

**BOROUGH OF ELIZABETHTOWN
LANCASTER COUNTY, PENNSYLVANIA**

RESOLUTION 2019-8

A RESOLUTION OF THE ELIZABETHTOWN BOROUGH, LANCASTER COUNTY,
PENNSYLVANIA, PROHIBITING THE LOCATION OF VIDEO GAMING
TERMINALS WITHIN ELIZABETHTOWN BOROUGH.

WHEREAS, Act 42 of 2017 authorized the licensing of ten Category 4 licensed facilities within the Commonwealth and further authorized the issuance of establishment licenses for truck stop establishments which would allow establishment licensee truck stop establishments to install video gaming terminals (“VGTs”); and

WHEREAS, Act 42 of 2017 added new Section 1305.1(a.1)(1) to Title 4, Amusements, of the Pennsylvania Consolidated Statutes which gives all municipalities within the Commonwealth the option to prohibit the location of a Category 4 licensed facility within its municipal boundaries; and

WHEREAS, in accordance with Section 1305.1(a.1)(1) of Title 4, by Resolution 2017-8 the Board took action to prohibit the location of a Category 4 licensed facility within the Elizabethtown Borough; and

WHEREAS, by Act 63 signed by Governor Wolf on July 2, 2019, the Legislature amended Title 53, Municipalities Generally, of the Pennsylvania Consolidated Statutes to give municipalities the option, by delivering a resolution of the Borough Council to the Pennsylvania Gaming Control Board no later the 60 days after the effective date of Act 63 of 2019, to prohibit the location of an establishment licensee within Elizabethtown Borough; and

WHEREAS, to exercise such option, the resolution to prohibit the location of an establishment licensee within the municipal boundaries must be adopted by the Borough Council of Elizabethtown Borough and delivered to the Pennsylvania Gaming Control Board no later than Tuesday, September 3, 2019; and

WHEREAS, the Borough Council of Elizabethtown Borough desires to adopt such a resolution.

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

Section 1. The Borough Council of Elizabethtown Borough, Lancaster County, Pennsylvania, adopt this Resolution in accordance with Section 502(a) of Title 53, Municipalities Generally, of the Pennsylvania Consolidated Statutes, as added by Act 63

signed by Governor Wolf on July 2, 2019, to prohibit the location and operation of an establishment licensee within the boundaries of Elizabethtown Borough, Lancaster County, and, therefore, to prohibit VGTs within the boundaries of Elizabethtown Borough.

Section 2. The proper officers of the Elizabethtown Borough are authorized to deliver a certified copy of this Resolution to the Secretary of The Pennsylvania Gaming Control Board no later than September 3, 2019.

Section 3. 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 the Borough Council that the remainder of the Resolution shall be and shall remain in full force and effect.

Section 4. This Resolution shall take effect and be in force immediately.

DULY ADOPTED, this _____ day of _____ 2019, by the Borough Council of the Elizabethtown Borough, Lancaster County, Pennsylvania, in lawful session duly assembled.

ELIZABETHTOWN BOROUGH

Attest: _____
(Assistant) Secretary

By: _____
Council (Vice) President

[BOROUGH SEAL]