



Rep. Sara Feigenholtz

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LRB094 10764 KBJ 60645 a

1 AMENDMENT TO SENATE BILL 505

2 AMENDMENT NO. _____. Amend Senate Bill 505, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 (235 ILCS 5/6-11) (from Ch. 43, par. 127)

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

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

1 nearest part of any building used for worship services or
2 educational programs and not to property boundaries.

3 (b) Nothing in this Section shall prohibit the issuance of
4 a retail license authorizing the sale of alcoholic liquor to a
5 restaurant, the primary business of which is the sale of goods
6 baked on the premises if (i) the restaurant is newly
7 constructed and located on a lot of not less than 10,000 square
8 feet, (ii) the restaurant costs at least \$1,000,000 to
9 construct, (iii) the licensee is the titleholder to the
10 premises and resides on the premises, and (iv) the construction
11 of the restaurant is completed within 18 months of the
12 effective date of this amendatory Act of 1998.

13 (c) Nothing in this Section shall prohibit the issuance of
14 a retail license authorizing the sale of alcoholic liquor
15 incidental to a restaurant if (1) the primary business of the
16 restaurant consists of the sale of food where the sale of
17 liquor is incidental to the sale of food and the applicant is a
18 completely new owner of the restaurant, (2) the immediately
19 prior owner or operator of the premises where the restaurant is
20 located operated the premises as a restaurant and held a valid
21 retail license authorizing the sale of alcoholic liquor at the
22 restaurant for at least part of the 24 months before the change
23 of ownership, and (3) the restaurant is located 75 or more feet
24 from a school.

25 (d) In the interest of further developing Illinois' economy
26 in the area of commerce, tourism, convention, and banquet
27 business, nothing in this Section shall prohibit issuance of a
28 retail license authorizing the sale of alcoholic beverages to a
29 restaurant, banquet facility, grocery store, or hotel having
30 not fewer than 150 guest room accommodations located in a
31 municipality of more than 500,000 persons, notwithstanding the
32 proximity of such hotel, restaurant, banquet facility, or
33 grocery store to any church or school, if the licensed premises
34 described on the license are located within an enclosed mall or

1 building of a height of at least 6 stories, or 60 feet in the
2 case of a building that has been registered as a national
3 landmark, or in a grocery store having a minimum of 56,010
4 square feet of floor space in a single story building in an
5 open mall of at least 3.96 acres that is adjacent to a public
6 school that opened as a boys technical high school in 1934, or
7 in a grocery store having a minimum of 31,000 square feet of
8 floor space in a single story building located a distance of
9 more than 90 feet but less than 100 feet from a high school
10 that opened in 1928 as a junior high school and became a senior
11 high school in 1933, and in each of these cases if the sale of
12 alcoholic liquors is not the principal business carried on by
13 the licensee.

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

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

23 (f) Nothing in this Section shall prohibit a church or
24 church affiliated school located in a home rule municipality or
25 in a municipality with 75,000 or more inhabitants from locating
26 within 100 feet of a property for which there is a preexisting
27 license to sell alcoholic liquor at retail. In these instances,
28 the local zoning authority may, by ordinance adopted
29 simultaneously with the granting of an initial special use
30 zoning permit for the church or church affiliated school,
31 provide that the 100-foot restriction in this Section shall not
32 apply to that church or church affiliated school and future
33 retail liquor licenses.

34 (g) Nothing in this Section shall prohibit the issuance of

1 a retail license authorizing the sale of alcoholic liquor at
2 premises within 100 feet, but not less than 90 feet, of a
3 public school if (1) the premises have been continuously
4 licensed to sell alcoholic liquor for a period of at least 50
5 years, (2) the premises are located in a municipality having a
6 population of over 500,000 inhabitants, (3) the licensee is an
7 individual who is a member of a family that has held the
8 previous 3 licenses for that location for more than 25 years,
9 (4) the principal of the school and the alderman of the ward in
10 which the school is located have delivered a written statement
11 to the local liquor control commissioner stating that they do
12 not object to the issuance of a license under this subsection
13 (g), and (5) the local liquor control commissioner has received
14 the written consent of a majority of the registered voters who
15 live within 200 feet of the premises.

16 (h) Notwithstanding any provision of this Section to the
17 contrary, nothing in this Section shall prohibit the issuance
18 or renewal of a license authorizing the sale of alcoholic
19 liquor within premises and at an outdoor patio area attached to
20 premises that are located in a municipality with a population
21 in excess of 300,000 inhabitants and that are within 100 feet
22 of a church if:

23 (1) the sale of alcoholic liquor at the premises is
24 incidental to the sale of food,

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

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

28 (4) the premises are owned by the University of
29 Illinois,

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

33 (6) the principal religious leader at the place of
34 worship has indicated his or her support for the issuance

1 of the license in writing.

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

8 (1) the primary entrance of the premises and the
9 primary entrance of the church, synagogue, or other place
10 of worship are at least 100 feet apart, on parallel
11 streets, and separated by an alley; and

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

15 (j) ~~(h)~~ Notwithstanding any provision in this Section to
16 the contrary, nothing in this Section shall prohibit the
17 issuance of a retail license authorizing the sale of alcoholic
18 liquor at a theater that is within 100 feet of a church if (1)
19 the church owns the theater, (2) the church leases the theater
20 to one or more entities, and (3) the theater is used by at
21 least 5 different not-for-profit theater groups.

22 (k) Notwithstanding any provision in this Section to the
23 contrary, nothing in this Section shall prohibit the issuance
24 or renewal of a license authorizing the sale of alcoholic
25 liquor at a premises that is located within a municipality with
26 a population in excess of 1,000,000 inhabitants and is within
27 100 feet of a school if:

28 (1) the primary entrance of the premises and the
29 primary entrance of the school are parallel, on different
30 streets, and separated by an alley;

31 (2) the southeast corner of the premises are at least
32 350 feet from the southwest corner of the school;

33 (3) the school was built in 1978;

34 (4) the sale of alcoholic liquor at the premises is

1 incidental to the sale of food;

2 (5) the sale of alcoholic liquor is not the principal
3 business carried on by the licensee at the premises;

4 (6) the applicant is the owner of the restaurant and
5 has held a valid license authorizing the sale of alcoholic
6 liquor for the business to be conducted on the premises at
7 a different location for more than 7 years; and

8 (7) the premises is at least 2,300 square feet and sits
9 on a lot that is between 6,100 and 6,150 square feet.

10 (1) Notwithstanding any provision in this Section to the
11 contrary, nothing in this Section shall prohibit the issuance
12 or renewal of a license authorizing the sale of alcoholic
13 liquor at a premises that is located within a municipality with
14 a population in excess of 1,000,000 inhabitants and is within
15 100 feet of a church or school if:

16 (1) the primary entrance of the premises and the
17 closest entrance of the church or school is at least 90
18 feet apart and no greater than 95 feet apart;

19 (2) the shortest distance between the premises and the
20 church or school is at least 80 feet apart and no greater
21 than 85 feet apart;

22 (3) the applicant is the owner of the restaurant and on
23 November 15, 2006 held a valid license authorizing the sale
24 of alcoholic liquor for the business to be conducted on the
25 premises for at least 14 different locations;

26 (4) the sale of alcoholic liquor at the premises is
27 incidental to the sale of food;

28 (5) the sale of alcoholic liquor is not the principal
29 business carried on by the licensee at the premises;

30 (6) the premises is at least 3,200 square feet and sits
31 on a lot that is between 7,150 and 7,200 square feet; and

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

1 (Source: P.A. 92-720, eff. 7-25-02; 92-813, eff. 8-21-02;
2 93-687, eff. 7-8-04; 93-688, eff. 7-8-04; 93-780, eff. 1-1-05;
3 revised 10-14-04.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law."