



Sen. Iris Y. Martinez

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LRB096 06817 ASK 30039 a

1 AMENDMENT TO SENATE BILL 748

2 AMENDMENT NO. _____. Amend Senate Bill 748 by replacing
3 everything after the enacting clause with the following:

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)

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

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

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

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

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

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

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

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

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

23 (g) Nothing in this Section shall prohibit the issuance of
24 a retail license authorizing the sale of alcoholic liquor at
25 premises within 100 feet, but not less than 90 feet, of a
26 public school if (1) the premises have been continuously

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

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

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

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

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

25 (4) the premises are owned by the University of
26 Illinois,

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

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

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

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

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

20 (j) Notwithstanding any provision in this Section to the
21 contrary, nothing in this Section shall prohibit the issuance
22 of a retail license authorizing the sale of alcoholic liquor at
23 a theater that is within 100 feet of a church if (1) the church
24 owns the theater, (2) the church leases the theater to one or
25 more entities, and (3) the theater is used by at least 5
26 different not-for-profit theater groups.

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

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

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

12 (3) the school was built in 1978;

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

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

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

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

23 (1) 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 or school if:

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

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

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

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

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

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

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

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

1 100 feet of a church if:

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

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

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

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

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

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

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

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

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

1 school;

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

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

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

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

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

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

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

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

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

26 (5) the shortest distance between any part of the

1 premises and any part of the church is at least 60 feet;

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

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

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

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

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

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

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

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

1 feet of a church if:

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

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

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

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

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

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

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

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

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

1 alcoholic liquor incidental to the sale of food within a
2 restaurant established in a premises that is located in a
3 municipality with a population in excess of 1,000,000
4 inhabitants and within 100 feet of a church if:

5 (1) the primary entrance of the church and the primary
6 entrance of the restaurant are at least 100 feet apart;

7 (2) the restaurant has operated on the ground floor and
8 lower level of a multi-story, multi-use building for more
9 than 40 years;

10 (3) the primary business of the restaurant consists of
11 the sale of food where the sale of liquor is incidental to
12 the sale of food;

13 (4) the sale of alcoholic liquor is conducted primarily
14 in the below-grade level of the restaurant to which the
15 only public access is by a staircase located inside the
16 restaurant; and

17 (5) the restaurant has held a license authorizing the
18 sale of alcoholic liquor on the premises for more than 40
19 years.

20 (s) ~~(e)~~ Notwithstanding any provision of this Section to
21 the contrary, nothing in this Section shall prohibit renewal of
22 a license authorizing the sale of alcoholic liquor at a
23 premises that is located within a municipality with a
24 population more than 5,000 and less than 10,000 and is within
25 100 feet of a church if:

26 (1) the church was established at the location within

1 100 feet of the premises after a license for the sale of
2 alcoholic liquor at the premises was first issued;

3 (2) a license for sale of alcoholic liquor at the
4 premises was first issued before January 1, 2007; and

5 (3) a license for the sale of alcoholic liquor on the
6 premises has been continuously in effect since January 1,
7 2007, except for interruptions between licenses of no more
8 than 90 days.

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

16 (1) the restaurant is located inside a five-story
17 building with over 16,800 square feet of commercial space;

18 (2) the area of the premises does not exceed 31,050
19 square feet;

20 (3) the area of the restaurant does not exceed 5,800
21 square feet;

22 (4) the restaurant is located 75 or more feet from a
23 school;

24 (5) the construction of the building in which the
25 restaurant is located was completed in 2006; and

26 (6) the building has 10 storefront properties, 3 of

1 which are used for the restaurant.

2 (Source: P.A. 95-331, eff. 8-21-07; 95-752, eff. 1-1-09;
3 96-283, eff. 8-11-09; 96-744, eff. 8-25-09; revised 9-15-09.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".