

West Wyoming Borough

Resolution No. 5 of 2012

RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WEST WYOMING, LUZERNE COUNTY, PENNSYLVANIA, IN SUPPORT OF THE LAWSUIT FILED IN THE COMMONWEALTH COURT OF PENNSYLVANIA, DOCKET NO. 284-MD-2012, IN OPPOSITION TO ACT 13.

**WHEREAS**, on February 14, 2012, Pennsylvania Governor Thomas W. Corbett signed HB 1950 into law as Act 13, amending the Pennsylvania Oil and Gas Act to establish, in part, a one-size-fits-all zoning scheme for oil and gas development that applies to every zoning district in every political subdivision in Pennsylvania; and

**WHEREAS**, the Commonwealth of Pennsylvania, through enactment of the Municipalities Planning Code, vested local government with the police power to establish zoning districts, and did so in recognition of the fact that to be constitutional, zoning must reflect the uniqueness of each community; and

**WHEREAS**, municipalities have established multiple zoning districts to provide for certain, limited types of uses, to ensure that development of land within each district was of the same general character, in order to protect the health, safety, morals, and welfare of the community; and

**WHEREAS**, we believe that Act 13 improperly restricts local municipal zoning regulations, and as such, is detrimental to all local governments and to those who reside in Pennsylvania's 2,661 municipalities; and,

**WHEREAS**, Act 13 thrusts upon municipalities the mandate that industrial uses be allowed in residential, agricultural, resource protection and commercial zones, frustrating the constitutional rationale for creation of separate zones; and

**WHEREAS**, the [INSERT NAME OF MUNICIPAL BODY] supports the lawsuit filed in the Commonwealth Court of Pennsylvania, Docket No. 284-MD-2012, and hereby provides that it is in opposition to Act 13.

**NOW, THEREFORE BE IT RESOLVED THAT THE WEST WYOMING BOROUGH COUNCIL DOES HEREBY, BY ENACTMENT OF THIS RESOLUTION, DECLARE THAT:**

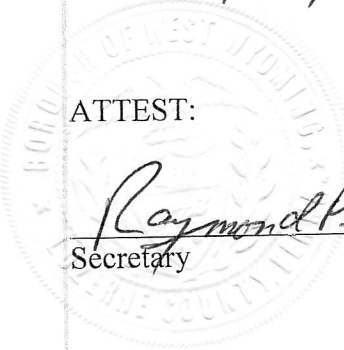
*The WEST WYOMING BOROUGH COUNCIL is opposed to Act 13.* Act 13 unlawfully removes the ability of affected local governments located within this Commonwealth to promulgate appropriate legislation to protect the health, safety, and welfare of its citizens. We are opposed to the allowance of industrial uses in residential areas that would negatively impact our local government's interests and concerns, as permitted by Act 13.

We believe that Act 13 violates both the Pennsylvania and U.S. Constitutions, creating a zoning scheme that supersedes the protections local officials are sworn to uphold; the health, safety and welfare of its residents.

*Be It Further Resolved* that WEST WYOMING BOROUGH COUNCIL joins with many other municipalities and local elected officials in their opposition to the passage of Act 13 and conveys to the State Assembly opposition to the stripping of local zoning and planning authority from affected local governments. We therefore endorse and support the efforts of the municipalities challenging the validity of Act 13, Cecil Township, Mount Pleasant Township, Nockamixon Township, Peters Township, Robinson Township, South Fayette Township and Yardley Borough.

RESOLVED AND ENACTED this 11<sup>th</sup> day of June, 2012, by the Board of West Wyoming Borough, in this lawful session regularly assembled.

ATTEST:

  
Raymond P. Gustafson  
Secretary

By: Eileen Cipriani  
WEST WYOMING COUNCIL PRESIDENT