

# **Resolution No. 2018-2**

## **BOROUGH OF ELIZABETHTOWN LANCASTER COUNTY, PENNSYLVANIA**

### **A RESOLUTION OF THE BOROUGH OF ELIZABETHTOWN APPROVING THE REQUEST OF WEIS MARKETS, INC FOR AN INTERMUNICIPAL TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-17793.**

**WHEREAS**, Section 461 (b.3) of the Liquor Code, 47 P.S. §4-461(b.3), provides that an inter-municipal 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**, Weis Markets, Inc (Weis) has requested the approval of Elizabethtown Borough Council to transfer Restaurant Liquor License No. R-17793 from the Pennsylvania Liquor Control Board (PLCB) to restaurant facilities to be located within Elizabethtown Borough at 1629 South Market Street, Elizabethtown, PA 17022; and

**WHEREAS**, Weis was the successful bidder for the Lancaster County Restaurant Liquor License No. R-17793 in the public auction of liquor licenses conducted by the PLCB on November 16, 2017; 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 Weis' request for an inter-municipal transfer of a license; and

**WHEREAS**, Borough Council held a properly advertised public hearing pursuant to the notice provisions of Section 102 of the Liquor Code to receive comments on the proposed liquor license transfer; and

**WHEREAS**, Borough Council desires to approve the request of Weis, for an inter-municipal transfer of the 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 Elizabethtown Borough approves, by adoption of this Resolution, the proposed inter-municipal transfer of Restaurant Liquor License No. R-17793 into Elizabethtown Borough by Weis Markets, Inc. with the license to be located at 1629 South Market Street, Elizabethtown, PA 17022.

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, sections, 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 15th day of February, 2018, by the Borough of Elizabethtown in lawful session duly assembled.

ELIZABETHTOWN BOROUGH

ATTEST:

P. Key  
Secretary

BY:

[Signature]  
Council (Vice) President

[BOROUGH SEAL]