

STATE OF NEW YORK

8362--B

IN SENATE

June 2, 2008

Introduced by Sen. CONNOR -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the alcoholic beverage control law, in relation to the measurement of distances between certain premises and schools, churches, synagogues and other places of worship

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraphs (c) and (d) of subdivision 7 of section 64 of  
2 the alcoholic beverage control law, as amended by chapter 177 of the  
3 laws of 1996, are amended to read as follows:  
4 (c) the measurements in paragraphs (a) and (b) of this subdivision are  
5 to be taken in straight lines from the [~~center of the nearest entrance~~  
6 point on the property boundary line of the premises sought to be  
7 licensed [~~to the center of the nearest entrance~~] that is closest to the  
8 property boundary line of such school, church, synagogue or other place  
9 of worship [~~or~~] to the [~~center of the nearest entrance~~] point on the  
10 property boundary line of such school, church, synagogue or other place  
11 of worship that is closest to the property boundary line of [~~each~~] such  
12 premises licensed and operating pursuant to the provisions of this  
13 section; except, however, that no renewal license shall be denied  
14 because of such restriction to any premises so located which were main-  
15 tained as a bona fide hotel, restaurant, catering establishment or club  
16 on or prior to December fifth, nineteen hundred thirty-three; and,  
17 except that no license shall be denied to any premises at which a  
18 license under this chapter has been in existence continuously from a  
19 date prior to the date when a building on the same street or avenue and  
20 within two hundred feet of said premises has been occupied exclusively  
21 as a school, church, synagogue or other place of worship; and, except  
22 that no license or renewal thereof shall be denied to any premises  
23 pursuant to this section at which a license under this chapter has been  
24 in existence continuously from a date prior to December thirty-first,

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

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1 two-thousand eight; and except that no license shall be denied to any  
2 premises, which is within five hundred feet of three or more existing  
3 premises licensed and operating pursuant to the provisions of this  
4 section, at which a license under this chapter has been in existence  
5 continuously on or prior to November first, nineteen hundred ninety-  
6 three; and except that this subdivision shall not be deemed to restrict  
7 the issuance of a hotel liquor license to a building used as a hotel and  
8 in which a restaurant liquor license currently exists for premises which  
9 serve as a dining room for guests of the hotel and a caterer's license  
10 to a person using the permanent catering facilities of a church, syna-  
11 gogue or other place of worship pursuant to a written agreement between  
12 such person and the authorities in charge of such facilities. The liquor  
13 authority, in its discretion, may authorize the removal of any such  
14 licensed premises to a different location on the same street or avenue,  
15 within two hundred feet of said school, church, synagogue or other place  
16 of worship, provided that such new location is not within a closer  
17 distance to such school, church, synagogue or other place of worship.

18 [~~(d) Within the context of this subdivision, the word "entrance" shall~~  
19 ~~mean a door of a school, of a house of worship, or premises licensed and~~  
20 ~~operating pursuant to the provisions of this section or of the premises~~  
21 ~~sought to be licensed, regularly used to give ingress to students of the~~  
22 ~~school, to the general public attending the place of worship, and to~~  
23 ~~patrons or guests of the premises licensed and operating pursuant to the~~  
24 ~~provisions of this section or of the premises sought to be licensed,~~  
25 ~~except that where a school or house of worship or premises licensed and~~  
26 ~~operating pursuant to the provisions of this section is set back from a~~  
27 ~~public thoroughfare, the walkway or stairs leading to any such door~~  
28 ~~shall be deemed an entrance; and the measurement shall be taken to the~~  
29 ~~center of the walkway or stairs at the point where it meets the building~~  
30 ~~line or public thoroughfare. A door which has no exterior hardware, or~~  
31 ~~which is used solely as an emergency or fire exit, or for maintenance~~  
32 ~~purposes, or which leads directly to a part of a building not regularly~~  
33 ~~used by the general public or patrons, is not deemed an "entrance".]~~

34 § 2. This act shall take effect December 31, 2008.