
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 426 Session of
2019

INTRODUCED BY METCALFE, RYAN, GROVE, BERNSTINE, COOK, DUSH,
BOROWICZ, MOUL, SONNEY, NELSON, IRVIN AND KNOWLES,
JUNE 24, 2019

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 24, 2019

A RESOLUTION

1 Impeaching William Peduto, Mayor of Pittsburgh, for misbehavior
2 in office.

3 BE IT RESOLVED, That William Peduto, Mayor of Pittsburgh, be
4 impeached for misbehavior in office and that the following
5 Article of Impeachment be exhibited to the Senate:

6 ARTICLE I

7 On January 31, 1994, a complaint was filed contending that
8 the City of Pittsburgh's Ordinance 30 of 1994 was preempted by
9 section 21 of Article I of the Constitution of Pennsylvania and
10 18 Pa.C.S. § 6120, as the ordinance regulated the possession and
11 transfer of what the city classified as "assault weapons,"
12 ammunition and firearm accessories.

13 On or about February 27, 1995, the Settlement Agreement
14 (hereinafter "Settlement Agreement") in this matter, in the form
15 of a stipulation, was entered into by the parties. It was
16 submitted to the court and on February 27, 1995, The Court of
17 Common Pleas of Allegheny County issued an order approving the

1 Settlement Agreement. In the Settlement Agreement, the City of
2 Pittsburgh stipulated to the State preemption of local
3 ordinances and local action regarding firearms generally and
4 agreed to abide by and adhere to Pennsylvania law.

5 The provisions of 18 Pa.C.S. § 6120(a) state: "No county,
6 municipality or township may in any manner regulate the lawful
7 ownership, possession, transfer or transportation of firearms,
8 ammunition or ammunition components when carried or transported
9 for purposes not prohibited by the laws of this Commonwealth."
10 In addition, 53 Pa.C.S. § 2962(g) prohibits municipalities from
11 "enact[ing] any ordinance or take[ing] any other action dealing
12 with the regulation of the transfer, ownership, transportation
13 or possession of firearms."

14 The Pennsylvania Supreme Court in *Ortiz v. Commonwealth*, in
15 which the City of Pittsburgh was a party, found that both
16 section 21 of Article I of the Constitution of Pennsylvania and
17 18 Pa.C.S. § 6120 preempted any regulation of firearms or
18 ammunition, and declared:

19 Because the ownership of firearms is constitutionally
20 protected, its regulation is a matter of statewide
21 concern. The constitution does not provide that the right
22 to bear arms shall not be questioned in any part of the
23 commonwealth except Philadelphia and Pittsburgh, where it
24 may be abridged at will, but that it shall not be
25 questioned in any part of the commonwealth. Thus,
26 regulation of firearms is a matter of concern in all of
27 Pennsylvania, not merely in Philadelphia and Pittsburgh,
28 and the General Assembly, not city councils, is the
29 proper forum for the imposition of such regulation.

30 *Ortiz*, 681 A.2d 152, 156 (Pa. 1996)

1 On December 18, 2018, proposal 2018-1218, proposal 2018-1219
2 and proposal 2018-2020 (hereinafter "Proposals") were read and
3 referred by Pittsburgh City Council with the City Clerk which
4 regulated firearms, ammunition and firearm accessories. On or
5 about April 2, 2019, Mayor William Peduto signed the Proposals.

6 The Proposals are clearly preempted by 18 Pa.C.S. § 6120(a)
7 and 53 Pa.C.S. § 2962(g) and violate the Settlement Agreement.
8 In signing the Proposals, that blatantly and clearly contradict
9 the plain language of the Pennsylvania Constitution,
10 Pennsylvania statutes and the Settlement Agreement, Mayor
11 William Peduto engaged in misbehavior in office.

12 Wherefore, Pittsburgh Mayor William Peduto is guilty of an
13 impeachable offense warranting removal from office and
14 disqualification to hold any office or trust or profit under
15 this Commonwealth.

16 The House of Representatives hereby reserves the right and
17 ability to exhibit at any time hereafter further Articles of
18 Impeachment against Pittsburgh Mayor William Peduto, to reply to
19 any answers that Mayor William Peduto may make to any Articles
20 of Impeachment which are exhibited and to offer proof at trial
21 in the Senate in support of each and every Article of
22 Impeachment which shall be exhibited by them.