

REFERENCE TITLE: liquor licenses; stores; proximity; exception

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2372

Introduced by
Representatives Shope, Cardenas, Coleman: Borrelli, Finchem, Senators
Begay, Shooter

AN ACT

AMENDING SECTION 4-207, ARIZONA REVISED STATUTES; RELATING TO LIQUOR
LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

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

4 4-207. Restrictions on licensing premises near school or church
5 buildings: definitions

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

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

- 20 1. Restaurant issued a license pursuant to section 4-205.02.
- 21 2. Special event license issued pursuant to section 4-203.02.
- 22 3. Hotel-motel issued a license pursuant to section 4-205.01.
- 23 4. Government license issued pursuant to section 4-205.03.
- 24 5. Playing area of a golf course issued a license pursuant to this

25 article.

26 6. ~~A~~ Beer and wine license at a not-for-profit performing arts
27 theatre with a permanent seating capacity of at least two hundred fifty
28 persons.

29 7. GROCERY STORE THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

30 (a) HAS AT LEAST FOUR THOUSAND FIVE HUNDRED SQUARE FEET OF RETAIL
31 SPACE.

32 (b) DERIVES LESS THAN FIFTY PERCENT OF ITS GROSS REVENUE, EXCLUDING
33 SALES OF GASOLINE AND DIESEL FUEL, FROM THE SALE OF SPIRITUOUS LIQUOR.

34 (c) OFFERS FRESH PRODUCE FOR SALE.

35 C. Notwithstanding subsection A of this section:

36 1. A transferable spirituous liquor license that is validly issued and
37 that is, on the date an application for a transfer is filed, within three
38 hundred horizontal feet of a church, within three hundred horizontal feet of
39 a public or private school building with kindergarten programs or any of
40 grades one through twelve or within three hundred horizontal feet of a fenced
41 recreational area adjacent to such school building may be transferred person
42 to person pursuant to sections 4-201, 4-202 and 4-203 and remains in full
43 force until the license is terminated in any manner, unless renewed pursuant
44 to section 4-209, subsection A.

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

12 3. A person may be issued a liquor store license pursuant to sections
13 4-201, 4-202, 4-203 and 4-206.01 for premises that have a beer and wine store
14 license validly issued if the premises, on the date an application for such
15 license is filed, are within three hundred horizontal feet of a church,
16 within three hundred horizontal feet of a public or private school building
17 with kindergarten programs or any of grades one through twelve or within
18 three hundred horizontal feet of a fenced recreational area adjacent to such
19 school building and the license remains in full force until the license is
20 terminated in any manner, unless renewed pursuant to section 4-209,
21 subsection A.

22 4. The governing body of a city or town, on a case-by-case basis, may
23 approve an exemption from the distance restrictions prescribed in this
24 section for a church or a public or private school that is located in an area
25 that is designated an entertainment district by the governing body of that
26 city or town. A city or town with a population of at least five hundred
27 thousand persons may designate no more than three entertainment districts
28 within the boundaries of the city or town pursuant to this paragraph. A city
29 or town with a population of at least two hundred thousand persons but less
30 than five hundred thousand persons may designate no more than two
31 entertainment districts within the boundaries of the city or town pursuant to
32 this paragraph. A city or town with a population of less than two hundred
33 thousand persons may designate no more than one entertainment district within
34 the boundaries of the city or town pursuant to this paragraph.

35 5. A person may be issued a beer and wine store license pursuant to
36 sections 4-201, 4-202, 4-203 and 4-206.01 for premises that have a liquor
37 store license validly issued if the premises, on the date of an application
38 for which the license is filed, are within three hundred horizontal feet of a
39 church, within three hundred horizontal feet of a public or private school
40 building with kindergarten programs or any of grades one through twelve or
41 within three hundred horizontal feet of a fenced recreation area adjacent to
42 such school building and the license remains in full force until the license
43 is terminated in any manner, unless renewed pursuant to section 4-209,
44 subsection A.

1 D. For the purposes of this section:

2 1. "Church" means a building ~~which~~ THAT is erected or converted for
3 use as a church, where services are regularly convened, that is used
4 primarily for religious worship and schooling and that a reasonable person
5 would conclude is a church by reason of design, signs or architectural or
6 other features.

7 2. "Entertainment district" means a specific contiguous area that is
8 designated an entertainment district by a resolution adopted by the governing
9 body of a city or town, that consists of no more than one square mile, that
10 is no less than one-eighth of a mile in width and that contains a significant
11 number of entertainment, artistic and cultural venues, including music halls,
12 concert facilities, theaters, arenas, stadiums, museums, studios, galleries,
13 restaurants, bars and other related facilities.