

BOROUGH OF ELIZABETHTOWN

Lancaster County, Pennsylvania

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RESOLUTION NO. 2017-5

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A RESOLUTION OF THE BOROUGH OF ELIZABETHTOWN, LANCASTER COUNTY, PENNSYLVANIA, APPROVING THE REQUEST OF BABBOS, INC., FOR AN INTERMUNICIPAL TRANSFER OF A LIQUOR LICENSE.

WHEREAS, Section 461(b.3) of the Liquor Code, 47 P.S. §4-461(b.3), provides that an intermunicipal transfer of a liquor license must first be approved by the governing body of the receiving municipality when the total number of existing restaurant liquor licenses and eating place retail dispenser licenses in the receiving municipality exceeds one license per three thousand inhabitants; and

WHEREAS, Babbos, Inc., has filed an application (the "Application") with the Borough to transfer Restaurant Liquor License No. R-9391 (the "Liquor License") to 655 North Market Street (the "Proposed Licensed Premises"); and

WHEREAS, Section 461(b.3) of the Liquor Code, 47 P.S. §4-461(b.3), further provides that the governing body shall hold a public hearing and, within forty-five days of a request for approval (or within sixty days if the governing body elects to exercise its right for an extension of time not to exceed sixty days), render a decision by ordinance or resolution to approve or disapprove the applicant's request for an intermunicipal transfer of a license; and

WHEREAS, Borough Council desires to approve the request of Babbos, Inc., for an intermunicipal transfer of a license.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Elizabethtown, Lancaster County, Pennsylvania, as follows:

Section 1. Borough Council of the Borough of Elizabethtown hereby approves the Application of Babbos, Inc., for an intermunicipal transfer of the Liquor License to the Proposed Licensed Premises.

Section 2. In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sec-

tions, sentences, clauses or parts of this Resolution, it being the intent of Borough Council that the remainder of the Resolution shall be and shall remain in full force and effect.

Section 3. This Resolution shall take effect and be in force immediately.

DULY ADOPTED this 16<sup>th</sup> day of March, 2017, by Borough Council of the Borough of Elizabethtown, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF ELIZABETHTOWN  
Lancaster County, Pennsylvania

Attest: R. Ryan  
~~(Assistant)~~ Secretary

By: [Signature]  
(Vice) President  
Borough Council

[BOROUGH SEAL]