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

9038

I N A S S E M B L Y

January 19, 2016

Introduced by M. of A. SKARTADOS -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to allowing liquor licenses to be issued to certain premises within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship

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

Section 1. Subdivision 3 of section 105 of the alcoholic beverage control law is amended by adding a new paragraph (d) to read as follows:

(D) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION, THE AUTHORITY MAY ISSUE A RETAIL LICENSE FOR ON-PREMISES CONSUMPTION FOR A PREMISES WHICH SHALL BE WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED:

(I) SUCH PREMISES CONSTITUTES A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES AND/OR AN OVERNIGHT LODGING FACILITY;

(II) SUCH PREMISES IS WHOLLY LOCATED WITHIN A MUNICIPALITY HAVING A POPULATION OF LESS THAN ONE MILLION PEOPLE;

(III) SUCH PREMISES IS LOCATED IN A COMMERCIAL RETAIL ZONE THAT PERMITS THE SALE OF LIQUOR; AND

(IV) THE GOVERNING BODY OF THE MUNICIPALITY ENACTS A LOCAL LAW OR RESOLUTION IN SUPPORT OF THE APPLICATION FOR THE LICENSE.

S 2. Subdivision 7 of section 64 of the alcoholic beverage control law is amended by adding a new paragraph (e-8) to read as follows:

(E-8) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION, THE AUTHORITY MAY ISSUE A RETAIL LICENSE FOR ON-PREMISES CONSUMPTION FOR A PREMISES WHICH SHALL BE WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED:

(I) SUCH PREMISES CONSTITUTES A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES AND/OR AN OVERNIGHT LODGING FACILITY;

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

LBD13536-01-6

(II) SUCH PREMISES IS WHOLLY LOCATED WITHIN A MUNICIPALITY HAVING A POPULATION OF LESS THAN ONE MILLION PEOPLE;
(III) SUCH PREMISES IS LOCATED IN A COMMERCIAL RETAIL ZONE THAT PERMITS THE SALE OF LIQUOR; AND
(IV) THE GOVERNING BODY OF THE MUNICIPALITY ENACTS A LOCAL LAW OR RESOLUTION IN SUPPORT OF THE APPLICATION FOR THE LICENSE.
S 3. Subdivision 7 of section 64-a of the alcoholic beverage control law is amended by adding a new paragraph (c-4) to read as follows:
(C-4) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF PARAGRAPH (A) OF THIS SUBDIVISION, THE AUTHORITY MAY ISSUE A RETAIL LICENSE FOR ON-PREMISES CONSUMPTION FOR A PREMISES WHICH SHALL BE WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED:
(I) SUCH PREMISES CONSTITUTES A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES AND/OR AN OVERNIGHT LODGING FACILITY;
(II) SUCH PREMISES IS WHOLLY LOCATED WITHIN A MUNICIPALITY HAVING A POPULATION OF LESS THAN ONE MILLION PEOPLE;
(III) SUCH PREMISES IS LOCATED IN A COMMERCIAL RETAIL ZONE THAT PERMITS THE SALE OF LIQUOR; AND
(IV) THE GOVERNING BODY OF THE MUNICIPALITY ENACTS A LOCAL LAW OR RESOLUTION IN SUPPORT OF THE APPLICATION FOR THE LICENSE.
S 4. Subdivision 5 of section 64-b of the alcoholic beverage control law is amended by adding a new paragraph (c-1) to read as follows:
(C-1) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF PARAGRAPH (A) OF THIS SUBDIVISION, THE AUTHORITY MAY ISSUE A RETAIL LICENSE FOR ON-PREMISES CONSUMPTION FOR A PREMISES WHICH SHALL BE WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED:
(I) SUCH PREMISES CONSTITUTES A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES AND/OR AN OVERNIGHT LODGING FACILITY;
(II) SUCH PREMISES IS WHOLLY LOCATED WITHIN A MUNICIPALITY HAVING A POPULATION OF LESS THAN ONE MILLION PEOPLE;
(III) SUCH PREMISES IS LOCATED IN A COMMERCIAL RETAIL ZONE THAT PERMITS THE SALE OF LIQUOR; AND
(IV) THE GOVERNING BODY OF THE MUNICIPALITY ENACTS A LOCAL LAW OR RESOLUTION IN SUPPORT OF THE APPLICATION FOR THE LICENSE.
S 5. Subdivision 11 of section 64-c of the alcoholic beverage control law is amended by adding a new paragraph (c-1) to read as follows:
(C-1) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF PARAGRAPH (A) OF THIS SUBDIVISION, THE AUTHORITY MAY ISSUE A RETAIL LICENSE FOR ON-PREMISES CONSUMPTION FOR A PREMISES WHICH SHALL BE WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED:
(I) SUCH PREMISES CONSTITUTES A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES AND/OR AN OVERNIGHT LODGING FACILITY;
(II) SUCH PREMISES IS WHOLLY LOCATED WITHIN A MUNICIPALITY HAVING A POPULATION OF LESS THAN ONE MILLION PEOPLE;
(III) SUCH PREMISES IS LOCATED IN A COMMERCIAL RETAIL ZONE THAT PERMITS THE SALE OF LIQUOR; AND
(IV) THE GOVERNING BODY OF THE MUNICIPALITY ENACTS A LOCAL LAW OR RESOLUTION IN SUPPORT OF THE APPLICATION FOR THE LICENSE.
S 6. Subdivision 8 of section 64-d of the alcoholic beverage control law is amended by adding a new paragraph (g) to read as follows:

(G) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION, THE AUTHORITY MAY ISSUE A RETAIL LICENSE FOR ON-PREMISES CONSUMPTION FOR A PREMISES WHICH SHALL BE WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED:

(I) SUCH PREMISES CONSTITUTES A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES AND/OR AN OVERNIGHT LODGING FACILITY;

(II) SUCH PREMISES IS WHOLLY LOCATED WITHIN A MUNICIPALITY HAVING A POPULATION OF LESS THAN ONE MILLION PEOPLE;

(III) SUCH PREMISES IS LOCATED IN A COMMERCIAL RETAIL ZONE THAT PERMITS THE SALE OF LIQUOR; AND

(IV) THE GOVERNING BODY OF THE MUNICIPALITY ENACTS A LOCAL LAW OR RESOLUTION IN SUPPORT OF THE APPLICATION FOR THE LICENSE.

S 7. This act shall take effect on the ninetieth day after it shall have become a law.