

1 AN ACT in relation to alcoholic 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
12 or children or any military or naval station, provided, that
13 this prohibition shall not apply to hotels offering
14 restaurant service, regularly organized clubs, or to
15 restaurants, food shops or other places where sale of
16 alcoholic liquors is not the principal business carried on if
17 the place of business so exempted is not located in a
18 municipality of more than 500,000 persons, unless required by
19 local ordinance; nor to the renewal of a license for the sale
20 at retail of alcoholic liquor on premises within 100 feet of
21 any church or school where the church or school has been
22 established within such 100 feet since the issuance of the
23 original license. In the case of a church, the distance of
24 100 feet shall be measured to the nearest part of any
25 building used for worship services or educational programs
26 and not to property boundaries.

27 (b) Nothing in this Section shall prohibit the issuance
28 of a retail license authorizing the sale of alcoholic liquor
29 to a restaurant, the primary business of which is the sale of
30 goods baked on the premises if (i) the restaurant is newly
31 constructed and located on a lot of not less than 10,000

1 square feet, (ii) the restaurant costs at least \$1,000,000 to
2 construct, (iii) the licensee is the titleholder to the
3 premises and resides on the premises, and (iv) the
4 construction of the restaurant is completed within 18 months
5 of the effective date of this amendatory Act of 1998.

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

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

1 cases if the sale of alcoholic liquors is not the principal
2 business carried on by 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
5 the sale of alcoholic liquors is not the principal business.

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

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

23 (g) Nothing in this Section shall prohibit the issuance
24 of a retail license authorizing the sale of alcoholic liquor
25 at 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
29 a population of over 500,000 inhabitants, (3) the licensee is
30 an 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
33 in which the school is located have delivered a written
34 statement to the local liquor control commissioner stating

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

6 (Source: P.A. 90-617, eff. 7-10-98; 90-655, eff. 7-30-98;
7 91-357, eff. 7-29-99; 91-623, eff. 1-1-00.)

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