

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 109  
(AMUSEMENT DEVICES) OF THE CODE OF THE TOWNSHIP OF NORTH  
BRUNSWICK TO AUTHORIZE THE LICENSURE OF RECOGNIZED AMUSEMENT  
PARKS, AND TO DESIGNATE THE PREMISE LOCATED AT 1 CAROLIER LANE,  
NORTH BRUNSWICK, NEW JERSEY (COMMONLY KNOWN AS BOWLERO  
NORTH BRUNSWICK) AS A RECOGNIZED AMUSEMENT PARK**

**WHEREAS**, the Township of North Brunswick, New Jersey (hereinafter the “Township”), in accordance with applicable state statutes and administrative regulations, established requirements for the licensure of any person, firm, corporation, or association displaying or keeping for operation any jukebox, electronic video game, or mechanical amusement device; and

**WHEREAS**, N.J.S.A. 5:8-101 authorizes the governing body of any municipality to license the owner and operator of any amusement game or games, whether of skill or chance, provided the same are to be held and operated at, in part, a recognized amusement park; and

**WHEREAS**, the Township wishes to amend Chapter 109 (Amusement Devices) to recognize that amusement parks in the Township may obtain an Amusement Game License, to identify that such recognized amusement parks are not subject to several specified provisions concerning the displaying or keeping of mechanical amusement devices, and to add a new section to Chapter 109 for the purpose of identifying those commercially operated permanent business designated as a Recognized Amusement Park; and

**WHEREAS**, in 2017, the State of New Jersey enacted N.J.S.A. 5:8-78.2 that allows a qualified bowling alley eligible to be issued an Amusement Game License, provided all other requirements for licensure are met; and

**WHEREAS**, pursuant to N.J.A.C. 13:3-1.5, no Amusement Game License may be issued in any municipality until an ordinance shall have been adopted declaring, in part, that a recognized amusement park exists in the municipality or that the municipality contains a place where an agricultural fair and exhibition is held by an association organized for the purpose of holding agricultural fairs and exhibitions which is approved by the State Department of Agriculture; and

**WHEREAS**, Leiserv, LLC doing business as Bowlero North Brunswick has operated a location at 1 Carolier Lane, North Brunswick, New Jersey and has held a Mechanical Amusement Device License issued by the Office of Municipal Clerk since 1997; and

**WHEREAS**, Leiserv, LLC (d/b/a Bowlero North Brunswick) has submitted an application to the Office of Municipal Clerk for an Amusement Game License, and the Township has reviewed said application, deemed the application complete, and wishes to designate the premises at 1 Carolier Lane, North Brunswick a Recognized Amusement Park, which is a precondition to the issuance of an Amusement Game License.

**NOW THEREFORE BE IT ORDAINED**, that section 109-2 of the Township Code be revised to add the following definitions:

#### SKILL-BASED ATTRACTION

An amusement utilizing a tangible object such as a ball, puck, or other portable object either alone or in competition with other on-premises guests, or requiring the exertion of physical, aerobic activity, such as dancing, climbing, running, or jumping rope; or any amusement that is predominantly skill-based and can be played either alone or in competition with other on-premises guests. (N.J.S.A. 5:8-101)

#### RECOGNIZED AMUSEMENT PARK

A commercially operated permanent business open to the public at least 31 consecutive days annually, designed and themed for the primary purpose of providing participatory amusements incorporating skill-based attractions, rides or water slides licensed in accordance with P.L. 1975, c. 105 (N.J.S.A. 5:3-31 et seq.) or electronic amusements, and food and merchandise concessions in permanent structures. Nothing in this definition shall prevent a license from being issued in any location which has had a licensed issued prior to the effective date of P.L. 2015, c. 149 (N.J.S.A. 5:8-78.1 et al). (N.J.S.A. 5:8-101)

#### ELECTRONIC AMUSEMENT

An Amusement offered through an electronic device that allows a player to participate in a game of skill or chance through interaction with the device. (N.J.S.A. 5:8-101); and

**BE IT FURTHER ORDAINED**, that section 109-3 of the Township Code be revised to state: “This Section 109-3 shall not be deemed to apply to any Mechanical Amusement Devices, Skills-based Attractions, or Electronic Amusements located in a Recognized Amusement Park or in a bowling alley that meets the criteria set forth in N.J.S.A. 5:8-78.2.”; and

**BE IT FURTHER ORDAINED**, that section 109-4 of the Township Code be revised to state: “Nothing herein shall be deemed to restrict or prevent the operator of a Recognized Amusement Park or a bowling alley that meets the criteria set forth in N.J.S.A. 5:8-78.2 from obtaining an Amusement Game License pursuant to this Chapter 109.”; and

**BE IT FURTHER ORDAINED**, that section 109-12 of the Township Code be revised to state: “The restrictions set forth in Section 109-12(A) and 109-12(B) shall not apply to a Recognized Amusement Park or in a bowling alley that meets the criteria set forth in N.J.S.A. 5:8-78.2.”; and

**BE IT FURTHER ORDAINED**, that a new section shall be added to Chapter 109 of the Township Code as follows: “Designation of Recognized Amusement Park.

A. The following location is designated as a Recognized Amusement Park as described herein and for the purposes as set forth herein: 1 Carolier Lane, North Brunswick.”

**BE IT FURTHER ORDAINED**, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the

remainder of the Ordinance shall be deemed valid and effective.

**BE IT FURTHER ORDAINED**, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**BE IT FURTHER ORDAINED**, this Ordinance shall take effect upon passage and publication in accordance with applicable law.

**BE IT FURTHER ORDAINED**, pursuant to N.J.A.C. 13:3-1.13(b), a certified copy of this Ordinance, together with a copy of any application endorsed to show the granting of a municipal license to Leiserv, LLC (d/b/a Bowlero North Brunswick), shall be transmitted to the Legalized Games of Chance Control Commission within three business days of the municipal license being granted a license.

**TITLE**

This Ordinance shall be known and may be cited as the Ordinance Amending and Supplementing Chapter 109 (Amusement Devices) of the Code of the Township of North Brunswick to Authorize the Licensure of Recognized Amusement Parks, and to Designate the Premises at 1 Carolier Lane in the Township of North Brunswick (known as Bowlero North Brunswick) as a Recognized Amusement Park.

---

Michael C. Hritz  
Director of Community Development

---

Justine Progebin  
Business Administrator

---

Ronald H. Gordon, Township Attorney  
(Approved as to legal form)

**RECORDED VOTE FIRST READING**

<b>COUNCIL MEMBER</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>NOTES</b>
HUTCHINSON				
GUADAGNINO				
ANDREWS				
DAVID				
SOCIO				
MEHTA				
MAYOR WOMACK				

**RECORDED VOTE SECOND READING**

<b>COUNCIL MEMBER</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>NOTES</b>
HUTCHINSON				
GUADAGNINO				
ANDREWS				
DAVID				
SOCIO				
MEHTA				
MAYOR WOMACK				

**CERTIFICATION**

I hereby certify that the above Ordinance was duly adopted by the Township Council of the Township of North Brunswick, County of Middlesex, at its meeting held on \_\_\_\_\_, 2023.

\_\_\_\_\_  
Lisa Russo, Township Clerk

**EFFECTIVE DATE**

This Ordinance shall take effect upon passage and publication in accordance with applicable law.

- APPROVED
- REJECTED

\_\_\_\_\_  
Francis M. Womack III, Mayor  
Township of North Brunswick

Date signed: \_\_\_\_\_, 2023