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REFERENCE TITLE: **child care centers; liquor stores**

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

HB 2260

Introduced by
Representatives Johnson: Anderson, Brimhall, Cooley, Farnsworth, Flake,
Gray, Hanson, Hershberger, Marsh, Nelson, Pearce, Pierce, Senators
Jarrett, Petersen

AN ACT

AMENDING SECTION 4-207, ARIZONA REVISED STATUTES; RELATING TO SPIRITUOUS LIQUORS.

(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; definition

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

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

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

27 this article.

28 C. Notwithstanding subsection A of this section:

29 1. A spirituous liquor license which is validly issued and which is,
30 on the date an application for a transfer is filed, within three hundred
31 horizontal feet of a church, within three hundred horizontal feet of a public
32 or private school building with kindergarten programs or any of grades one
33 through twelve, **WITHIN THREE HUNDRED HORIZONTAL FEET OF A CHILD CARE CENTER**
34 **OR PRESCHOOL** or within three hundred horizontal feet of a fenced recreational
35 area adjacent to such school building may be transferred person to person
36 pursuant to sections 4-201, 4-202 and 4-203 and remains in full force until
37 the license is terminated in any manner, unless renewed pursuant to section
38 4-209, subsection A.

39 2. A person may be issued a spirituous liquor license pursuant to
40 sections 4-201, 4-202 and 4-203 of the same class for premises which have a
41 nontransferable spirituous liquor license validly issued if the premises are,
42 on the date an application for such license is filed, within three hundred
43 horizontal feet of a church, within three hundred horizontal feet of a public
44 or private school building with kindergarten programs or any of grades one
45 through twelve, **WITHIN THREE HUNDRED FEET OF A CHILD CARE CENTER OR PRESCHOOL**

1 or within three hundred horizontal feet of a fenced recreational area
2 adjacent to such school building and the license remains in full force until
3 the license is terminated in any manner, unless renewed pursuant to section
4 4-209, subsection A.

5 3. A person may be issued a liquor store license pursuant to sections
6 4-201, 4-202, 4-203 and 4-206.01 for premises which have a beer and wine
7 store license validly issued if the premises, on the date an application for
8 such license is filed, are within three hundred horizontal feet of a church,
9 within three hundred horizontal feet of a public or private school building
10 with kindergarten programs or any of grades one through twelve, **WITHIN THREE**
11 **HUNDRED FEET OF A CHILD CARE CENTER OR PRESCHOOL** or within three hundred
12 horizontal feet of a fenced recreational area adjacent to such school
13 building and the license remains in full force until the license is
14 terminated in any manner, unless renewed pursuant to section 4-209,
15 subsection A.

16 D. For the purposes of this section "church" means a building which is
17 erected or converted for use as a church, where services are regularly
18 convened, which is used primarily for religious worship and schooling and
19 which a reasonable person would conclude is a church by reason of design,
20 signs or architectural or other features.