

BOROUGH OF MARIETTA
Lancaster County, Pennsylvania
RESOLUTION NO. 17-2019

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

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 17-2019 the Board took action to prohibit the location of a Category 4 licensed facility within the Borough of Marietta; 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 governing body to the Pennsylvania Gaming Control Board no later than 60 days after the effective date of Act 63 of 2019, 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 Council of the Borough of Marietta desires to adopt such a resolution.

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

Section 1. The Council of the Borough of Marietta, 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 Act 63 signed by Governor Wolf on July 2, 2019, to prohibit the location and operation of an establishment licensee within the boundaries of Marietta, Lancaster County, and, therefore, to prohibit VGTs within the boundaries of the Borough of Marietta.

Section 2. The proper officers of the Borough of Marietta 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 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 13th day of August, 2019, by the Council of the Borough of Marietta, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF MARIETTA
Lancaster County, Pennsylvania

Attest: _____
(Assistant) Secretary

By: _____
(Vice) President

[MUNICIPAL SEAL]