

Bond Case Briefs

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MUNICIPAL ORDINANCE - PENNSYLVANIA

Pennsylvania Restaurant and Lodging Association v. City of Pittsburgh

Supreme Court of Pennsylvania - July 17, 2019 - A.3d - 2019 WL 3216519

Objectors brought action for declaratory and injunctive relief based on their challenge to home-rule municipality's ordinance mandating that certain employers provide paid sick leave to their employees and city's ordinance that imposed training obligations upon building owners and their employees in furtherance of disaster preparedness, counterterrorism, and related concerns.

The Court of Common Pleas invalidated both ordinances. City appealed. The Commonwealth Court affirmed. City sought appellate review.

The Supreme Court held that:

- City's status as a home-rule municipality did not preclude it from attempting to resort to the Second Class Cities Code (SCCC) as authority for its ordinance;
- Disease Control and Prevention Law (DCPL) provided basis for authority of city to enact sick-leave ordinance;
- The SCCC did not provide authority for city to enact the disaster-preparedness ordinance;
- Provision of statutes on powers of home-rule municipalities concerning the power of such municipalities to enact ordinances relating to building codes and safety regulations did not provide authority for city to enact the disaster-preparedness ordinance; and
- Emergency Code did not provide authority for city to enact the disaster-preparedness ordinance.

Municipality's status as a home-rule municipality did not preclude it from attempting to resort to the Second Class Cities Code (SCCC) as authority for its ordinance mandating that certain employers provide paid sick leave to their employees and its ordinance that imposed training obligations upon building owners and their employees in furtherance of disaster preparedness, counterterrorism, and related concerns; the "business exclusion" provision of statutes governing home-rule municipalities, which allowed municipal regulation of business when expressly provided by statutes applicable to any class or all classes of municipality, ensured that a home-rule municipality could invoke the authority that any municipality in the Commonwealth had been granted.

Disease Control and Prevention Law's (DCPL) provision allowing municipalities that had departments of health to enact ordinances relating to disease prevention and control provided basis for authority of home-rule municipality to enact ordinance mandating that certain employers provide their employees with paid sick leave; municipality was served by county health department, and ordinance bore a direct nexus with public health.