



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 24-0026, Version: 1

Dept/ Agency: Finance

Action: () Ratifying (X) Authorizing () Amending

Type of Service: Redemption Amusement License

Purpose: To provide for the issuance of a Redemption Amusement License.

Entity Name: OTG Management EWR, LLC

Entity Address: 1501 Lower State Road, Suite 102, North Wales, Pennsylvania 19454

Contract Amount: Not Applicable

Funding Source: Not Applicable

Contract Period: Commencing upon the date of adoption of this authorizing Resolution and expiring December 31, 2024

Contract Basis: () Bid () State Vendor () Prof. Ser. () EUS

() Fair & Open () No Reportable Contributions () RFP () RFQ

() Private Sale () Grant () Sub-recipient (X) n/a

Additional Information:

WHEREAS, OTG Management EWR, LLC, 1501 Lower State Road, Suite 102, North Wales, PA 19454 (“Applicant”) has submitted an application together with the required Fees to the City of Newark Department of Finance, Division of Tax Abatements and Special Taxes (“City”), for an Amusement Games License, pursuant to the Amusement Games Licensing Law, N.J.S.A. 5:8-100 et seq., and such regulations as promulgated under Chapter 3, Office of Amusement Games Control, N.J.A.C. 13:3-1.1 et seq., to operate at the premises located in Newark Liberty International Airport, Terminal C, Newark, New Jersey (“Application”); and

WHEREAS, pursuant to N.J.S.A. 5:8-101.1, holders of Special Concessionaire Permits, as provided for in R.S. 33:1-42, whose licensed premises is located in the post security checkpoint area of the departure level of an international airport terminal and is at least 20,000 square feet in the aggregate, shall be eligible to be issued an amusement games license pursuant to P.L. 1959, c. 109 (C.5:8-100 et seq.), provided that all other requirements for licensure to conduct amusement games are met; and

WHEREAS, pursuant to N.J.A.C. 13:3-1.1 no amusement games license shall be issued in any municipality unless, the municipality has authorized the licensing of amusement games and the premises to be licensed are situated at a (i) Recognized Amusement Park, (ii) Seashore or other Resort, (iii) place where an association organized for the purpose of holding agricultural fairs and exhibitions that is approved by the State Department of Agriculture holds an agricultural fair and exhibition; or (iv) a bowling alley who meets other requirements; and

WHEREAS, pursuant to N.J.A.C. 13:3-1.5, a municipality may only issue an amusement games license if the municipality has adopted an ordinance (i) declaring that a Recognized Amusement Park exists within the municipality or the premises comply with the requirements of N.J.A.C. 13:3-1.1; and (2) fixing an annual fee or fees for amusement games licenses to be issued in

such amount or amounts as may be determined upon consideration of such factors; and

WHEREAS, on December 4, 2019, the Newark Municipal Council adopted Ordinance 6PSF-b (“Amusement Ordinance”), pursuant to N.J.A.C. 13:3-1.5 and N.J.S.A. 5:8-101.1, authorizing the City of Newark to issue Redemption Amusement Games Licenses to applicants who hold a special concessionaire permit and whose premises to be licensed are located in a Recognized Amusement Park; and

WHEREAS, the Amusement Ordinance, further enacted Annual License Fees and designated Newark Liberty International Airport, Terminal C, New Jersey, as a Recognized Amusement Park, pursuant to N.J.A.C. 13:3-1.5; and

WHEREAS, the Applicant holds a Special Concessionaire Permit and its premises is located at Newark Liberty International Airport, Terminal C, Newark, New Jersey, which is a Recognized Amusement Park pursuant to the Amusement Ordinance; and

WHEREAS, the Director of Finance has reviewed the Application and is satisfied that the Application is complete; and

WHEREAS, the Newark Municipal Council desires to issue a Redemption Amusement Games License to the Applicant and determines that the Applicant’s premises to be licensed is located in a Recognized Amusement Park.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The application of OTG Management EWR, LLC, 1501 Lower State Road, Suite 102, North Wales, PA 19454 (“Applicant”) for an Amusement Games License, pursuant to the Amusement Games Licensing Law, N.J.S.A. 5:8-100 et seq., and such regulations as promulgated under Chapter 3, Office of Amusement Games Control, N.J.A.C. 13:3-1.1 et seq., to operate at the premises located in Newark Liberty International Airport, Terminal C, Newark, New Jersey (“Application”) is hereby approved.
2. The premises to be licensed per the Application is located at a Recognized Amusement Park pursuant to N.J.A.C. 13:3-1.5.
3. The Director of Finance is hereby authorized to issue a Redemption Amusement Games License to Applicant, for a term commencing upon the adoption of this Resolution and expiring on December 31, 2024.
4. The Redemption Amusement Games License issued to Applicant shall be inoperative unless and until the Applicant named therein as the Licensee shall procure and receive a Redemption Amusement Games License from the Legalized Games of Chance Control Commission within ninety (90) days from the issuance of the Redemption Amusement Games License by the City of Newark.
5. The Director of Finance shall forward to the Legalized Games of Chance Control Commission a Certified Copy of this Resolution together with the Original Application and a

duplicate copy and the required Fee within ten (10) business days of the date of the adoption of this Resolution.

6. The Director of Finance shall file this Resolution together with a copy of the Application and any accompanying documents in the Office of the City Clerk.

STATEMENT

This Resolution authorizes the Director of Finance to issue a Redemption Amusement Games License to OTG Management EWR, LLC, 1501 Lower State Road, Suite 102, North Wales, PA 19454 for an Amusement Games License, pursuant to the Amusement Games Licensing Law, N.J.S.A. 5:8-100 et seq., and such regulations as promulgated under Chapter 3, Office of Amusement Games Control, N.J.A.C. 13:3-1.1 et seq., to operate at the premises located in Newark Liberty International Airport, Terminal C, Newark, New Jersey.