



Sen. John J. Cullerton

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09400SB2445sam001

LRB094 16392 LJB 54858 a

1 AMENDMENT TO SENATE BILL 2445

2 AMENDMENT NO. _____. Amend Senate Bill 2445 by replacing
3 everything after the enacting clause with the following:

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

1 educational programs and not to property boundaries.

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

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

24 (d) In the interest of further developing Illinois' economy
25 in the area of commerce, tourism, convention, and banquet
26 business, nothing in this Section shall prohibit issuance of a
27 retail license authorizing the sale of alcoholic beverages to a
28 restaurant, banquet facility, grocery store, or hotel having
29 not fewer than 150 guest room accommodations located in a
30 municipality of more than 500,000 persons, notwithstanding the
31 proximity of such hotel, restaurant, banquet facility, or
32 grocery store to any church or school, if the licensed premises
33 described on the license are located within an enclosed mall or
34 building of a height of at least 6 stories, or 60 feet in the

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

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

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

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

33 (g) Nothing in this Section shall prohibit the issuance of
34 a retail license authorizing the sale of alcoholic liquor at

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

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

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

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

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

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

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

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

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

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

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

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

21 (k) Notwithstanding any provision in this Section to the
22 contrary, nothing in this Section shall prohibit the issuance
23 or renewal of a license to sell alcoholic liquor at a premises
24 that is located within a municipality with a population in
25 excess of 300,000 and is within 100 feet of a school if:

26 (1) the primary entrance of the premises and the
27 primary entrance of the school are at least 100 feet apart,
28 on parallel streets, and separated by an alley;

29 (2) the principal of the school and the alderman of the
30 ward in which the school is located have delivered a
31 written statement to the local liquor control commissioner
32 stating that the principal and alderman do not object to
33 the issuance or renewal of a license;

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

1 incidental to the sale of food; and

2 (4) the sale of alcoholic liquor is not the principal
3 business carried on at the premises.

4 (Source: P.A. 92-720, eff. 7-25-02; 92-813, eff. 8-21-02;
5 93-687, eff. 7-8-04; 93-688, eff. 7-8-04; 93-780, eff. 1-1-05;
6 revised 10-14-04.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law."