



Sen. Iris Y. Martinez

**Filed: 5/13/2009**

09600HB0470sam002

LRB096 04471 ASK 26707 a

1 AMENDMENT TO HOUSE BILL 470

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 470, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Liquor Control Act of 1934 is amended by  
6 changing Section 6-11 as follows:

7 (235 ILCS 5/6-11) (from Ch. 43, par. 127)

8 Sec. 6-11. Sale near churches, schools, and hospitals.

9 (a) No license shall be issued for the sale at retail of  
10 any alcoholic liquor within 100 feet of any church, school  
11 other than an institution of higher learning, hospital, home  
12 for aged or indigent persons or for veterans, their spouses or  
13 children or any military or naval station, provided, that this  
14 prohibition shall not apply to hotels offering restaurant  
15 service, regularly organized clubs, or to restaurants, food  
16 shops or other places where sale of alcoholic liquors is not

1 the principal business carried on if the place of business so  
2 exempted is not located in a municipality of more than 500,000  
3 persons, unless required by local ordinance; nor to the renewal  
4 of a license for the sale at retail of alcoholic liquor on  
5 premises within 100 feet of any church or school where the  
6 church or school has been established within such 100 feet  
7 since the issuance of the original license. In the case of a  
8 church, the distance of 100 feet shall be measured to the  
9 nearest part of any building used for worship services or  
10 educational programs and not to property boundaries.

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

21 (c) Nothing in this Section shall prohibit the issuance of  
22 a retail license authorizing the sale of alcoholic liquor  
23 incidental to a restaurant if (1) the primary business of the  
24 restaurant consists of the sale of food where the sale of  
25 liquor is incidental to the sale of food and the applicant is a  
26 completely new owner of the restaurant, (2) the immediately

1 prior owner or operator of the premises where the restaurant is  
2 located operated the premises as a restaurant and held a valid  
3 retail license authorizing the sale of alcoholic liquor at the  
4 restaurant for at least part of the 24 months before the change  
5 of ownership, and (3) the restaurant is located 75 or more feet  
6 from a school.

7 (d) In the interest of further developing Illinois' economy  
8 in the area of commerce, tourism, convention, and banquet  
9 business, nothing in this Section shall prohibit issuance of a  
10 retail license authorizing the sale of alcoholic beverages to a  
11 restaurant, banquet facility, grocery store, or hotel having  
12 not fewer than 150 guest room accommodations located in a  
13 municipality of more than 500,000 persons, notwithstanding the  
14 proximity of such hotel, restaurant, banquet facility, or  
15 grocery store to any church or school, if the licensed premises  
16 described on the license are located within an enclosed mall or  
17 building of a height of at least 6 stories, or 60 feet in the  
18 case of a building that has been registered as a national  
19 landmark, or in a grocery store having a minimum of 56,010  
20 square feet of floor space in a single story building in an  
21 open mall of at least 3.96 acres that is adjacent to a public  
22 school that opened as a boys technical high school in 1934, or  
23 in a grocery store having a minimum of 31,000 square feet of  
24 floor space in a single story building located a distance of  
25 more than 90 feet but less than 100 feet from a high school  
26 that opened in 1928 as a junior high school and became a senior

1 high school in 1933, and in each of these cases if the sale of  
2 alcoholic liquors is not the principal business carried on by  
3 the licensee.

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

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

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

24 (g) Nothing in this Section shall prohibit the issuance of  
25 a retail license authorizing the sale of alcoholic liquor at  
26 premises within 100 feet, but not less than 90 feet, of a

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

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

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

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

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

26 (4) the premises are owned by the University of

1 Illinois,

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

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

8 (i) Notwithstanding any provision in this Section to the  
9 contrary, nothing in this Section shall prohibit the issuance  
10 or renewal of a license to sell alcoholic liquor at a premises  
11 that is located within a municipality with a population in  
12 excess of 300,000 inhabitants and is within 100 feet of a  
13 church, synagogue, or other place of worship if:

14 (1) the primary entrance of the premises and the  
15 primary entrance of the church, synagogue, or other place  
16 of worship are at least 100 feet apart, on parallel  
17 streets, and separated by an alley; and

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

21 (j) Notwithstanding any provision in this Section to the  
22 contrary, nothing in this Section shall prohibit the issuance  
23 of a retail license authorizing the sale of alcoholic liquor at  
24 a theater that is within 100 feet of a church if (1) the church  
25 owns the theater, (2) the church leases the theater to one or  
26 more entities, and (3) the theater is used by at least 5

1 different not-for-profit theater groups.

2 (k) Notwithstanding any provision in this Section to the  
3 contrary, nothing in this Section shall prohibit the issuance  
4 or renewal of a license authorizing the sale of alcoholic  
5 liquor at a premises that is located within a municipality with  
6 a population in excess of 1,000,000 inhabitants and is within  
7 100 feet of a school if:

8 (1) the primary entrance of the premises and the  
9 primary entrance of the school are parallel, on different  
10 streets, and separated by an alley;

11 (2) the southeast corner of the premises are at least  
12 350 feet from the southwest corner of the school;

13 (3) the school was built in 1978;

14 (4) the sale of alcoholic liquor at the premises is  
15 incidental to the sale of food;

16 (5) the sale of alcoholic liquor is not the principal  
17 business carried on by the licensee at the premises;

18 (6) the applicant is the owner of the restaurant and  
19 has held a valid license authorizing the sale of alcoholic  
20 liquor for the business to be conducted on the premises at  
21 a different location for more than 7 years; and

22 (7) the premises is at least 2,300 square feet and sits  
23 on a lot that is between 6,100 and 6,150 square feet.

24 (l) Notwithstanding any provision in this Section to the  
25 contrary, nothing in this Section shall prohibit the issuance  
26 or renewal of a license authorizing the sale of alcoholic

1 liquor at a premises that is located within a municipality with  
2 a population in excess of 1,000,000 inhabitants and is within  
3 100 feet of a church or school if:

4 (1) the primary entrance of the premises and the  
5 closest entrance of the church or school is at least 90  
6 feet apart and no greater than 95 feet apart;

7 (2) the shortest distance between the premises and the  
8 church or school is at least 80 feet apart and no greater  
9 than 85 feet apart;

10 (3) the applicant is the owner of the restaurant and on  
11 November 15, 2006 held a valid license authorizing the sale  
12 of alcoholic liquor for the business to be conducted on the  
13 premises for at least 14 different locations;

14 (4) the sale of alcoholic liquor at the premises is  
15 incidental to the sale of food;

16 (5) the sale of alcoholic liquor is not the principal  
17 business carried on by the licensee at the premises;

18 (6) the premises is at least 3,200 square feet and sits  
19 on a lot that is between 7,150 and 7,200 square feet; and

20 (7) the principal religious leader at the place of  
21 worship has not indicated his or her opposition to the  
22 issuance or renewal of the license in writing.

23 (m) Notwithstanding any provision in this Section to the  
24 contrary, nothing in this Section shall prohibit the issuance  
25 or renewal of a license authorizing the sale of alcoholic  
26 liquor at a premises that is located within a municipality with



1 a population in excess of 1,000,000 inhabitants and is within  
2 100 feet of a church if:

3 (1) the premises and the church are perpendicular, and  
4 the primary entrance of the premises faces South while the  
5 primary entrance of the church faces West and the distance  
6 between the two entrances is more than 100 feet;

7 (2) the shortest distance between the premises lot line  
8 and the exterior wall of the church is at least 80 feet;

9 (3) the church was established at the current location  
10 in 1916 and the present structure was erected in 1925;

11 (4) the premises is a single story, single use building  
12 with at least 1,750 square feet and no more than 2,000  
13 square feet;

14 (5) the sale of alcoholic liquor at the premises is  
15 incidental to the sale of food;

16 (6) the sale of alcoholic liquor is not the principal  
17 business carried on by the licensee at the premises; and

18 (7) the principal religious leader at the place of  
19 worship has not indicated his or her opposition to the  
20 issuance or renewal of the license in writing.

21 (n) Notwithstanding any provision in this Section to the  
22 contrary, nothing in this Section shall prohibit the issuance  
23 or renewal of a license authorizing the sale of alcoholic  
24 liquor at a premises that is located within a municipality with  
25 a population in excess of 1,000,000 inhabitants and is within  
26 100 feet of a school if:

1 (1) the school is a City of Chicago School District 299  
2 school;

3 (2) the school is located within subarea E of City of  
4 Chicago Residential Business Planned Development Number  
5 70;

6 (3) the sale of alcoholic liquor is not the principal  
7 business carried on by the licensee on the premises;

8 (4) the sale of alcoholic liquor at the premises is  
9 incidental to the sale of food; and

10 (5) the administration of City of Chicago School  
11 District 299 has expressed, in writing, its support for the  
12 issuance of the license.

13 (o) Notwithstanding any provision of this Section to the  
14 contrary, nothing in this Section shall prohibit the issuance  
15 or renewal of a retail license authorizing the sale of  
16 alcoholic liquor at a premises that is located within a  
17 municipality in excess of 1,000,000 inhabitants and within 100  
18 feet of a church if:

19 (1) the sale of alcoholic liquor at the premises is  
20 incidental to the sale of food;

21 (2) the sale of alcoholic liquor is not the principal  
22 business carried on by the licensee at the premises;

23 (3) the premises is located on a street that runs  
24 perpendicular to the street on which the church is located;

25 (4) the primary entrance of the premises is at least  
26 100 feet from the primary entrance of the church;

1           (5) the shortest distance between any part of the  
2           premises and any part of the church is at least 60 feet;

3           (6) the premises is between 3,600 and 4,000 square feet  
4           and sits on a lot that is between 3,600 and 4,000 square  
5           feet; and

6           (7) the premises was built in the year 1909.

7           For purposes of this subsection (o), "premises" means a  
8           place of business together with a privately owned outdoor  
9           location that is adjacent to the place of business.

10          (p) Notwithstanding any provision in this Section to the  
11          contrary, nothing in this Section shall prohibit the issuance  
12          or renewal of a license authorizing the sale of alcoholic  
13          liquor at a premises that is located within a municipality with  
14          a population in excess of 1,000,000 inhabitants and within 100  
15          feet of a church if:

16           (1) the shortest distance between the backdoor of the  
17           premises, which is used as an emergency exit, and the  
18           church is at least 80 feet;

19           (2) the church was established at the current location  
20           in 1889; and

21           (3) liquor has been sold on the premises since at least  
22           1985.

23          (q) Notwithstanding any provision of this Section to the  
24          contrary, nothing in this Section shall prohibit the issuance  
25          or renewal of a license authorizing the sale of alcoholic  
26          liquor within a premises that is located in a municipality with

1 a population in excess of 1,000,000 inhabitants and within 100  
2 feet of a church if:

3 (1) the premises is located within a larger building  
4 operated as a grocery store;

5 (2) the area of the premises does not exceed 720 square  
6 feet and the area of the larger building exceeds 18,000  
7 square feet;

8 (3) the premises is more than 100 feet from the nearest  
9 property line of property on which a church and a  
10 church-affiliated school are located;

11 (4) the sale of liquor is not the principal business  
12 carried on within the larger building;

13 (5) the primary entrance of the larger building and the  
14 premises and the primary entrance of the school are on  
15 different, parallel streets;

16 (6) the larger building and the church and  
17 church-affiliated school property are separated by an  
18 alley;

19 (7) the larger building containing the premises and the  
20 church building front are on perpendicular streets; and

21 (8) the primary entrance of the larger building and the  
22 premises faces North while the primary entrance of the  
23 church building faces East and the distance between the 2  
24 entrances is more than 100 feet.

25 (Source: P.A. 94-1103, eff. 2-9-07; 95-331, eff. 8-21-07;  
26 95-752, eff. 1-1-09.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".