

TOWNSHIP OF WEST HEMPFIELD

Lancaster County, Pennsylvania

RESOLUTION NO. 19-19

A RESOLUTION OF THE BOARD OF SUPERVISORS OF WEST HEMPFIELD TOWNSHIP, LANCASTER COUNTY, PENNSYLVANIA, PROHIBITING THE LOCATION OF VIDEO GAMING TERMINALS WITHIN THE TOWNSHIP.

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 23-2017 the Board took action to prohibit the location of a Category 4 licensed facility within the Township; and

WHEREAS, by an Act 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 governing body to the Pennsylvania Gaming Control Board no later than 60 days after the effective date of such Act, to prohibit the location of an establishment licensee within the municipality; 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 governing body of the municipality and delivered to the Pennsylvania Gaming Control Board no later than Tuesday, September 3, 2019; and

WHEREAS, the Board of Supervisors desires to adopt such a resolution.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Board of Supervisors of the Township of West Hempfield, Lancaster County, Pennsylvania, as follows:

Section 1. The Board of Supervisors of the Township of West Hempfield, Lancaster County, Pennsylvania, adopts this Resolution in accordance with Section 502(a) of Title 53, Municipalities Generally, of the Pennsylvania Consolidated Statutes, as added by Senate Bill 321 signed by Governor Wolf into law on July 2, 2019, and effective upon the Governor's signature, to prohibit the location and operation of an establishment licensee within the boundaries of West Hempfield Township, Lancaster County, and, therefore, to prohibit VGTs within the boundaries of the Township.

Section 2. The proper officers of this Township 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 Board of Supervisors 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 2nd day of July, 2019, by the Board of Supervisors of the Township of West Hempfield, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WEST HEMPFIELD
Lancaster County, Pennsylvania

Attest: _____

Adam St
(Assistant) Secretary

By: _____

David M. Dumeys
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]



CERTIFICATE

I, the undersigned, Secretary of the Township of West Hempfield, Lancaster County, Pennsylvania ("Township") certify as follows: The foregoing is a true and correct copy of a Resolution which duly was adopted by affirmative vote of a majority of the members of the Board of Supervisors at a meeting of said Board of Supervisors duly convened and held according to law on July 2, 2019, at which meeting a quorum was present; that such Resolution duly has been recorded in the minutes of the Board of Supervisors of the Township; and that said Resolution is in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township of West Hempfield met the advance notice and public comment requirements of the Sunshine Act, 65 Pa.C.S. §701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Township of West Hempfield or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to adopting such Resolution.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township of West Hempfield, this 2 day of July, 2019.

Adm St
Secretary

[TOWNSHIP SEAL]

