S T A T E O F N E W Y O R K

2372

2009-2010 Regular Sessions

I N S E N A T E

February 19, 2009

Introduced by Sen. PADAVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to the distances of certain establishments from a school, church, synagogue or other place of worship; and to repeal certain provisions of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraphs (a) and (c) of subdivision 7 of section 64 of the alcoholic beverage control law, as amended by chapter 177 of the laws of 1996, are amended to read as follows:

(a) on the same street or avenue and within [two] FIVE hundred feet of a building occupied [exclusively] as a school, church, synagogue or other place of worship or

(c) the measurements in paragraphs (a) and (b) of this subdivision are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to [the center of the nearest entrance] ANY POINT of such school, church, synagogue or other place of worship or to [the center of the nearest entrance] ANY POINT of each such premises licensed and operating pursuant to the provisions of this section; except, however, that no renewal license shall be denied because of such restriction to any premises so located which were maintained as a bona fide hotel, restaurant, catering establishment or club on or prior to December fifth, nineteen hundred thirty-three; and, except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship; and except that no license shall be denied to any premises, which is within five

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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hundred feet of three or more existing premises licensed and operating pursuant to the provisions of this section, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three; and except that this subdivision shall not be deemed to restrict the issuance of a hotel liquor license to a building used as a hotel and in which a restaurant liquor license currently exists for premises which serve as a dining room for guests of the hotel and a caterer's license to a person using the permanent catering facilities of a church, synagogue or other place of worship pursuant to a written agreement between such person and the authorities in charge of such facilities. The liquor authority, in its discretion, may authorize the removal of any such licensed premises to a different location on the same street or avenue, within two hundred feet of said school, church, synagogue or other place of worship, provided that such new location is not within a closer distance to such school, church, synagogue or other place of worship.

S 2. Paragraph (d) of subdivision 7 of section 64 of the alcoholic beverage control law is REPEALED.

S 3. Subparagraphs (i) and (iii) of paragraph (a) of subdivision 7 of section 64-a of the alcoholic beverage control law, as amended by chapter 177 of the laws of 1996, are amended to read as follows:

(i) on the same street or avenue and within [two] FIVE hundred feet of a building occupied [exclusively] as a school, church, synagogue or other place of worship or

(iii) the measurements in subparagraphs (i) and (ii) of this paragraph are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to [the center of the nearest entrance] ANY POINT of such school, church, synagogue or other place of worship or to [the center of the nearest entrance] ANY POINT of each such premises licensed and operating pursuant to the provisions of this section; except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship and except that no license shall be denied to any premises, which is within five hundred feet of three or more existing premises licensed and operating pursuant to the provisions of this section, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three.

S 4. Paragraph (b) of subdivision 7 of section 64-a of the alcoholic beverage control law is REPEALED.

S 5. Paragraph (a) of subdivision 5 of section 64-b of the alcoholic beverage control law, as amended by chapter 406 of the laws of 2007, is amended to read as follows:

(a) No bottle club license shall be granted for any premises which shall be on the same street or avenue and within [two] FIVE hundred feet of a building occupied [exclusively] as a school, church, synagogue or other place of worship; the measurements to be taken in a straight line from [the center of the nearest entrance] ANY POINT of such school, church, synagogue or other place of worship to [the center of the nearest entrance] ANY POINT of the premises to be licensed; except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet

of said premises has been occupied exclusively as a school, church, synagogue or other place of worship.

S 6. Subparagraphs (i) and (iii) of paragraph (a) of subdivision 11 of section 64-c of the alcoholic beverage control law, as added by chapter 538 of the laws of 1997, are amended to read as follows:

(i) on the same street or avenue and within [two] FIVE hundred feet of a building occupied [exclusively] as a school, church, synagogue or other place of worship; or

(iii) the measurements in subparagraphs (i) and (ii) of this paragraph are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to [the center of the nearest entrance] ANY POINT of such school, church, synagogue or other place of worship or to [the center of the nearest entrance] ANY POINT of each such premises licensed and operating pursuant to the provisions of this section; except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship and except that no license shall be denied to any premises, which is within five hundred feet of three or more existing premises licensed and operating pursuant to the provisions of this section or section sixty-four or sixty-four-a of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three.

S 7. Paragraph (b) of subdivision 11 of section 64-c of the alcoholic beverage control law is REPEALED.

S 8. Paragraph (a) of subdivision 8 of section 64-d of the alcoholic beverage control law, as amended by chapter 406 of the laws of 2007, is amended to read as follows:

(a) on the same street or avenue and within [two] FIVE hundred feet of a building occupied [exclusively] as a school, church, synagogue or other place of worship or

S 9. Paragraphs (a) and (b) of subdivision 3 of section 105 of the alcoholic beverage control law, as amended by chapter 406 of the laws of 2007, is amended to read as follows:

(a) No retail license to sell liquor and/or wine for off-premises consumption shall be granted for any premises which shall be located on the same street or avenue, and within [two] FIVE hundred feet of a building occupied [exclusively] as a school, church, synagogue or other place of worship; the measurements to be taken in a straight line from [the center of the nearest entrance] ANY POINT to the building used for such school, church, synagogue or other place of worship to [the center of the nearest entrance] ANY POINT of the premises to be licensed; except, however, that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship.

[(b) Within the context of this subdivision, the word "entrance" shall mean a door of a school, of a house of worship, or of the premises sought to be licensed, regularly used to give ingress to students of the school, to the general public attending the place of worship, and to patrons or guests of the premises proposed to be licensed, except that where a school or house of worship is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an

entrance; and the measurement shall be taken to the center of the walkway or stairs at the point where it meets the building line or public thoroughfare. A door which has no exterior hardware, or which is used solely as an emergency or fire exit, or for maintenance purposes, or which leads directly to a part of a building not regularly used by the general public or patrons, is not deemed an "entrance".]

S 10. This act shall take effect immediately.