

SUBCHAPTER 6. CASINO HOTEL FACILITY REQUIREMENTS

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19:43-6.1 Definitions

"Qualifying sleeping unit" ("QSU") means a hotel room which satisfies the standards set forth in section 27 and subsection 83b of the Act.

Repealed, effective: 07/05/94
As adopted, effective: 07/05/94

19:43-6.2 The casino hotel

(a) No casino license shall be issued or renewed unless the casino and, if applicable, the casino simulcasting facility, are located within an approved hotel as defined in sections 27 and 83 of the Act, and unless the facilities conform to the facilities requirements in sections 1, 6, 27, 83, 84e, 98, 100, 103 and 136 of the Act and the rules of the Commission, including, without limitation, the following:

1. The casino hotel shall contain a CCTV system approved by the Commission;
2. Restricted areas shall be designated for the inspection, repair and storage of gaming equipment which, in the case of each slot machine repair room, shall include, at a minimum, CCTV coverage of the room;
3. Each emergency exit from the casino floor or, if applicable, from the casino simulcasting facility, shall be equipped with an audible alarm system, approved by the Commission, that produces a loud warning sound, discernible in the vicinity of the exit, whenever the emergency door is opened

and that can only be deactivated and reset by a key maintained and controlled by the casino security department;

4. The casino licensee shall maintain adequate facilities for the detention of individuals taken into custody by its security department, the Division or any authorized law enforcement agency, which facilities shall include, at a minimum, a bench or other apparatus which is permanently affixed to the facility and to which the person in custody can be handcuffed with as little discomfort to that person as is reasonably possible under the circumstances;

5. The casino licensee shall adequately maintain suitable space, equipment, partitions and supplies to meet the Commission's continuing needs at the facility, including, at a minimum, the following:

i. A booth and interview room adjacent to the casino floor for the Commission's inspectors to perform their responsibilities effectively, which shall include monitors with full camera control capability in the inspection booth for the reception of transmissions generated by each camera approved for use as part of the casino licensee's CCTV system;

ii. Adequate parking spaces in the approved hotel, or in lots or a parking garage ancillary thereto, which are clearly marked for Commission use only;

iii. Adequate computer equipment, both at the inspection booth and in the office of the Commission's principal inspector, to meet the Commission's continuing data-processing and related needs; and

iv. Such other facilities and office space elsewhere in the approved hotel as the Commission shall direct during the course of performing audit, compliance or other reviews at the approved hotel; and

6. The casino licensee shall adequately maintain suitable space, equipment, partitions and supplies to meet the Division's continuing needs at the approved hotel in order for the Division to perform its duties and responsibilities effectively, including, at a minimum, the following:

i. A direct telephone line between the Division's office in the approved hotel and the monitoring rooms required by N.J.A.C. 19:45-1.10 and the casino licensee's security podium;

ii. Adequate parking spaces in the approved hotel, or in lots or a parking garage ancillary thereto, which are clearly marked for Division use only; and

iii. Such other facilities and office space elsewhere in the approved hotel as the Division shall require during the course of performing audit, compliance or other reviews at the approved hotel.

(b) Notwithstanding anything in (a) above to the contrary, each approved hotel containing a casino and, if applicable, a casino simulcasting facility for which a casino license is issued or renewed shall satisfy the facilities requirements enumerated in (a) above throughout the duration of the license and during the period of any applicable conservatorship.

Effective: 12/15/77

As amended, effective: 07/06/92

Recodified, effective: 12/21/92

As amended, effective: 06/06/94

As amended, effective: 07/05/94

As amended, effective: 03/04/96

As amended, effective: 08/15/05

19:43-6.3 Declaratory rulings as to proposed casino hotel facilities

Upon the petition of any person who owns, has a contract to purchase or construct, leases or has an agreement to lease any building or site located within the limits of Atlantic City and who intends to and is able to complete a proposed casino hotel facility therein or thereon, the Commission may in its discretion issue a declaratory ruling as to whether the conformance of the proposed casino hotel facility to any of the facilities requirements of the Act and the rules of the Commission has been established by clear and convincing evidence.

Effective: 05/17/78
Recodified, effective: 12/21/92
As amended, effective: 07/05/94

19:43-6.4 Casino facilities

(a) Each approved hotel shall contain a casino of not more than the amount of casino space permitted by subsection 83b of the Act.

(b) In accordance with subsection 83b of the Act, a casino licensee shall file a written petition with the Commission requesting permission for any increase in the amount of casino space in its approved hotel. Such petition shall include, without limitation, the following:

1. The current total square footage of its casino space;
2. The proposed increase in total square footage of its casino space;
3. The current total number of QSU's in the approved hotel;
4. A description of any proposed hotel addition, including, without limitation, the following:
 - i. The number of additional QSU's proposed;
 - ii. Identification of the site, including block and lot number as depicted on the Tax Map of the City of Atlantic City; and
 - iii. Evidence which establishes that the proposed hotel addition meets the standards for QSU's and for an approved hotel set forth in section 27 of the Act;
5. The construction schedule for the proposed casino expansion and proposed hotel addition, including:
 - i. The anticipated date for commencement of construction;
 - ii. The anticipated date for completion of construction; and
 - iii. The anticipated date on which the additional QSU's will be available for the regular lodging of guests;
6. The requested date for the commencement of gaming operations

in the additional casino space;

7. Any approvals required from governmental and regulatory authorities which have been obtained to date; and

8. The estimated budget for the proposed hotel addition and the proposed casino expansion, including construction, furniture, fixtures and equipment, and the anticipated means of funding such costs.

(c) The Commission may approve a request for casino expansion pursuant to (b) above upon a finding that:

1. The proposed hotel addition meets the standards for QSU's and for an approved hotel in section 27 of the Act;

2. The total number of QSU's and proposed QSU's permit the requested increase in casino space in accordance with the formula set forth in subsection 83b of the Act;

3. The proposed QSU's can be constructed on the schedule represented by the casino licensee in its petition, including a construction completion date no later than two years from the date of commencement of gaming operations in the additional casino space pursuant to (d) below;

4. Construction of the proposed hotel addition and the proposed casino expansion, for the cost and on the schedule represented by the casino licensee in its petition, will not deprive the casino licensee of its financial stability in accordance with N.J.S.A. 5:12-84a and N.J.A.C. 19:43-4; and

5. The casino licensee has demonstrated that it has site control over the location of the proposed hotel addition, by obtaining Commission approval of an executed and binding contract for any necessary purchase or lease of real property required for construction or such other agreement as approved by the Commission.

(d) The Commission may permit a casino licensee to commence gaming in the additional casino space approved pursuant to (c) above, provided that:

1. The specific layout, design and contents of the additional casino space:

i. Comply with the requirements set forth in N.J.A.C. 19:46-1.27; and

ii. Are approved by the Commission for gaming operations; and

2. All other governmental approvals regarding the casino space, including a certificate of occupancy, are obtained.

(e) Notwithstanding the provisions of (d) above, the Commission may at any time require a casino licensee to immediately cease gaming operations in the additional casino space if any of the following conditions have not been satisfied:

1. The casino licensee shall obtain all necessary building permits and construction code plan releases;

2. The casino licensee shall commence construction of the proposed hotel addition by a date specified by the Commission;

3. The casino licensee shall submit the following to the Commission and the Division, on a monthly basis:

i. A report of its compliance with the construction schedule and budget submitted pursuant to (b)5 and (b)8 above; and

ii. A report of the status of each application for governmental or regulatory approval, until such time as all approvals required approvals are obtained;

4. On or before two years from the date of commencement of gaming operations:

i. Construction of the hotel addition shall be completed;

ii. All necessary furniture, fixtures and equipment shall be installed; and

iii. The proposed additional QSU's are offered as available for the regular lodging of guests; and

5. Any other condition which the Commission deems necessary and appropriate has been satisfied.

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