

For the International Municipal Lawyer's Association - IMLA's 5 things to know for April 4th

1. After a full day of Qualified Immunity cases yesterday, today we move into other areas, but in this first case an important one. A couple weeks ago the Supreme Court of North Dakota concluded that the state's damage cap survives a constitutional challenge. The case involved a school bus collision with a train and the cap is \$500K. The Court gave a very thorough and thoughtful analysis of the issues and congratulations go out to the North Dakota Insurance Reserve Fund for mounting a great argument and to IMLA member the N.D. League of Cities, its counsel Stephanie Dassinger and also N.D. Association of Counties for terrific amicus work. This is a significant case having important issues and was masterfully handled.

<http://www.ndcourts.gov/court/opinions/20170258.htm>

2. In a really great win at the Montana Supreme Court, congratulations go to IMLA member the City of Bozeman and City Attorney Greg Sullivan for winning a long running dispute with an association of builders who challenged its impact fee law many years ago. As part of the challenge a settlement provided for a fund to be established to refund some fees to some people. The association failed to properly account for some of these funds over time and the city prevailed in its argument that the association should be held in contempt, the money paid to the city and that it be able to use the funds it has recovered.

<https://filenet.mt.gov/getContent?vslid={308C6962-0000-CE19-B31F-6ED16A84AD38}&impersonate=true&objectType=document&objectStoreName=PROD%20OBJECT%20STORE>

3. Regardless of how you feel about gun control, state preemption of local efforts to protect and improve their communities destroys democracy. Several cities in Florida are fighting back to overcome one of the most preemption happy legislatures in America. While it may be a fight to the bottom between Texas and Florida for legislatures that demean the purpose and meaning of Home Rule, Florida's preemption of local regulations that even penalize local officials who try to enact local laws is now squarely under attack. IMLA looks forward to helping these local government restore their autonomy.

<https://wamu.org/story/18/04/02/in-florida-cities-challenge-state-on-gun-regulation-laws/>

4. In Schenectady a Grand Jury has concluded that the city's codes department ignored warnings before a fatal fire and has offered suggestions for addressing problem properties. The suggestions may offer valuable insight for communities to make sure they do not suffer a similar tragedy. One important note from this tragedy – due to many false alarms the residents became insensitive to those fire alarms. The code officer was tried but found not guilty of manslaughter.

<https://dailygazette.com/article/2018/04/02/report-city-codes-department-ignored-104-jay-st-warnings>

5. In NYC, a judge has found the city's requirement for pawn shops to submit to inspections unconstitutional. For most of us with long term memory, the important case of *New York vs Burger* supported a New York requirement that auto repair (think chop shops) submit to inspections. In that case the US Supreme Court upheld such a law.

<https://www.law.com/newyorklawjournal/2018/04/02/judge-nyc-pawn-shop-provision-allowing-police-inspections-is-unconstitutional/>

<http://caselaw.findlaw.com/us-supreme-court/482/691.html>

It's not too late, but it's going to be soon to join over 350 of your colleagues at the IMLA Seminar and Section 1983 defense program. [Mid-Year Seminar](#). Get more from IMLA by joining. Not a member? Contact us. Sign up at [www.imla.org](http://www.imla.org) . Have a great day and make it an inspirational one.