

**5:12-218 & 5:12-219**  
**LEGISLATIVE HISTORY CHECKLIST**

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**LAWS OF:** 2020                    **CHAPTER:** 69

**NJSA:** 5:12-218 & 5:12-219 (Allows alcoholic beverages to be consumed outdoors in Atlantic City Tourism District.)

**BILL NO:** A299                    (Substituted for S1591)

**SPONSOR(S)** Vincent Mazzeo and others

**DATE INTRODUCED:** 1/14/2020

**COMMITTEE:**                    **ASSEMBLY:** Budget

**SENATE:** State Government, Wagering, Tourism & Historic Preservation

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**                    **ASSEMBLY:** 6/18/2020

**SENATE:** 7/30/2020

**DATE OF APPROVAL:** 8/28/2020

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Introduced bill enacted) Yes

**A299**

**INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):** Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**S1591**

**INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):** Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** Yes

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**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"Murphy makes A.C. open-container rules permanent." The Press of Atlantic City, (NJ) (Atlantic City, New Jersey), August 29, 2020: 6.

RWH/CL

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.

28

29

30

31

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

# 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)**

A299 MAZZEO, ARMATO

2

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**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.**

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8 surveillance cameras, and the installation of emergency phones and  
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35 (cf: P.L.2016, c.5, s.11)

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48 convention center authority prior to the transfer date, any property

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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;

A299 MAZZEO, ARMATO

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.

23

24

25

#### 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.

# ASSEMBLY BUDGET COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 299

# STATE OF NEW JERSEY

DATED: JUNE 16, 2020

The Assembly Budget Committee reports favorably Assembly Bill No. 299.

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

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

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes any changes required by technical review, which has been performed.

#### FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &  
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 299**

**STATE OF NEW JERSEY**

DATED: JULY 22, 2020

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Assembly Bill No. 299.

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

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

Assembly Bill No. 299 is identical to Senate Bill No. 1591 of 2020-2021.

# SENATE, No. 1591

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

**Sponsored by:**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**Senator CHRIS A. BROWN**

**District 2 (Atlantic)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 3/5/2020)

S1591 BEACH, BROWN

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, c.218  
20 (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  
31 of P.L.2011, 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  
45 carry and consume open containers of alcoholic beverages pursuant

**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.**

**S1591 BEACH, BROWN**

1 to subsections n. and o. of section 5 of P.L.2011, c.18 (C.5:12-219).

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

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

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

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

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

35

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

38 5 a. (1) There shall be established by resolution of the  
39 authority the Atlantic City Tourism District, which shall consist of  
40 those lands within Atlantic City that comprise an area to be  
41 designated by the resolution. The area so designated shall include  
42 the facilities comprising licensed Atlantic City casinos, casino  
43 hotels, and any appurtenant property, any property under the  
44 ownership or control of the authority, the Atlantic City Special  
45 Improvement District established by ordinance of the City of  
46 Atlantic City, any property under the ownership or control of the  
47 convention center authority prior to the transfer date, any property  
48 within Atlantic City under the ownership or control of the New



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

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

24 (a) the area known as Bader Field;

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

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

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

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

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

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

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

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

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5

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

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6

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

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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

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8

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 holder of a plenary  
48 retail consumption license, casino hotel alcoholic beverage license,

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1 concessionaire permit, or other license or permit who is authorized  
2 to sell alcoholic beverages for consumption on a licensed premises  
3 to sell alcoholic beverages for consumption in an open container  
4 area provided that the licensed premises is located adjacent to an  
5 open container area and, subject to conditions imposed by the  
6 authority and the appropriate alcoholic beverage license issuing  
7 authority, allow a patron who is at least 21 years of age to remove a  
8 single alcoholic beverage in an open container for consumption  
9 within the open 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.

23

24

25 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 sell alcoholic beverages  
38 for consumption in an open container area and allow a patron who  
39 is at least 21 years of age to remove a single alcoholic beverage for  
40 consumption in an open container area. The bill requires the CRDA  
41 to hold a public hearing on the merits of establishing an open  
42 container area prior to adopting the resolution.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &  
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

**SENATE, No. 1591**

**STATE OF NEW JERSEY**

DATED: JULY 22, 2020

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Senate Bill No. 1591.

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

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

Senate Bill No. 1591 is identical to Assembly Bill No. 299 of 2020-2021.

# Governor Murphy Signs Legislation Permitting the Consumption of Alcoholic Beverages On Certain Outdoor Property in the Atlantic City Tourism District

08/28/2020

**TRENTON** – Governor Phil Murphy today signed legislation (A299), which allows alcoholic beverages to be consumed from open containers on certain outdoor property located within the Atlantic City Tourism District, upon authorization by the Casino Reinvestment Development Authority (CRDA). The bill defines an “open container area” as portions of the beach, boardwalk, and other areas within the Atlantic City Tourism District, as determined by CRDA, in which pedestrians are permitted to carry and consume open containers of alcoholic beverages.

“Despite the economic hardship that this pandemic has levied on our casino and hospitality industries, the Atlantic City community has once again proven its resiliency and readiness for a strong future,” **said Governor Murphy**. “By permanently allowing outdoor consumption of alcoholic beverages in certain areas of the Tourism District, we can extend short-term support to small businesses who need it, and further strengthen the resurgence of Atlantic City as the East Coast’s premier resort destination.”

“Atlantic City has effectively demonstrated over the past several months that business establishments in the Tourism District and on the boardwalk are capable of responsibly serving open containers to adults,” **said Lt. Governor Sheila Oliver, who serves as Commissioner of the Department of Community Affairs**. “As we face unprecedented economic challenges in Atlantic City due to the pandemic, this easement will help businesses recover from the economic recession and continue to thrive once life returns to normal.”

“We applaud the Governor on signing this bill allowing open containers in the Atlantic City Tourism District,” **said CRDA Executive Director Matt Doherty**. “Visitors coming to Atlantic City expect all the amenities of a world-class destination. This will also allow the Atlantic City hospitality industry, which has been severely impacted by COVID-19, to more effectively compete.”

**In a joint-statement, Assemblymembers Vince Mazzeo, John Armato and Carol Murphy said:** “Tourists come to Atlantic City to enjoy all it has to offer. The boardwalk makes it easy for tourists to visit various casinos, bars, restaurants and entertainment hotspots in a single day. However, if a visitor wants to take their beer on the go while on their way to their next destination, they may receive a citation for walking with an open container. This practice is becoming outdated as more cities across the nation are relaxing liquor laws in tourist areas. It’s time we revamp Atlantic City’s own laws to match this trend while continuing to keep the tourism area a safe and welcoming place to visit.”

“Now, more than ever, with so many of our local families struggling to make ends meet, we need to work together to make our guest experience while on vacation more enjoyable to grow our tourism industry,” **said Senator Chris Brown**. “I am pleased today, working in a bipartisan manner, we were able to take a step in the right direction.”