
500 Foot Rule Announcement - March 6, 2009

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The Alcoholic Beverage Control Law limits the ability of the Authority to issue on premises retail licenses when there are existing licensed establishments within 500 feet of the applicant's location. This has become known as the "500 foot rule". Applications subject to the 500 foot rule must have a hearing to determine whether it is in the public interest to issue the license. Until recently, the Authority applied the rule to any application where there were at least three existing establishments within 500 feet, no matter what type of establishments they were.

However, as a result of a recent court decision, the Authority may no longer count all of the establishments within 500 feet of the applicant's location. The 500 foot rule will now apply as follows:

- If you are applying for a license under Section 64 to operate a restaurant, hotel or catering establishment, the rule will apply if your location is within 500 feet of three or more other establishments which are also licensed under Section 64.
- If you are applying for a license under Section 64-a to operate a bar, tavern, nightclub or adult entertainment facility, the rule will apply if your location is within 500 feet of three or more other establishments licensed under Section 64-a.
- If you are applying for a license under Section 64-c to operate a brew pub, the rule will apply if your

location is within 500 feet of three or more establishments licensed under Section 64, 64-a, or 64-c.

- If you are applying for a license under Section 64-d to operate a cabaret, the rule will apply if your location is within 500 feet of three or more establishments licensed under Section 64 or 64-c. [Please note that the rule will also apply if your location is within 500 feet of another cabaret. However, in that situation you are not entitled to a hearing. The application must be disapproved.]

Once the agency has done an investigation and verified that the 500 foot rule applies to your application, the hearing will be scheduled and all parties notified. All other review processes will continue to be performed during this time in order to avoid any additional delays. If you do not dispute that your application is subject to the 500 foot rule and a hearing is required, you can waive the investigation and the matter will be scheduled for a hearing. A 500 Rule Investigation Waiver Request form is available on our website under Retail Forms – Other Applications or Forms, or you can contact one of the zone offices to obtain the form.

[500' Rule Investigation Waiver Request Form](#)

Attachment

Size

[500' Rule Investigation Waiver Request Form](#) 41.13 KB