

# ASSEMBLY, No. 299

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman VINCENT MAZZEO**

**District 2 (Atlantic)**

**Assemblyman JOHN ARMATO**

**District 2 (Atlantic)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**SYNOPSIS**

Allows alcoholic beverages to be consumed outdoors in Atlantic City Tourism District.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 6/15/2020)**

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2

1 AN ACT concerning the sale and consumption of alcoholic  
2 beverages and amending P.L.2011, c.18.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 1 of P.L.2011, c.18 (C.5:12-218) is amended to read  
8 as follows:

9 1. As used in P.L.2011, c.18 (C.5:12-218 et al.):

10 "Atlantic City" or "city" means the City of Atlantic City, Atlantic  
11 County.

12 "Atlantic City convention center project" or "convention center  
13 project" means the project authorized by paragraph (9) of  
14 subsection a. of section 6 of P.L.1971, c.137 (C.5:10-6).

15 "Atlantic City Tourism District" or "tourism district" means the  
16 district within Atlantic City established pursuant to section 5 of  
17 P.L.2011, c.18 (C.5:12-219).

18 "Authority" means the Casino Reinvestment Development  
19 Authority established pursuant to section 5 of P.L.1984,  
20 c.218 (C.5:12-153).

21 "Convention center authority" means the Atlantic City  
22 Convention and Visitors Authority established pursuant to section 3  
23 of P.L.1981, c.459 (C.52:27H-31).

24 "Convention Center Division" or "division" means the division  
25 created pursuant to paragraph (1) of subsection b. of section 12 of  
26 P.L.2011, c.18 (C.5:12-226) to exist within the authority as a  
27 division of the authority.

28 "Development and design guidelines" means the development  
29 and design guidelines for site plan applications, which guidelines  
30 are to be adopted by the authority pursuant to section 6 of P.L.2011,  
31 c.18 (C.5:12-220).

32 "District land use regulations" means the regulations, applicable  
33 within the tourism district, that are to be adopted by the authority  
34 pursuant to P.L.2011, c.18 (C.5:12-218 et al.).

35 "Gaming" means, in addition to any meaning otherwise provided  
36 by law, any legalized form of gambling in New Jersey including,  
37 but not limited to, casino gambling and horse racing.

38 "Nonconforming use" means a legal or pre-existing use or  
39 activity which fails to conform to the development and design  
40 guidelines or land use regulations adopted by the authority pursuant  
41 to P.L.2011, c.18 (C.5:12-218 et al.).

42 "Open container area" means portions of the beach, boardwalk,  
43 or other areas within the Atlantic City Tourism District, as  
44 determined by the authority, in which pedestrians are permitted to

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 carry and consume open containers of alcoholic beverages pursuant  
2 to subsections n. and o. of section 5 of P.L.2011, c.18 (C.5:12-219).

3 "Public safety improvements" means the development of  
4 infrastructure in the tourism district made for the purpose of  
5 increasing safety. Such improvements would include the  
6 development of appropriate security technology and the installation  
7 of increased lighting in outdoor areas, the installation of  
8 surveillance cameras, and the installation of emergency phones and  
9 lights throughout the tourism district for use by appropriate security  
10 and law enforcement personnel.

11 "Road and highway authority" means any State or local entity,  
12 including, but not limited to, Atlantic City or any agency thereof,  
13 Atlantic County or any agency thereof, the New Jersey Department  
14 of Transportation, and the South Jersey Transportation Authority  
15 established under section 4 of P.L.1991, c.252 (C.27:25A-4), or any  
16 other State or local entity having jurisdiction over (a) the roads and  
17 highways in the tourism district, (b) the roads and highways  
18 adjacent to the tourism district, (c) the land area in which the  
19 authority is an interested party pursuant to subsection c. of section 6  
20 of P.L.2011, c.18 (C.5:12-220), or (d) the portion of the roads and  
21 highways in Atlantic City which provide direct access to the  
22 tourism district.

23 "Tourism district master plan" or "Master plan," or "plan," means  
24 the authority's comprehensive master plan for the redevelopment of  
25 the tourism district.

26 "Transfer Date" means, with respect to the assumption by the  
27 authority of the powers, duties, assets, and responsibilities of the  
28 convention center authority, the date on which (a) the chairs of the  
29 authority and the convention center authority certify to the  
30 Governor that all of the bonds issued by the convention center  
31 authority cease to be outstanding within the meaning of the  
32 resolutions pursuant to which the bonds were issued, and (b) the  
33 authority assumes all debts and statutory responsibilities of the  
34 convention center authority.

35 (cf: P.L.2016, c.5, s.11)

36

37 2. Section 5 of P.L.2011, c.18 (C.5:12-219) is amended to read  
38 as follows:

39 5 a. (1) There shall be established by resolution of the  
40 authority the Atlantic City Tourism District, which shall consist of  
41 those lands within Atlantic City that comprise an area to be  
42 designated by the resolution. The area so designated shall include  
43 the facilities comprising licensed Atlantic City casinos, casino  
44 hotels, and any appurtenant property, any property under the  
45 ownership or control of the authority, the Atlantic City Special  
46 Improvement District established by ordinance of the City of  
47 Atlantic City, any property under the ownership or control of the  
48 convention center authority prior to the transfer date, any property

1 within Atlantic City under the ownership or control of the New  
2 Jersey Sports and Exposition Authority established pursuant to  
3 P.L.1971, c.137 (C.5:10-1 et seq.) prior to the transfer date, the  
4 Atlantic City Convention Center, Boardwalk Hall and any part of  
5 the property consisting of the Atlantic City convention center  
6 project prior to the transfer date, and any specified part of Atlantic  
7 City which the authority finds by resolution to be an area in which  
8 the majority of private entities are engaged primarily in the tourism  
9 trade, and the majority of public entities, if any, serve the tourism  
10 industry. Notwithstanding section 7 of P.L.1984, c.218 (C.5:12-  
11 155), the authority shall adopt the resolution by an affirmative vote  
12 of two-thirds of the voting members of the authority no more than  
13 90 days after the effective date of P.L.2011, c.18 (C.5:12-218 et  
14 al.). Notwithstanding section 7 of P.L.1984, c.218, adoption by the  
15 authority of any subsequent resolution to revise, in a manner  
16 consistent with this subsection, the area designated as comprising  
17 the tourism district shall also be by an affirmative vote of two-thirds  
18 of the voting members of the authority.

19 (2) If, on the 91st day after the effective date of P.L.2011,  
20 c.18 (C.5:12-218 et al.), the authority has not adopted the resolution  
21 establishing the tourism district as provided pursuant to paragraph  
22 (1) of this subsection, the authority shall carry out the purposes of  
23 P.L.2011, c.18 (C.5:12-218 et al.) within the following areas of  
24 Atlantic City:

25 (a) the area known as Bader Field;

26 (b) the area known as the Marina District beginning at a point  
27 north of White Horse Pike and continuing northwesterly along State  
28 Route 87 and Huron Avenue, and the casinos and hotels adjacent  
29 thereto, and bounded to the east by the body of water known as  
30 Clam Thorofare and bounded to the west by Huron Avenue and  
31 which area shall also encompass the area known as Farley Marina;  
32 and

33 (c) all that certain area bounded by a line, having as its point of  
34 origin the intersection of Kingston Avenue and Ventnor Avenue,  
35 which line of boundary proceeds from that point of origin as  
36 follows:

37 Northeasterly along Ventnor Avenue to its junction with Capt.  
38 John A. O'Donnell Parkway;

39 Thence northeasterly along that Parkway to its intersection with  
40 Atlantic Avenue;

41 Thence northeasterly along Atlantic Avenue to its junction with  
42 Florida Avenue;

43 Thence northwesterly along Florida Avenue to its junction with  
44 North Turnpike Road;

45 Thence northwesterly along North Turnpike Road to its junction  
46 with Sunset Avenue;

47 Thence along Sunset Avenue as it curves to its intersection with  
48 Mediterranean Avenue;

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1       Thence northeasterly along Mediterranean Avenue to its junction  
2 with North Mississippi Avenue;  
3       Thence continuing southeasterly along North Mississippi Avenue  
4 to its junction with Fairmont Avenue;  
5       Thence northeasterly along Fairmount Avenue to its intersection  
6 with Christopher Columbus Boulevard;  
7       Thence northwesterly along Christopher Columbus Boulevard to  
8 the point at which it borders the Atlantic City Expressway, to its  
9 junction with the Atlantic City Expressway and Arkansas Avenue;  
10       Thence continuing westerly and northerly along the perimeter of  
11 the Atlantic City Expressway along the points of that perimeter to  
12 the point at which the perimeter is parallel to the northwest facing  
13 perimeter of the property encompassing the Atlantic City  
14 Convention Center;  
15       Thence continuing southerly and westerly along the northwest  
16 facing perimeter of the property encompassing the Atlantic City  
17 Convention Center to the point at which such property, and any  
18 property immediately adjacent thereto, intersects with Bacharach  
19 Boulevard;  
20       Thence continuing southerly and easterly along Bacharach  
21 Boulevard to its junction with Arctic Avenue;  
22       Thence continuing northeasterly along Arctic Avenue to its  
23 junction with Tennessee Avenue;  
24       Thence continuing southeasterly along Tennessee Avenue to its  
25 junction with Atlantic Avenue;  
26       Thence continuing northeasterly along Atlantic Avenue at a  
27 width extending westerly of 100 feet from all points along the  
28 western side of Atlantic Avenue to its junction with Maine Avenue;  
29       Thence continuing from the intersection of Maine Avenue and  
30 Atlantic Avenue easterly in a line extending through the Boardwalk  
31 and beach, to the tidal shore of Atlantic City;  
32       Thence continuing from the intersection of the end point of that  
33 line and the tidal shore, southerly along the tidal shores as it jogs  
34 and curves to the point the tidal shore turns to a southwesterly  
35 direction;  
36       Thence continuing along such southwesterly direction of the tidal  
37 shores as it jogs and curves to the point on the tidal shore at which  
38 the shoreline would intersect with a straight-line projection  
39 oceanward of southern Kingston Avenue;  
40       Thence continuing northerly and westerly along Kingston  
41 Avenue to its junction with Ventnor Avenue.  
42       b. Upon and after the adoption, pursuant to subsection a. of this  
43 section, of the resolution establishing the tourism district, or upon  
44 and after the establishment of the tourism district under paragraph  
45 (2) of subsection a. of this section, as appropriate the authority shall  
46 have jurisdiction within the tourism district to impose land use  
47 regulations, implement development and design guidelines and  
48 implement initiatives that promote cleanliness, commercial

1 development, and safety, undertake redevelopment projects, and  
2 institute public safety improvements in coordination with security  
3 and law enforcement personnel.

4 c. (1) Notwithstanding any law, rule, or regulation to the  
5 contrary, upon and after the adoption, pursuant to subsection a. of  
6 this section, of the resolution establishing the tourism district, or  
7 upon and after the establishment of the tourism district under  
8 paragraph (2) of subsection a. of this section, as appropriate, the  
9 authority shall have, in conjunction with the appropriate road and  
10 highway authority or authorities, as appropriate, jurisdiction with  
11 respect to the approval of development projects upon those roads  
12 and highways over which such road and highway authority or  
13 authorities have jurisdiction as of the date of enactment of  
14 P.L.2011, c.18 (C.5:12-218 et al.).

15 (2) Notwithstanding any law, rule, or regulation to the contrary,  
16 upon and after the adoption, pursuant to subsection a. of this  
17 section, of the resolution establishing the tourism district, or upon  
18 and after this establishment of the tourism district under paragraph  
19 (2) of subsection a. of this section, as appropriate, the authority  
20 shall have, with respect to the roads and highways located within  
21 the tourism district, exclusive jurisdiction with respect to the  
22 promulgation of rules and regulations affecting the control and  
23 direction of traffic within the tourism district.

24 d. The authority may, by resolution, authorize the  
25 commencement of studies and the development of preliminary plans  
26 and specifications relating to the creation and maintenance of the  
27 tourism district. These studies and plans shall include, whenever  
28 possible, estimates of construction and maintenance costs, and may  
29 include criteria to regulate the construction and alteration of facades  
30 of buildings and structures in a manner which promotes unified or  
31 compatible design.

32 e. In furtherance of the development of an economically viable  
33 and sustainable tourism district, the authority shall, within one year  
34 after the date of enactment of P.L.2011, c.18 (C.5:12-218 et al.),  
35 adopt a tourism district master plan. The authority shall initiate a  
36 joint planning process with the participation of: State departments  
37 and agencies, corporations, commissions, boards, and, prior to the  
38 transfer date, the convention center authority; metropolitan planning  
39 organizations; Atlantic County; Atlantic City; and appropriate  
40 private interests.

41 f. After the creation of the tourism district pursuant to  
42 subsection a. of this section, the authority shall create a commission  
43 to be known as the Atlantic City Tourism District Advisory  
44 Commission, or "ACT Commission," consisting of members to be  
45 appointed by the authority. Persons appointed as members of the  
46 commission shall include public officials of Atlantic City and  
47 Atlantic County, representatives of the casino and tourism  
48 industries, public citizens, and any other individual or organization

1 the authority deems appropriate. The commission shall be  
2 authorized to review the authority's annual budget and the  
3 authority's plans concerning the tourism district. The commission  
4 shall, from time to time, make recommendations to the authority  
5 concerning the authority's development and implementation of the  
6 tourism district master plan, and the authority shall give due  
7 consideration to those recommendations. In order to ensure  
8 coordination, compatibility, and consistency between the tourism  
9 district master plan and the city's master plan, the authority shall  
10 consult with the city in developing the tourism district master plan.

11 g. The tourism district master plan shall establish goals,  
12 policies, needs, and improvement of the tourism district, the  
13 implementation of clean and safe initiatives, and the expansion of  
14 the Atlantic City boardwalk area to reflect an authentic New Jersey  
15 boardwalk experience. The authority may consult with public and  
16 private entities, including, but not limited to, those entities that are  
17 present in, or that have been involved with the development of,  
18 boardwalk areas in New Jersey such as the boardwalk areas of  
19 Ocean City, the Wildwoods, and Cape May.

20 h. In developing the tourism district master plan, the authority  
21 shall place special emphasis upon the following:

22 (1) the facilitation, with minimal government direction, of the  
23 investment of private capital in the tourism district in a manner that  
24 promotes economic development;

25 (2) making use of marina facilities in a way that increases  
26 economic activity;

27 (3) the development of the boardwalk area;

28 (4) the development of the Marina District; and

29 (5) the development of nongaming, family centered tourism  
30 related activities such as amusement parks.

31 i. The authority shall solicit funds from private sources to aid  
32 in support of the tourism district.

33 j. The authority shall administer and manage the tourism  
34 district and carry out such additional functions as provided under  
35 P.L.2011, c.18 (C.5:12-218 et al.). The authority shall oversee the  
36 redevelopment of the tourism district and implementation of the  
37 tourism district master plan. The authority shall enter into  
38 agreements with public and private entities for the purposes of  
39 promoting the economic and general welfare of Atlantic City and  
40 the tourism district. Any resolution adopted by the city of Atlantic  
41 City to establish a program of municipal financial assistance, in the  
42 form of grants, loans, tax credits or abatements, or other incentives,  
43 or to enter into an agreement providing such financial assistance, to  
44 support a development or redevelopment project located within the  
45 tourism district shall require the approval of the authority. If such  
46 resolution shall receive the approval of the authority, then  
47 notwithstanding any law, rule, or order to the contrary, the program  
48 may be implemented by the mayor without the adoption of any

1 municipal ordinance. A program adopted pursuant to this  
2 subsection shall not be subject to repeal or suspension by voter  
3 initiative.

4 k. Notwithstanding the provisions of any other law to the  
5 contrary, the authority shall provide that all available assets and  
6 revenues of the authority shall be devoted to the purposes of the  
7 tourism district and community development in Atlantic City,  
8 unless otherwise provided by contract entered into prior to the  
9 effective date of P.L.2011, c.18 (C.5:12-218 et al.).

10 l. The authority shall coordinate and collaborate with the city  
11 of Atlantic City Planning and Zoning Departments with respect to  
12 code enforcement, planning and zoning. The authority shall  
13 coordinate and collaborate with any of the city's departments,  
14 agencies, and authorities with respect to administrative operations  
15 relating to the implementation of the tourism district master plan. If  
16 the city determines that it is unable to coordinate and collaborate  
17 with the authority pursuant to this subsection, the Department of  
18 Community Affairs, shall, at the request of the authority, assume  
19 jurisdiction over the Atlantic City Planning and Zoning  
20 Departments and any other appropriate departments, agencies, or  
21 authorities of the city responsible for code enforcement and  
22 administrative operations of the city to provide that the authority  
23 shall receive necessary assistance regarding code enforcement and  
24 administrative actions undertaken in its implementation of the  
25 tourism district master plan. The assumption of jurisdiction by the  
26 Department of Community Affairs over any department, agency, or  
27 authority of the city, undertaken pursuant to this subsection, shall  
28 not be construed as affecting the jurisdiction of any such  
29 department, agency, or authority, or of the city, with respect to  
30 regulatory control or the provision of services by the city, unless  
31 such regulatory control or provision of services is directly related to  
32 the provision of assistance to the authority regarding code  
33 enforcement and administrative actions undertaken in furtherance of  
34 the implementation of the tourism district master plan.

35 m. Two years after the adoption of the tourism district master  
36 plan, the authority shall conduct a formal evaluation of the plan to  
37 assess the functionality of its implementation. The authority may  
38 make any changes concerning its implementation of the master  
39 plan, as necessary, to improve its functionality. Such changes may  
40 include the reallocation of the resources of any division under the  
41 authority's jurisdiction and the reorganization of the functions and  
42 operations of those entities which pertain to the tourism district  
43 master plan. The authority may make any changes concerning the  
44 employment of authority employees which would improve the  
45 functionality of the authority's implementation of the master plan.

46 n. Notwithstanding any other provision of law to the contrary,  
47 the authority may, by resolution, authorize the sale of alcoholic  
48 beverages by the holder of a plenary retail consumption license,



1 casino hotel alcoholic beverage permit, concessionaire permit, or  
2 other license or permit authorized to sell alcoholic beverages in  
3 connection with a licensed premises that is located adjacent to an  
4 open container area and may, subject to conditions imposed by the  
5 authority as defined in section 1 of P.L.2011, c.18 (C.5:12-218) and  
6 the appropriate alcoholic beverage license issuing authority, allow a  
7 patron who is at least 21 years of age to remove a single alcoholic  
8 beverage in an open container for consumption within the open  
9 container area by that patron.

10 A determination to adopt a resolution pursuant to this subsection  
11 shall be made only after a public hearing is held by the authority on  
12 the merits of establishing an open container area.

13 o. Notwithstanding any other provision of law to the contrary,  
14 a pedestrian who is at least 21 years of age may consume alcoholic  
15 beverages from an open container that was purchased from a license  
16 holder who is authorized pursuant to subsection n. of this section to  
17 allow the removal of open containers of alcoholic beverages from  
18 the licensed premises.

19 (cf: P.L.2012, c.34, s.12)

20

21 3. This act shall take effect on the first day of the third month  
22 following enactment.

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24

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#### STATEMENT

26

27 This bill allows alcoholic beverages to be consumed from open  
28 containers on certain outdoor property located within the Atlantic  
29 City Tourism District. The bill defines an “open container area” as  
30 portions of the beach, boardwalk, and other areas within the  
31 Atlantic City tourism district, as determined by the Casino  
32 Reinvestment Development Authority (CRDA), in which  
33 pedestrians are permitted to carry and consume open containers of  
34 alcoholic beverages.

35 Under the bill, upon approval of a resolution adopted by the  
36 CRDA, the holder of a license to sell alcoholic beverages for  
37 consumption on the licensed premises may allow a patron who is at  
38 least 21 years of age to remove a single alcoholic beverage for  
39 consumption in an open container area. The bill requires the CRDA  
40 to hold a public hearing on the merits of establishing an open  
41 container area prior to adopting the resolution.