

# **Bond Case Briefs**

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## **MUNICIPAL ORDINANCE - PENNSYLVANIA**

### **Dillon v. City of Erie**

**Commonwealth Court of Pennsylvania - January 7, 2014 - A.3d - 2014 WL 37840**

Firearm owner, who obtained permit for pro-firearms rally in city park, filed action for declaratory judgment and injunctive relief, seeking preliminary and permanent injunction enjoining enforcement of city ordinances, which prohibited hunting and the use or possession of firearms in city parks and required reporting of stolen firearms. The Court of Common Pleas denied preliminary injunction. Firearm owner appealed.

The Commonwealth Court held that:

- City ordinance that prohibited firearms in city parks was preempted by Uniform Firearms Act;
- Firearm owner was entitled to preliminary injunction enjoining enforcement of city ordinance that prohibited firearms in city parks;
- Firearm owner's appeal of denial of preliminary injunction was not moot; and
- Firearm owner did not have standing to challenge and obtain injunctive relief against enforcement of city ordinance that required stolen handguns to be reported by handgun owners to authorities.

City ordinance that prohibited hunting and the use or possession of firearms in city parks was preempted by Uniform Firearms Act, which provided in pertinent part that no county, municipality or township could in any manner regulate the lawful ownership, possession, transfer or transportation of firearms when carried or transported for purposes not prohibited by the laws of the Commonwealth. Act preempted city ordinance by its own terms and by decisional law and precluded city from regulating lawful possession of firearms.