



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/4/2004, by John J. Cullerton

SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-11

from Ch. 43, par. 127

Amends the Liquor Control Act of 1934. Provides that the prohibition against the sale of alcoholic liquor within 100 feet of a church does not prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at a theater that is within within 100 feet of a church if (1) the church owns the theater, (2) the church leases the theater to one or more entities, and (3) the theater is used by at least 5 different not-for-profit theater groups. Effective immediately.

LRB093 20489 LRD 46279 b

1 AN ACT concerning 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 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
25 educational programs and not to property boundaries.

26 (b) Nothing in this Section shall prohibit the issuance of
27 a retail license authorizing the sale of alcoholic liquor to a
28 restaurant, the primary business of which is the sale of goods
29 baked on the premises if (i) the restaurant is newly
30 constructed and located on a lot of not less than 10,000 square
31 feet, (ii) the restaurant costs at least \$1,000,000 to
32 construct, (iii) the licensee is the titleholder to the

1 premises and resides on the premises, and (iv) the construction
2 of the restaurant is completed within 18 months of the
3 effective date of this amendatory Act of 1998.

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

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

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

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

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

18 (g) Nothing in this Section shall prohibit the issuance of
19 a retail license authorizing the sale of alcoholic liquor at
20 premises within 100 feet, but not less than 90 feet, of a
21 public school if (1) the premises have been continuously
22 licensed to sell alcoholic liquor for a period of at least 50
23 years, (2) the premises are located in a municipality having a
24 population of over 500,000 inhabitants, (3) the licensee is an
25 individual who is a member of a family that has held the
26 previous 3 licenses for that location for more than 25 years,
27 (4) the principal of the school and the alderman of the ward in
28 which the school is located have delivered a written statement
29 to the local liquor control commissioner stating that they do
30 not object to the issuance of a license under this subsection
31 (g), and (5) the local liquor control commissioner has received
32 the written consent of a majority of the registered voters who
33 live within 200 feet of the premises.

34 (h) Notwithstanding any provision in this Section to the
35 contrary, nothing in this Section shall prohibit the issuance
36 of a retail license authorizing the sale of alcoholic liquor at

1 a theater that is within within 100 feet of a church if (1) the
2 church owns the theater, (2) the church leases the theater to
3 one or more entities, and (3) the theater is used by at least 5
4 different not-for-profit theater groups.

5 (Source: P.A. 91-357, eff. 7-29-99; 91-623, eff. 1-1-00;
6 92-720, eff. 7-25-02; 92-813, eff. 8-21-02; revised 9-18-02.)

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