

SB0244



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB0244

Introduced 2/3/2005, by Sen. Miguel del Valle

SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-11

from Ch. 43, par. 127

Amends the Liquor Control Act of 1934. Allows the issuance of a license authorizing the sale of alcoholic liquor at a restaurant within 100 feet, but not less than 50 feet, of a public school if certain conditions are met.

LRB094 08795 LJB 39012 b

A BILL FOR

1 AN ACT concerning liquor.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 6-11 as follows:

6 (235 ILCS 5/6-11) (from Ch. 43, par. 127)

7 Sec. 6-11. Sale near churches, schools, and hospitals.

8 (a) No license shall be issued for the sale at retail of
9 any alcoholic liquor within 100 feet of any church, school
10 other than an institution of higher learning, hospital, home
11 for aged or indigent persons or for veterans, their spouses or
12 children or any military or naval station, provided, that this
13 prohibition shall not apply to hotels offering restaurant
14 service, regularly organized clubs, or to restaurants, food
15 shops or other places where sale of alcoholic liquors is not
16 the principal business carried on if the place of business so
17 exempted is not located in a municipality of more than 500,000
18 persons, unless required by local ordinance; nor to the renewal
19 of a license for the sale at retail of alcoholic liquor on
20 premises within 100 feet of any church or school where the
21 church or school has been established within such 100 feet
22 since the issuance of the original license. In the case of a
23 church, the distance of 100 feet shall be measured to the
24 nearest part of any building used for worship services or
25 educational programs and not to property boundaries.

26 (b) Nothing in this Section shall prohibit the issuance of
27 a retail license authorizing the sale of alcoholic liquor to a
28 restaurant, the primary business of which is the sale of goods
29 baked on the premises if (i) the restaurant is newly
30 constructed and located on a lot of not less than 10,000 square
31 feet, (ii) the restaurant costs at least \$1,000,000 to
32 construct, (iii) the licensee is the titleholder to the

1 premises and resides on the premises, and (iv) the construction
2 of the restaurant is completed within 18 months of the
3 effective date of this amendatory Act of 1998.

4 (c) Nothing in this Section shall prohibit the issuance of
5 a retail license authorizing the sale of alcoholic liquor
6 incidental to a restaurant if (1) the primary business of the
7 restaurant consists of the sale of food where the sale of
8 liquor is incidental to the sale of food and the applicant is a
9 completely new owner of the restaurant, (2) the immediately
10 prior owner or operator of the premises where the restaurant is
11 located operated the premises as a restaurant and held a valid
12 retail license authorizing the sale of alcoholic liquor at the
13 restaurant for at least part of the 24 months before the change
14 of ownership, and (3) the restaurant is located 75 or more feet
15 from a school.

16 (d) In the interest of further developing Illinois' economy
17 in the area of commerce, tourism, convention, and banquet
18 business, nothing in this Section shall prohibit issuance of a
19 retail license authorizing the sale of alcoholic beverages to a
20 restaurant, banquet facility, grocery store, or hotel having
21 not fewer than 150 guest room accommodations located in a
22 municipality of more than 500,000 persons, notwithstanding the
23 proximity of such hotel, restaurant, banquet facility, or
24 grocery store to any church or school, if the licensed premises
25 described on the license are located within an enclosed mall or
26 building of a height of at least 6 stories, or 60 feet in the
27 case of a building that has been registered as a national
28 landmark, or in a grocery store having a minimum of 56,010
29 square feet of floor space in a single story building in an
30 open mall of at least 3.96 acres that is adjacent to a public
31 school that opened as a boys technical high school in 1934, or
32 in a grocery store having a minimum of 31,000 square feet of
33 floor space in a single story building located a distance of
34 more than 90 feet but less than 100 feet from a high school
35 that opened in 1928 as a junior high school and became a senior
36 high school in 1933, and in each of these cases if the sale of

1 alcoholic liquors is not the principal business carried on by
2 the licensee.

3 For purposes of this Section, a "banquet facility" is any
4 part of a building that caters to private parties and where the
5 sale of alcoholic liquors is not the principal business.

6 (e) Nothing in this Section shall prohibit the issuance of
7 a license to a church or private school to sell at retail
8 alcoholic liquor if any such sales are limited to periods when
9 groups are assembled on the premises solely for the promotion
10 of some common object other than the sale or consumption of
11 alcoholic liquors.

12 (f) Nothing in this Section shall prohibit a church or
13 church affiliated school located in a home rule municipality or
14 in a municipality with 75,000 or more inhabitants from locating
15 within 100 feet of a property for which there is a preexisting
16 license to sell alcoholic liquor at retail. In these instances,
17 the local zoning authority may, by ordinance adopted
18 simultaneously with the granting of an initial special use
19 zoning permit for the church or church affiliated school,
20 provide that the 100-foot restriction in this Section shall not
21 apply to that church or church affiliated school and future
22 retail liquor licenses.

23 (g) Nothing in this Section shall prohibit the issuance of
24 a retail license authorizing the sale of alcoholic liquor at
25 premises within 100 feet, but not less than 90 feet, of a
26 public school if (1) the premises have been continuously
27 licensed to sell alcoholic liquor for a period of at least 50
28 years, (2) the premises are located in a municipality having a
29 population of over 500,000 inhabitants, (3) the licensee is an
30 individual who is a member of a family that has held the
31 previous 3 licenses for that location for more than 25 years,
32 (4) the principal of the school and the alderman of the ward in
33 which the school is located have delivered a written statement
34 to the local liquor control commissioner stating that they do
35 not object to the issuance of a license under this subsection
36 (g), and (5) the local liquor control commissioner has received

1 the written consent of a majority of the registered voters who
2 live within 200 feet of the premises.

3 (h) Notwithstanding any provision of this Section to the
4 contrary, nothing in this Section shall prohibit the issuance
5 or renewal of a license authorizing the sale of alcoholic
6 liquor within premises and at an outdoor patio area attached to
7 premises that are located in a municipality with a population
8 in excess of 300,000 inhabitants and that are within 100 feet
9 of a church if:

10 (1) the sale of alcoholic liquor at the premises is
11 incidental to the sale of food,

12 (2) the sale of liquor is not the principal business
13 carried on by the licensee at the premises,

14 (3) the premises are less than 1,000 square feet,

15 (4) the premises are owned by the University of
16 Illinois,

17 (5) the premises are immediately adjacent to property
18 owned by a church and are not less than 20 nor more than 40
19 feet from the church space used for worship services, and

20 (6) the principal religious leader at the place of
21 worship has indicated his or her support for the issuance
22 of the license in writing.

23 (i) ~~(h)~~ Notwithstanding any provision in this Section to
24 the contrary, nothing in this Section shall prohibit the
25 issuance or renewal of a license to sell alcoholic liquor at a
26 premises that is located within a municipality with a
27 population in excess of 300,000 inhabitants and is within 100
28 feet of a church, synagogue, or other place of worship if:

29 (1) the primary entrance of the premises and the
30 primary entrance of the church, synagogue, or other place
31 of worship are at least 100 feet apart, on parallel
32 streets, and separated by an alley; and

33 (2) the principal religious leader at the place of
34 worship has not indicated his or her opposition to the
35 issuance or renewal of the license in writing.

36 (j) ~~(h)~~ Notwithstanding any provision in this Section to

1 the contrary, nothing in this Section shall prohibit the
2 issuance of a retail license authorizing the sale of alcoholic
3 liquor at a theater that is within 100 feet of a church if (1)
4 the church owns the theater, (2) the church leases the theater
5 to one or more entities, and (3) the theater is used by at
6 least 5 different not-for-profit theater groups.

7 (k) Nothing in this Section shall prohibit the issuance of
8 a license authorizing the sale of alcoholic liquor at a
9 restaurant within 100 feet, but not less than 50 feet, of a
10 public school if:

11 (1) the restaurant was established in 1995 or earlier;

12 (2) the restaurant has never applied for a variance;

13 (3) alcoholic liquor has never before been sold on the
14 premises;

15 (4) the principal of the school and the alderman of the
16 ward in which the school is located have delivered a
17 written statement by April 1, 2005 to the local liquor
18 control commissioner stating that they do not object to the
19 issuance of a license; and

20 (5) the restaurant is located in a municipality having
21 a population of over 500,000 inhabitants.

22 (Source: P.A. 92-720, eff. 7-25-02; 92-813, eff. 8-21-02;
23 93-687, eff. 7-8-04; 93-688, eff. 7-8-04; 93-780, eff. 1-1-05;
24 revised 10-14-04.)