

P.L. 2020, CHAPTER 69, *approved August 28, 2020*
Assembly, No. 299

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.).

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 "Open container area" means portions of the beach, boardwalk,
2 or other areas within the Atlantic City Tourism District, as
3 determined by the authority, in which pedestrians are permitted to
4 carry and consume open containers of alcoholic beverages pursuant
5 to subsections n. and o. of section 5 of P.L.2011, c.18 (C.5:12-219).

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

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

26 "Tourism district master plan" or "Master plan," or "plan," means
27 the authority's comprehensive master plan for the redevelopment of
28 the tourism district.

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

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

39
40 2. Section 5 of P.L.2011, c.18 (C.5:12-219) is amended to read
41 as follows:

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

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

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

28 (a) the area known as Bader Field;

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

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

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

42 Thence northeasterly along that Parkway to its intersection with
43 Atlantic Avenue;

44 Thence northeasterly along Atlantic Avenue to its junction with
45 Florida Avenue;

46 Thence northwesterly along Florida Avenue to its junction with
47 North Turnpike Road;

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

1 (2) of subsection a. of this section, as appropriate the authority shall
2 have jurisdiction within the tourism district to impose land use
3 regulations, implement development and design guidelines and
4 implement initiatives that promote cleanliness, commercial
5 development, and safety, undertake redevelopment projects, and
6 institute public safety improvements in coordination with security
7 and law enforcement personnel.

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

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

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

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

45 f. After the creation of the tourism district pursuant to
46 subsection a. of this section, the authority shall create a commission
47 to be known as the Atlantic City Tourism District Advisory
48 Commission, or "ACT Commission," consisting of members to be

1 appointed by the authority. Persons appointed as members of the
2 commission shall include public officials of Atlantic City and
3 Atlantic County, representatives of the casino and tourism
4 industries, public citizens, and any other individual or organization
5 the authority deems appropriate. The commission shall be
6 authorized to review the authority's annual budget and the
7 authority's plans concerning the tourism district. The commission
8 shall, from time to time, make recommendations to the authority
9 concerning the authority's development and implementation of the
10 tourism district master plan, and the authority shall give due
11 consideration to those recommendations. In order to ensure
12 coordination, compatibility, and consistency between the tourism
13 district master plan and the city's master plan, the authority shall
14 consult with the city in developing the tourism district master plan.

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

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

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

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

31 (3) the development of the boardwalk area;

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

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

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

37 j. The authority shall administer and manage the tourism
38 district and carry out such additional functions as provided under
39 P.L.2011, c.18 (C.5:12-218 et al.). The authority shall oversee the
40 redevelopment of the tourism district and implementation of the
41 tourism district master plan. The authority shall enter into
42 agreements with public and private entities for the purposes of
43 promoting the economic and general welfare of Atlantic City and
44 the tourism district. Any resolution adopted by the city of Atlantic
45 City to establish a program of municipal financial assistance, in the
46 form of grants, loans, tax credits or abatements, or other incentives,
47 or to enter into an agreement providing such financial assistance, to
48 support a development or redevelopment project located within the

1 tourism district shall require the approval of the authority. If such
2 resolution shall receive the approval of the authority, then
3 notwithstanding any law, rule, or order to the contrary, the program
4 may be implemented by the mayor without the adoption of any
5 municipal ordinance. A program adopted pursuant to this
6 subsection shall not be subject to repeal or suspension by voter
7 initiative.

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

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

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

1 employment of authority employees which would improve the
2 functionality of the authority's implementation of the master plan.

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

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

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

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

25
26 3. This act shall take effect on the first day of the third month
27 following enactment.
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30

31
32 Allows alcoholic beverages to be consumed outdoors in Atlantic
33 City Tourism District.