

# Resolution of the City of Atlantic City

## No. 261

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

\_\_\_\_\_  
City Solicitor /s/ G. Bruce Ward

\_\_\_\_\_  
Business Administrator /s/ Michael A. Scott

Prepared by City Solicitor's Office

Council Members MARSH & SMALL present the following Resolution:

### RESOLUTION TO REVIEW ORDINANCE NO 27-2008 AND COOPERATE WITH THE NEW JERSEY DIVISION OF GAMING ENFORCEMENT TO PROVIDE FOR MORE EFFECTIVE REGULATION OF CASINO FLOOR SMOKING

**WHEREAS**, the State of New Jersey enacted the NJ Clean Air Act in 2006 which prohibited indoor smoking in essentially all commercial establishments in the State, and

**WHEREAS**, the NJ Clean Air Act specifically exempted the Atlantic City casino floors from said prohibition; however it permitted municipalities to enforce equal or more restrictive measures than those provided under the Act, and

**WHEREAS**, City Council examined months of public comment, including complaints by made by casino employees as well as comments by casino industry-representatives and supporters, and

**WHEREAS**, City Council, after much deliberation attempted to balance the competing interests of health concerns among casino employees with the economic cautions voiced by the casino industry, and

**WHEREAS**, City Council enacted Ordinance No. 27-2008 which prohibited smoking on all employee staffed portions of casino floors in Atlantic City; however casino operators were permitted to construct non-staffed, separately exhausted, enclosed smoking lounges on no more than 25% of the gaming floor; and

**WHEREAS**, said requirement of the Ordinance, with respect to enclosed lounges has not been uniformly complied with by certain of the casino operators, and

**WHEREAS**, City Officials, have received ongoing complaints from casino employees and casino customers that smoking regulations are not being enforced, and

**WHEREAS**, the New Jersey Division of Gaming Enforcement has received ongoing complaints from casino employees and casino customers that the smoking regulations are not being enforced, and

**WHEREAS**, the New Jersey Division of Gaming Enforcement requested a meeting with City Officials to discuss enforcement issues concerning smoking on casino floors, and

**WHEREAS**, said meeting revealed casino floor blueprints of certain casino operators illustrating said operators may have violated the spirit and intent of Ordinance No. 27-2008 with their designation of permitted smoking spaces, and

**WHEREAS**, the New Jersey Division of Gaming Enforcement advised the City of its regulatory powers arising from the Casino Control Act: 5:12-96e - - "... no casino ... may ... remain open to the public ... unless and until a valid operation certificate has been issued to the casino licensee by the Division. Such certificate shall be issued by the director upon a determination that a casino ... complies in all respects with the requirements of this act and regulations promulgated hereunder, and that the casino ... [is] prepared in all respects to receive and entertain the public." and, from their regulations: N.J.A.C. 19:43-7.6(b) "...after obtaining all approvals required by Federal, State or local government officials and providing a copy or other acceptable written evidence of such approvals to the Commission, ...."; and

**WHEREAS**, the New Jersey Division of Gaming Enforcement indicated its willingness to cooperate with the City to ensure that casino workplace regulations are adhered to, and

**WHEREAS**, City Administration requests City Council to undertake a review of Ordinance No. 27-2008 and assign same to the appropriate City Council Committee to determine what Amendments, if any, need be considered by Council for adoption,

**NOW, THEREFORE, BE IT RESOLVED**, City Council supports the Administration's efforts to improve enforcement of casino smoking regulations by collaborating with the New Jersey Division of Gaming Enforcement and will undertake a review of Ordinance No. 27-2008 to determine what Amendments, if any, need be considered by Council for adoption.

Sh October 13, 2011 3:26 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.	SEC.
DELGADO		X					MOORE		X			X
GILLIAM		X					RANDOLPH		X			
MANCUSO		X					SMALL		X			X
MASON		X					TIBBITT		X			
MARSH, PRESIDENT										X		
X-Indicates Vote    NV-Not Voting    AB-Absent    MOT-Motion    SEC-Second												

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

DATE FAILED:

APRIL 13, 2011

/s/ Rhonda Williams, City Clerk

**City of Atlantic City**  
**City Clerk's Office Room 704**  
**GOVERNMENT RECORDS REQUEST FORM**  
 Phone No. 609-347-5510 – Fax 609-347-6408

**Important Notice**

The reverse side of this form contains important information related to your rights concerning government records. Please read it carefully.

**Requestor Information – Please Print**

First Name \_\_\_\_\_ MI \_\_\_\_\_ Last Name \_\_\_\_\_  
 Company \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Email \_\_\_\_\_  
 Business Hours Telephone: Area Code \_\_\_\_\_ Number \_\_\_\_\_ Extension \_\_\_\_\_  
 Preferred Delivery: Pick Up \_\_\_\_\_ US Mail \_\_\_\_\_ On Site Inspect \_\_\_\_\_  
*Circle One:* Under penalty of N.J.S.A. 2C:28-3, I certify that I *HAVE / HAVE NOT* been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

**Payment Information**

Maximum Authorization Cost \$ \_\_\_\_\_  
 Select Payment Method  
 Cash \_\_\_\_\_ Check \_\_\_\_\_ Money Order \_\_\_\_\_  
 Fees: Pages 1-10 @\$0.75  
 Pages 11-20 @\$0.50  
 Pages 21 - @\$0.25  
 Delivery: Delivery / postage fees additional depending upon delivery type.  
 Extras: Extraordinary service fee dependent upon request.

Record Request Information: To expedite the request, be as specific as possible in describing the records being requested. Also, please include the type of access requested (copying or inspection), and if data, the medium requested.

**AGENCY USE ONLY**

Est. Document Cost \_\_\_\_\_  
 Est. Delivery Cost \_\_\_\_\_  
 Est. Extras Cost \_\_\_\_\_  
 Total Est. Cost \_\_\_\_\_  
 Deposit Amount \_\_\_\_\_  
 Estimated Balance \_\_\_\_\_  
 Deposit Date \_\_\_\_\_

**AGENCY USE ONLY**

**Disposition Notes**  
 Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 In Progress - Open \_\_\_\_\_  
 Denied - Closed \_\_\_\_\_  
 Filled - Closed \_\_\_\_\_  
 Partial - Closed \_\_\_\_\_

**AGENCY USE ONLY**

Tracking Information		Final Cost	
Tracking #	_____	Total	_____
Rec'd Date	_____	Deposit	_____
Ready Date	_____	Balance Due	_____
Total Pages	_____	Balance Paid	_____
Records Provided			
Custodian Signature		Date	

requesting Access to Government Records Under the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)

1. This form should only be used to submit records requests to the City Clerk's Office.
2. Complete and date this request form and deliver it in person during regular business hours or by mail, fax or electronically to the appropriate custodian of the record requested. Your request is not considered filed until the appropriate custodian of the record requested has received a completed request form. If you submit the request form to any other officer or employee of the *City of Atlantic City*, that officer or employee may not have the authority to accept your request form on behalf of the *City of Atlantic City* and your request will be directed to the appropriate division custodian. The seven business day response time will not commence until the proper custodian reviews the request to determine if it is complete.
3. If you submit a request for access to government records to someone other than the appropriate custodian, do not complete the *City of Atlantic City* request form, or attempt to make a request for access by telephone or fax; the Open Public Records Act and its deadlines, restrictions and remedies will not apply to your request.
4. The fees for duplication of a government record in printed form are listed on the front of this form. We will notify you of any special charges, special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by check or money order payable to the *City of Atlantic City*.
5. If it is necessary for the records custodian to contact you concerning your request, providing identifying information, such as your name, address and telephone number or an e-mail address is required. Where contact is not necessary, anonymous requests are permitted; except that anonymous requests for personal information are not honored.
6. You may be charged a 50% or other deposit when a request for copies exceeds \$25. The custodian will contact you and advise you of any deposit requirements. Anonymous requests, when permitted, require a deposit of 100% of estimated fees. You agree to pay the balance due upon delivery of the records.
7. Under OPRA, a custodian must deny access to a person who has been convicted of an indictable offense in New Jersey, any other state, or the United States, and who is seeking government records containing personal information pertaining to the person's victim or the victim's family.
8. By law, the *City Clerk's Office* must notify you that it grants or denies a request for access to government records within seven business days after the custodian of the record requested receives the request, provided that the record is currently available and not in storage. If the record requested is not currently available or is in storage, the custodian will advise you within seven business days when the record can be made available and the estimated cost. You may agree with the custodian to extend the time for making records available, or granting or denying your request.
9. You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you.
10. If the *City of Atlantic City* is unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form and send you a signed and dated copy.
11. Except as otherwise provided by law or by agreement with the requester, if the custodian of the record requested fails to respond to you within seven business days of receiving a request form, the failure to respond will be considered a denial of your request.
12. If your request for access to a government record has been denied or unfiled within the time permitted by law, you have a right to challenge the decision by the *City of Atlantic City* to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint in writing with the Government Records Council (GRC). You may contact the GRC by toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at [grc@dca.state.nj.us](mailto:grc@dca.state.nj.us), or at their web site at [www.nj.gov/grc](http://www.nj.gov/grc). The Council can also answer other questions about the law.
13. Information provided on this form may be subject to disclosure under the Open Public Records Act.