Preempted

In *Firearm Owners Against Crime v. City of Pittsburgh*, ___ A.3d ___, 2022 WL 1698851 (Pa.Cmwlt. May 27, 2022), the court found that ordinances adopted by the City of Pittsburgh regulating the use of assault weapons and large capacity magazines and an "extreme risk" ordinance intended to prohibit certain individuals from possessing or using a firearm violated the preemption provisions in Section 6120(a) of the Uniform Firearms Act. It held that the UFA "contains a prolific, sweeping, and expansive force of preemption and the cases strongly suggest that an ordinance will be preempted so long as it touches upon or relates to the field of firearm regulation 'in any manner.'"

Municipality Not Required to Repair Dangerous Property

In *In re Appeal of Borough of Renovo*, No. 1352 C.D. 2020, 2022 WL 1701960 (Pa.Cmwlt. May 27, 2022), the court rejected an argument that notices issued by a borough's code enforcement officer directing that work be done to a property in dangerous condition were invalid. The court ruled that Sections 109.2 and 109.4 of the International Property Maintenance Code "cannot be read to require the Borough to conduct repairs to a dangerous property." Instead, the IPMC gives "the code official discretion to order a range of actions to render a dangerous property temporarily safe."

Upcoming Educational Offerings

[2022 PSATS Summer Solicitors Seminar - Cranberry Township/Butler County - 6/23/22 Seminar \(3.5 CLE\)](#)

During the Summer Solicitors Seminar, you will hear from experts on a range of important topics, including zoning enforcement issues, municipal wireless and broadband, solar, and a recent case update. **Note:** For those interested, there will be a golf/networking opportunity following the seminar.

[Engaging the Public - Agendas, Minutes, Public Comment & RTKL Requests - 6/28 Virtual Class \(1.5 CLE\)](#)

In this virtual class, we will cover a series of common but challenging issues that township administrators face when working with and responding to members of the public and media and highlight ways to effectively address them.

For example, we will review how much detail you must — and should not— include in your agendas and minutes, how to best reflect public comment, and tips to make the entire process easier for you and your board members. We will also address how to deal with challenging residents during the public comment period and how your board can respond to them to ensure the continuation of a productive meeting. For the Right-to-Know Law, we will cover hot topics, ways to streamline your response process to limit headaches, and more. The class also explores other public engagement issues and challenges. There will also be an opportunity for attendees to share their own tips and tricks.

[2022 MS4 Stormwater Ordinance Updates - 6/28 Webinar \(1 CLE\)](#)

If your township has a NPDES MS4 permit, you are required to update your stormwater ordinance so that it's consistent with DEP's 2022 Model Stormwater Management Ordinance. This presentation will review the updates required, plus considerations for improving your stormwater ordinance and streamlining the process. MS4s with general permits must adopt the updated ordinance and submit it to DEP with an Annual MS4 Status Report by September 30, 2022.



This biweekly newsletter for members of the Pennsylvania State Association of Township Solicitors is intended to focus on news and matters of interest to solicitors, share case updates in a timely manner, and provide details about upcoming training opportunities. Email comments and suggestions to Scott Coburn at scoburn@psats.org.



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