

SHORT TITLE: Intoxicating liquors; prohibiting certain liquor licensees from locating within 1,000 feet of church or school in unincorporated area; emergency.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 698

By: Shurden

AS INTRODUCED

An Act relating to intoxicating liquors; amending 37 O.S. 1991, Section 518.2, as amended by Section 1, Chapter 180, O.S.L. 1993 (37 O.S. Supp. 1993, Section 518.2), which relates to the Oklahoma Alcoholic Beverage Control Act; modifying limit within which retail package store, mixed beverage establishment or bottle club may be located; providing that such limitation not bar future issuance or renewal of certain licenses; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 37 O.S. 1991, Section 518.2, as amended by Section 1, Chapter 180, O.S.L. 1993 (37 O.S. Supp. 1993, Section 518.2), is amended to read as follows:

Section 518.2 The location of a retail package store, mixed beverage establishment or bottle club shall be subject to the nondiscriminatory zoning ordinances of the town or city in which located, and the location of such entities is specifically prohibited within three hundred (300) feet from any church property primarily and regularly used for worship services and religious activities, or public school, if such church or school is located

within the limits of an incorporated city or town, or within one thousand (1,000) feet from any church property primarily and regularly used for worship services and religious activities, or public school, if such church or school is located in an unincorporated area. Provided, that if any such church, or school, shall be established within ~~three hundred (300) feet~~ the distances specified in this section of any licensed premises after such premises have been licensed, this shall not be a bar to the renewal of such license so long as it has been in continuous force and effect. The distance indicated in this section shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of such package store, mixed beverage establishment or bottle club along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes of determining measured distance, property situated on the opposite side of the street from such church or school shall be considered as if it were located on the same side of the street with such church or school. Furthermore, a license shall not be issued for a location on any city or town block where a school or church is located. Provided, the above shall not ~~bar~~:

1. Bar the future issuance or renewal of a retail package store license to any retail package store license holder or subsequent transferee of any said license holder for a retail package store location that was approved and licensed by the predecessor of the ABLE Commission, the Oklahoma Alcoholic Beverage Control Board, prior to January 7, 1976, so long as such license has been in continuous force and effect. ~~Provided further, the above shall not bar;~~

2. Bar the issuance or renewal of a mixed beverage or bottle club license to any mixed beverage or bottle club license holder or applicant for a mixed beverage or bottle club license for any

location that was approved and licensed as a private club by a city or town prior to ~~the effective date of this act~~, March 14, 1985, so long as a municipal license, bottle club license or mixed beverage license covering any portion of such premises or location has been in continuous force and effect; or

3. Bar the issuance or renewal of a retail package store license, a mixed beverage license or a bottle club license, on or after the effective date of this act, to the holder of any such license, if such license has been in continuous force and effect, for any location that was approved or licensed prior to the effective date of this act that is not within three hundred (300) feet but is within one thousand (1,000) feet from any church property primarily and regularly used for worship services and religious activities or public school that is located in an unincorporated area.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-2-1321

CD