

SB0311



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0311

Introduced 2/7/2007, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-11

from Ch. 43, par. 127

Amends the Liquor Control Act of 1934. Deletes a provision requiring a place of business not to be located in a municipality of more than 500,000 persons in order to be eligible for an exemption allowing a license for the sale at retail of alcoholic liquor to be issued within 100 feet of any church, school, hospital, home for aged or indigent persons or for veterans, their spouses, or children, or any military or naval station if the sale of alcoholic liquors is not the principal business carried on. Effective immediately.

LRB095 10745 KBJ 30987 b

FISCAL NOTE ACT
MAY APPLY

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

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

1 business, nothing in this Section shall prohibit issuance of a
2 retail license authorizing the sale of alcoholic beverages to a
3 restaurant, banquet facility, grocery store, or hotel having
4 not fewer than 150 guest room accommodations located in a
5 municipality of more than 500,000 persons, notwithstanding the
6 proximity of such hotel, restaurant, banquet facility, or
7 grocery store to any church or school, if the licensed premises
8 described on the license are located within an enclosed mall or
9 building of a height of at least 6 stories, or 60 feet in the
10 case of a building that has been registered as a national
11 landmark, or in a grocery store having a minimum of 56,010
12 square feet of floor space in a single story building in an
13 open mall of at least 3.96 acres that is adjacent to a public
14 school that opened as a boys technical high school in 1934, or
15 in a grocery store having a minimum of 31,000 square feet of
16 floor space in a single story building located a distance of
17 more than 90 feet but less than 100 feet from a high school
18 that opened in 1928 as a junior high school and became a senior
19 high school in 1933, and in each of these cases if the sale of
20 alcoholic liquors is not the principal business carried on by
21 the licensee.

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

25 (e) Nothing in this Section shall prohibit the issuance of
26 a license to a church or private school to sell at retail

1 alcoholic liquor if any such sales are limited to periods when
2 groups are assembled on the premises solely for the promotion
3 of some common object other than the sale or consumption of
4 alcoholic liquors.

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

16 (g) Nothing in this Section shall prohibit the issuance of
17 a retail license authorizing the sale of alcoholic liquor at
18 premises within 100 feet, but not less than 90 feet, of a
19 public school if (1) the premises have been continuously
20 licensed to sell alcoholic liquor for a period of at least 50
21 years, (2) the premises are located in a municipality having a
22 population of over 500,000 inhabitants, (3) the licensee is an
23 individual who is a member of a family that has held the
24 previous 3 licenses for that location for more than 25 years,
25 (4) the principal of the school and the alderman of the ward in
26 which the school is located have delivered a written statement

1 to the local liquor control commissioner stating that they do
2 not object to the issuance of a license under this subsection
3 (g), and (5) the local liquor control commissioner has received
4 the written consent of a majority of the registered voters who
5 live within 200 feet of the premises.

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

13 (1) the sale of alcoholic liquor at the premises is
14 incidental to the sale of food,

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

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

18 (4) the premises are owned by the University of
19 Illinois,

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

23 (6) the principal religious leader at the place of
24 worship has indicated his or her support for the issuance
25 of the license in writing.

26 (i) ~~(h)~~ Notwithstanding any provision in this Section to

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

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

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

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

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.