

ATLANTIC COUNTY ORDINANCE NO. 3 - 2024

**AN ORDINANCE AMENDING COUNTY CODE CHAPTER 97 ENTITLED
PARKS CONCERNING ALCOHOL USE AND SPECIAL EVENTS
INVOLVING ALCOHOL WITHIN ATLANTIC COUNTY PARKS**

WHEREAS, the Atlantic County Code (the Code), Chapter 97 governs the conduct of events within the County Park System; and

WHEREAS, County Code Chapter 97 contains provisions which govern alcohol usage in areas of the Atlantic County Parks system; and

WHEREAS, to accommodate the proposed improvements and enhanced services being developed at Atlantic County Parks, it is necessary to amend County Code Chapter 97 to ensure proper regulation of alcohol usage, in a safe and orderly manner.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the County of Atlantic, that:

§ 97-20 Alcohol use.

[Amended 6-28-2011 by Ord. No. 10-2011; 10-6-2015 by Ord. No. 10-2015]

A. No person shall possess, dispense, consume, sell, distribute, use, deliver or bring any alcoholic beverage within any County parks area or facility except as follows:

- (1)** As may be permitted in connection with a licensing agreement to use and operate the Catering Hall at Lake Lenape Park East as set forth in this chapter;
- (2)** As may be permitted in connection with a special event at Lake Lenape Park East or Oscar E. McClinton Park, for which the serving of alcohol has been approved as set forth in this chapter;
[Amended 2-13-2018 by Ord. No. 2-2018]
- (3)** In certain other specified facilities, as may be provided by County ordinance; or
- (4)** As may be permitted pursuant to a licensee or concession agreement duly authorized by the County of Atlantic concerning use and operation of facilities located within the boundaries of the John F. Gaffney Golf Course, including the Green Tree Grill restaurant located at the clubhouse, together with the attached deck and patio areas; within the area designated for an event tent; or by cart service provided to golf course patrons by the operator of the Green Tree Grill restaurant, within the grounds of the golf course. Special events may also be conducted pursuant to a license agreement that has been duly authorized by the County.

[Added 4-6-2021 by Ord. No. 2-2021]

B. Any person seeking permission to possess, dispense, distribute, consume, sell, deliver, bring or use any alcoholic beverage within any of the above locations shall comply with the requirements of the New Jersey Alcoholic Beverage Commission and the provisions of this chapter.

§ 97-132 **Special events with alcohol.**

[Added 6-28-2011 by Ord. No. 10-2011; amended 2-13-2018 by Ord. No. 2-2018]

Any person seeking permission to conduct a special event which includes the serving of alcohol must do so at a reservable facility of Lake Lenape Park East within the fenced portion of the park, excluding all portions of the beach area, at the Oscar E. McClinton Park, or at the John F. Gaffney Green Tree Golf Course, second floor meeting/event room.^{III} The applicant for Lake Lenape Park East or Oscar E. McClinton Park shall be required to first obtain a special event permit from the County Parks Director, as set forth in this chapter. The applicant for the John F. Gaffney Green Tree Golf Course, second floor meeting/event room will be required to first obtain a permit from the facility's office located at 1030 Mays Landing - Somers Point Road, Egg Harbor Township, NJ. Without limitation on any other requirement of this chapter, a special event which includes the serving of alcohol shall be subject to the following:

A. Public special events.

- (1)** The proposed event shall be conducted in accordance with the rules and regulations of the New Jersey Alcoholic Beverage Commission (the "NJABC") concerning public special events where alcohol is served.
- (2)** In addition to the requirements of Article V of this chapter, the application for a County permit shall be:
 - (a)** Made by the sponsoring entity that is duly authorized, as defined by the NJABC, and is able to perform the tasks and requirements necessary to conduct the proposed public special event which includes the serving of alcohol. The entity shall complete the appropriate NJ Division of Alcoholic Beverage Control application.
 - (b)** The form shall be approved in the first instance by the County Park Manager and then shall be sent to the Municipal Clerk of the municipality in which the park is located for approval to be obtained from the Municipal Clerk, the Township Police Chief and the municipal governing body.

- (c) Accompanied by a valid NJABC permit for the proposed public special event which includes the serving of alcohol, or if a permit has not been issued at the time of application to the County, then a copy of the sponsoring entity's application to the NJABC for a permit authorizing the serving of alcohol at a public special event. A County permit shall not be deemed effective unless and until a NJABC permit has been obtained and provided to the County Parks Director.
 - (d) Accompanied by a written narrative that shall describe the details of the event, including but not limited to a list of vendors, procedures for event setup, parking, crowd control, temporary fencing, event security, ambulance/emergency response, procedures to ensure that minors and intoxicated persons are not served alcohol, trash control, post-event cleanup and restoration of any damage to County property.
 - (e) Accompanied by the name, address and contact information for the person(s) who shall be responsible for implementation of the event. Such persons shall be available to the County Parks Director and County Rangers at all times during the event.
- (3) The application and supporting information listed above in § 97-132A(2) shall be submitted to the County Parks Director in accordance with Article V.
- (4) The sponsoring entity shall procure a host liquor liability policy with limits of not less than \$2 million, which policy shall name the County of Atlantic, the New Jersey Department of Environmental Protection Green Acres Program, and the municipal governing body in which the park is located as additional insureds. In conjunction with the insurance policy, the event sponsor/host shall execute an indemnification and hold harmless agreement in a form approved by County Counsel by which it agrees to indemnify and defend the County of Atlantic, the New Jersey Department of Environmental Protection Green Acres Program, and the municipal governing body in which the park is located from any and all claims which may rise from the event. These provisions shall not affect the insurance provisions which are specified in § 97-52B.
- (5) The sponsoring entity shall execute an indemnification and hold harmless agreement, as drafted and approved by the Atlantic County Counsel's Office. The sponsoring entity shall be solely responsible for conducting the event in accordance with all applicable laws and ordinances in a manner that shall not cause damage to

persons or property. The County shall not assume responsibility for the conduct and/or supervision of the event.

- (6) The sponsoring entity shall be responsible for preventing service of alcohol to any person who is under the legal age to consume alcoholic beverages in the State of New Jersey.
- (7) The sponsoring entity shall be responsible for preventing service of alcohol to any person who is visibly intoxicated or under the influence of alcohol or other intoxicants or stimulants.
- (8) A permit shall not be effective and the proposed event shall not be permitted to occur if all of the requirements set forth in this section have not been deemed satisfied by the County Parks Director.
- (9) If food service will be provided to supplement the public special event which includes the serving of alcohol, the sponsoring entity shall be responsible for ensuring that any permit or inspection requirements administered by the Atlantic County Division of Public Health that apply to food service are satisfied.

B. Private special events with alcohol.

- (1) For the purpose of this section, a private special event which includes the serving of alcohol shall be defined as a private social event such as a birthday party, retirement party or wedding which is not open to the general public and a list of guests are invited in advance to attend. Information about the event may be shared with invited guests, but cannot be advertised to the general public. The host may furnish complementary alcohol for guests, but is prohibited from charging for the alcoholic beverages, food or admission. Indirect methods of payments such as prepaid tickets or donations are also prohibited for this type of event. This type of event cannot be used to facilitate the operation of a business or be run with the intention of making a profit.
- (2) The proposed private special event with alcohol shall be conducted in accordance with all applicable rules and regulations of the New Jersey Alcoholic Beverage Commission (the "NJABC").
- (3) In addition to the requirements of Article V of this chapter, the application for a County permit shall be:

(a) Accompanied by a written narrative that shall describe the details of the event, including where applicable, but not limited to, a list of vendors, procedures for event setup, event security, ambulance/emergency response, procedures to ensure that minors and intoxicated persons are not served alcohol, trash control, post-event cleanup and restoration of any damage to County property.

(b) Accompanied by the name, address and contact information for the person(s) who shall be responsible for implementation of the event, herein described as the event host. Such persons shall be available to the County Parks Director and County Rangers at all times during the event.

(4) The application and supporting information listed above in § 97-132B(3) shall be submitted to the County Parks Director in accordance with Article V.

(5) The event host shall procure a host liquor liability policy with limits of not less than \$2 million, which policy shall name the County of Atlantic, the New Jersey Department of Environmental Protection Green Acres Program, and the municipal governing body in which the park is located, as additional insureds. In conjunction with the insurance policy, the event sponsor/host shall execute an indemnification and hold harmless agreement in a form approved by County Counsel by which it agrees to indemnify and defend the County of Atlantic, the New Jersey Department of Environmental Protection Green Acres Program, and the municipal governing body in which the park is located from any and all claims which may rise from the event. These provisions shall not affect the insurance provisions which are specified in § 97-52B.

(6) The event host shall execute an indemnification and hold harmless agreement, as drafted and approved by the Atlantic County Counsel's Office. The event host shall be solely responsible for conducting the event in accordance with all applicable laws and ordinances in a manner that shall not cause damage to persons or property. The County shall not assume responsibility for the conduct and/or supervision of the event.


(7) The event host shall be responsible for preventing service of alcohol to any person who is under the legal age to consume alcoholic beverages in the State of New Jersey.

- (8) The event host shall be responsible for preventing service of alcohol to any person who is visibly intoxicated or under the influence of alcohol or other intoxicants or stimulants.
- (9) A permit shall not be effective and the proposed event shall not be permitted to occur if all of the requirements set forth in this section have not been deemed satisfied by the County Parks Director.
- (10) If food will be provided at the event, the event host shall be responsible for ensuring that any permit or inspection requirements administered by the Atlantic County Division of Public Health that apply to food service are satisfied.
- (11) The County of Atlantic agrees that it will provide notice to the municipal governing body in which the park is located of all applications for the use of Lake Lenape Park East or Oscar E. McClinton Park.

IN WITNESS WHEREOF, the parties hereto have caused this Ordinance to be executed effective as of the day and year first above written.

ATTEST:

COUNTY OF ATLANTIC


 TARA SILIPENA, Clerk
 Board of Commissioners


 DENNIS LEVINSON, County Executive

Dated: 4-18-24

Dated: 4/17/2024

Reviewed and approved as to form on behalf of Atlantic County:


 MAUREEN KERN, Chairperson
 Board of Commissioners


 JAMES F. FERGUSON, County Counsel

Dated: 4-16-27

Dated: 3/27/2024

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Board of County Commissioners of the County of Atlantic held on **Tuesday, April 2, 2024** and said Ordinance will be further considered for passage and adoption at the public meeting of the Board of County Commissioners to be held at the **Stillwater Building, 201 Shore Road, Northfield, New Jersey** and **via livestream at <https://atlantic-county.org/commissioners/>** on **Tuesday, April 16, 2024, at 4 p.m.**