

COMMITTEE ON COMMERCE

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2302

(Reference to printed bill)

Strike everything after the enacting clause and insert:

"Section 1. Section 4-207, Arizona Revised Statutes, is amended to read:

4-207. Restrictions on licensing premises near school or church buildings; definition

A. A retailer's license shall not be issued for any premises which are, at the time the license application is received by the director, within three hundred horizontal feet of a church, within three hundred horizontal feet of a public or private school building with kindergarten programs or any of grades one through twelve or within three hundred horizontal feet of a fenced recreational area adjacent to such school building. This section does not prohibit the renewal of a valid license issued pursuant to this title if, on the date that the original application for the license is filed, the premises were not within three hundred horizontal feet of a church, within three hundred horizontal feet of a public or private school building with kindergarten programs or any of grades one through twelve or within three hundred horizontal feet of a fenced recreational area adjacent to such school building.

B. Subsection A of this section does not apply to a:

1. Restaurant issued a license pursuant to section 4-205.02.
2. Special event license issued pursuant to section 4-203.02.
3. Hotel-motel issued a license pursuant to section 4-205.01.
4. Government license issued pursuant to section 4-205.03.
5. Fenced playing area of a golf course issued a license pursuant to

this article.

6. BAR OR BEER AND WINE BAR LICENSE ISSUED PURSUANT TO SECTION 4-206.01 IF THE LICENSED PREMISES ARE LOCATED IN A CENTRAL BUSINESS DISTRICT IDENTIFIED BY THE CITY OR TOWN, BY RESOLUTION, FOR INCREASED INTENSITY OF

1 USES OR MIXED USE DEVELOPMENTS, THE CITY OR TOWN IN WHICH THE LICENSED
2 PREMISES ARE LOCATED HAS SUBMITTED TO THE DIRECTOR A WRITTEN NOTICE OF THE
3 IDENTIFICATION OF THE DISTRICT AND THE EXEMPTION UNDER THE PROVISIONS OF THIS
4 PARAGRAPH, AND THE DIRECTOR HAS APPROVED THE EXEMPTION IN THE CENTRAL
5 BUSINESS DISTRICT BY THE CITY FOR PURPOSES OF THIS PARAGRAPH. THE GOVERNING
6 BODY SHALL HOLD A PUBLIC HEARING ON THE PROPOSED DISTRICT PRIOR TO
7 IDENTIFYING THE DISTRICT PURSUANT TO THIS PARAGRAPH. THE GOVERNING BODY
8 SHALL PROVIDE WRITTEN NOTICE TO ANY CHURCH OR PUBLIC OR PRIVATE SCHOOL WITH
9 KINDERGARTEN PROGRAMS OR GRADES ONE THROUGH TWELVE LOCATED WITHIN THE
10 PROPOSED DISTRICT BOUNDARIES NOT LESS THAN FOURTEEN DAYS PRIOR TO THE PUBLIC
11 HEARING. THE RESOLUTION ADOPTING THIS DISTRICT SHALL INCLUDE A STATEMENT
12 THAT THIS IDENTIFICATION ENABLES THE EXEMPTION PURSUANT TO THIS PARAGRAPH.
13 THE CITY OR TOWN MAY CHANGE OR RESCIND THE AREA IDENTIFIED AS THE CENTRAL
14 BUSINESS DISTRICT BY RESOLUTION AND SUCH CHANGE OR RESCISSION SHALL BECOME
15 EFFECTIVE ONLY UPON THE APPROVAL BY THE DIRECTOR. THE DIRECTOR SHALL BASE
16 THE APPROVAL OR DENIAL OF AN IDENTIFICATION, CHANGE OR RESCISSION OF A
17 CENTRAL BUSINESS DISTRICT UNDER THIS PARAGRAPH ON SUCH FACTORS AS THE
18 DEPARTMENT MAY ADOPT BY RULE. A DECISION BY THE DIRECTOR PURSUANT TO THIS
19 PARAGRAPH MAY BE APPEALED TO THE LIQUOR BOARD. A LICENSE SHALL NOT BE ISSUED
20 FOR OR TRANSFERRED TO A LOCATION PURSUANT TO THIS PARAGRAPH FOR ANY PREMISES
21 WHICH ARE, AT THE TIME THE LICENSE APPLICATION IS RECEIVED BY THE DIRECTOR,
22 WITHIN ONE HUNDRED HORIZONTAL FEET OF A CHURCH, WITHIN ONE HUNDRED HORIZONTAL
23 FEET OF A PUBLIC OR PRIVATE SCHOOL BUILDING WITH KINDERGARTEN PROGRAMS OR ANY
24 OF GRADES ONE THROUGH TWELVE, OR WITHIN ONE HUNDRED HORIZONTAL FEET OF A
25 FENCED RECREATIONAL AREA ADJACENT TO SUCH SCHOOL BUILDING. NOTHING IN THIS
26 PARAGRAPH SHALL LIMIT OR AFFECT THE ABILITY OF ANY PERSON TO PARTICIPATE IN A
27 PUBLIC HEARING ON A LICENSE TO BE ISSUED PURSUANT TO THIS PARAGRAPH. A
28 LICENSE THAT HAS BEEN ISSUED FOR OR TRANSFERRED TO A LOCATION PURSUANT TO
29 THIS PARAGRAPH MAY BE TRANSFERRED PERSON TO PERSON PURSUANT TO SECTIONS
30 4-201, 4-202 AND 4-203, AND REMAINS IN FULL FORCE UNTIL THE LICENSE IS
31 TERMINATED IN ANY MANNER, UNLESS RENEWED PURSUANT TO SECTION 4-209,
32 SUBSECTION A. THIS PARAGRAPH SHALL NOT BE CONSTRUED TO MODIFY SECTION 4-224.

1 A CITY OR TOWN MAY NOT APPLY A DIFFERENT LAND USE OR BUILDING CODE STANDARD
2 TO AN APPLICANT OR LICENSEE IN THE CENTRAL BUSINESS DISTRICT.

3 C. Notwithstanding subsection A of this section:

4 1. A spirituous liquor license which is validly issued and which is,
5 on the date an application for a transfer is filed, within three hundred
6 horizontal feet of a church, within three hundred horizontal feet of a public
7 or private school building with kindergarten programs or any of grades one
8 through twelve or within three hundred horizontal feet of a fenced
9 recreational area adjacent to such school building may be transferred person
10 to person pursuant to sections 4-201, 4-202 and 4-203 and remains in full
11 force until the license is terminated in any manner, unless renewed pursuant
12 to section 4-209, subsection A.

13 2. A person may be issued a spirituous liquor license pursuant to
14 sections 4-201, 4-202 and 4-203 of the same class for premises which have a
15 nontransferable spirituous liquor license validly issued if the premises are,
16 on the date an application for such license is filed, within three hundred
17 horizontal feet of a church, within three hundred horizontal feet of a public
18 or private school building with kindergarten programs or any of grades one
19 through twelve or within three hundred horizontal feet of a fenced
20 recreational area adjacent to such school building and the license remains in
21 full force until the license is terminated in any manner, unless renewed
22 pursuant to section 4-209, subsection A.

23 3. A person may be issued a liquor store license pursuant to sections
24 4-201, 4-202, 4-203 and 4-206.01 for premises which have a beer and wine
25 store license validly issued if the premises, on the date an application for
26 such license is filed, are within three hundred horizontal feet of a church,
27 within three hundred horizontal feet of a public or private school building
28 with kindergarten programs or any of grades one through twelve or within
29 three hundred horizontal feet of a fenced recreational area adjacent to such
30 school building and the license remains in full force until the license is
31 terminated in any manner, unless renewed pursuant to section 4-209,
32 subsection A.

1 D. A CITY OR TOWN MAY NOT USE THE RESTRICTIONS ON LICENSING REQUIRED
2 BY THIS SECTION AS JUSTIFICATION TO DENY ANY KIND OF LAND USE PERMIT TO A
3 CHURCH OR A PUBLIC OR PRIVATE SCHOOL IN A ZONING DISTRICT WHERE NONRELIGIOUS
4 ASSEMBLIES, INCLUDING THEATRES, FRATERNAL LODGES, MEMBERSHIP ORGANIZATIONS,
5 DANCE HALLS OR MEETING HALLS ARE PERMITTED AS OF RIGHT OR BY CONDITIONAL USE
6 PERMIT.

7 E. A CHURCH OR A PUBLIC OR PRIVATE SCHOOL MAY PERMANENTLY WAIVE THE
8 PROTECTIONS OF THIS SECTION IN WRITING TO THE DEPARTMENT. A CITY OR TOWN,
9 INCLUDING ITS EMPLOYEES, OFFICERS, AGENTS OR DESIGNEES, MAY NOT CONDITION THE
10 ISSUANCE OF ANY KIND OF LAND USE PERMIT UPON A CHURCH OR PUBLIC OR PRIVATE
11 SCHOOL WAIVING THE PROTECTIONS OF THIS SECTION.

12 ~~D.~~ F. For the purposes of this section:

13 1. "Church" means a building which is erected or converted for use as
14 a church, where services are regularly convened, which is used primarily for
15 religious worship and schooling and which a reasonable person would conclude
16 is a church by reason of design, signs or architectural or other features.

17 2. "CENTRAL BUSINESS DISTRICT" MEANS A BUSINESS DISTRICT IDENTIFIED BY
18 A CITY OR TOWN FOR INCREASED INTENSITY OF USES OR MIXED USE DEVELOPMENTS."

19 Amend title to conform

and, as so amended, it do pass

MICHELE REAGAN
Chairman

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3/4/09
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