

1 AMENDMENT TO HOUSE BILL 5000

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5000 on page 1, in  
3 line 5, by replacing "Section 3-12" with "Sections 3-12 and  
4 6-11"; and

5 on page 8, by inserting the following after line 2:

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

7 Sec. 6-11. No license shall be issued for the sale at  
8 retail of any alcoholic liquor within 100 feet of any church,  
9 school other than an institution of higher learning,  
10 hospital, home for aged or indigent persons or for veterans,  
11 their spouses or children or any military or naval station,  
12 provided, that this prohibition shall not apply to hotels  
13 offering restaurant service, regularly organized clubs, or to  
14 restaurants, food shops or other places where sale of  
15 alcoholic liquors is not the principal business carried on if  
16 the place of business so exempted is not located in a  
17 municipality of more than 500,000 persons, unless required by  
18 local ordinance; nor to the renewal of a license for the sale  
19 at retail of alcoholic liquor, nor to the issuance of a new  
20 license authorizing the retail sale of alcoholic liquor if,  
21 (i) immediately prior to the issuance of the license, the  
22 occupant of the premises held a license authorizing the sale

1 of alcoholic liquor at the premises and (ii) the premises are  
2 not located in Chicago, on premises within 100 feet of any  
3 church or school where the church or school has been  
4 established within such 100 feet since the issuance of the  
5 original license. In the case of a church, the distance of  
6 100 feet shall be measured to the nearest part of any  
7 building used for worship services or educational programs  
8 and not to property boundaries.

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

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

31 In the interest of further developing Illinois' economy  
32 in the area of commerce, tourism, convention, and banquet  
33 business, nothing in this Section shall prohibit issuance of  
34 a retail license authorizing the sale of alcoholic beverages

1 to a restaurant, banquet facility, grocery store, or hotel  
2 having not fewer than 150 guest room accommodations located  
3 in a municipality of more than 500,000 persons,  
4 notwithstanding the proximity of such hotel, restaurant,  
5 banquet facility, or grocery store to any church or school,  
6 if the licensed premises described on the license are located  
7 within an enclosed mall or building of a height of at least 6  
8 stories, or 60 feet in the case of a building that has been  
9 registered as a national landmark, or in a grocery store  
10 having a minimum of 56,010 square feet of floor space in a  
11 single story building in an open mall of at least 3.96 acres  
12 that is adjacent to a public school that opened as a boys  
13 technical high school in 1934, and in each of these cases if  
14 the sale of alcoholic liquors is not the principal business  
15 carried on by the licensee.

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

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

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

1 and future retail liquor licenses.

2 (Source: P.A. 90-617, eff. 7-10-98; 90-655, eff. 7-30-98;

3 91-357, eff. 7-29-99; 91-623, eff. 1-1-00.)".