

Ordinance

Ordinance No. 16-H

OF THE Date.....
CITY OF ATLANTIC CITY, N.J. Date to Mayor.....

Approved as to form and Legality on Basis of Facts Set Forth Factual contents certified to by

Legislative Counsel Billie Moore, Esq.

Business Administrator /s/ Dr. Carol A. Fredericks

Prepared by the Legislative Counsel

Council Member SCHULTZ Presents the following Ordinance:

AN ORDINANCE TO AMEND CHAPTER 221 - SMOKING - AMENDING THE RESTRICTIONS ON SMOKING AREAS UPON A CASINO FLOOR AND REQUIRING THE RECONSIDERATION OF THIS AMENDMENT IN ONE YEAR

WHEREAS, in January 2006, the New Jersey legislature adopted the Smoke Free Air Act (the "Act") (N.J.S.A. 26:3D-55 et. seq.) which, in addition to prohibiting smoking in most indoor workplaces throughout the state, limited smoking within casino properties to gaming floors and certain guest rooms; and

WHEREAS, on February 2007, the Atlantic City Council ("Council") adopted Ordinance 86, which prohibited smoking on all but twenty five (25%) percent of the area of the casino gaming floor; and

WHEREAS, on April 2008, the Council adopted Ordinance 27, which will effectively restrict smoking on the casino floor to non-gaming areas beginning on October 15, 2008; and

WHEREAS, since the adoption of Ordinance 27, however, the regional and national economic conditions have significantly deteriorated and that deterioration has had a destabilizing effect on the local economy and the welfare of many Atlantic City residents;

WHEREAS, Atlantic City casino industry performance has also declined over that period causing a loss of current and future local employment opportunities, a reduction in funding for senior programs, and a delay in the construction of commercial development needed to reduce the property tax liability of Atlantic City residents; and

WHEREAS, based on the consequences of similar restrictions placed on casino patrons' smoking in other jurisdictions around the country, the implementation at this time of the additional Ordinance 27 restrictions would likely cause a significant, immediate and further decline in the Atlantic City casino industry; and

WHEREAS, in light of the current situation as described above, the implementation of the further smoking restrictions of Ordinance 27 at this time would be imprudent and should be delayed to permit the economic recovery of the region and the national financial markets, and the provisions of Ordinance 86 of 2007 reinstated to restrict smoking to twenty five (25%) percent of a casino gaming floor;

NOW, THEREFORE, BE IT ORDAINED that Chapter 221 of the Code of Atlantic City – SMOKING be amended as follows:

SECTION ONE

Chapter 221-6 "Exemptions from smoking regulations" shall be amended to provide:

Add: Chapter 221-6(A)(6). Gaming Floors within licensed casino hotel facilities; provided, however, that not more than twenty-five (25%) percent of such Gaming Floor, as particularly determined by the casino licensee operator of the casino hotel facility within which the Gaming Floor is located, may be so designated.

Replace: Chapter 221-6(B). On the one year anniversary of the adoption of the ordinance amending this section, Council, through its Revenue and Finance Committee, shall review this Chapter and determine whether the factors then impacting the general welfare of Atlantic City residents and the Atlantic City casino industry and the employment, development, competitive and other economic conditions which affect them warrant a continuation of the provisions of Subsection 6(a)(6) or the restrictions of Ordinance 27 should be re-implemented.

SECTION TWO

Any Ordinance or parts of any Ordinance inconsistent with the provisions of this Ordinance are hereby repealed to the extent of any such inconsistency.

SECTION THREE

This Ordinance shall take effect immediately as provided by law.

October 2, 2008 1:07:40 PM

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
MANCUSO							SCHULTZ						
MASON							SMALL						
MOORE							TIBBITT						
ROBINSON							WARD						
							MARSH, PRESIDENT						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on

Adopted on second and final reading after hearing on

Approved By Date Reconsidered Over
 By Council Ride
 Mayor Aye Nay

This is a Certified True copy of the Original Ordinance on file in the City Clerk's Office.

..... City Clerk