

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. 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 on premises within 100 feet of
20 any church or school where the church or school has been
21 established within such 100 feet since the issuance of the
22 original license. In the case of a church, the distance of
23 100 feet shall be measured to the nearest part of any
24 building used for worship services or educational programs
25 and not to property boundaries.

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

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

5 Nothing in this Section shall prohibit the issuance of a
6 retail license authorizing the sale of alcoholic liquor
7 incidental to a restaurant if (1) the primary business of the
8 restaurant consists of the sale of food where the sale of
9 liquor is incidental to the sale of food and the applicant is
10 a completely new owner of the restaurant, (2) the immediately
11 prior owner or operator of the premises where the restaurant
12 is located operated the premises as a restaurant and held a
13 valid retail license authorizing the sale of alcoholic liquor
14 at the restaurant for at least part of the 24 months before
15 the change of ownership, and (3) the restaurant is located 70
16 75 or more feet from a school.

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

1 carried on by the licensee.

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

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

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

21 (Source: P.A. 90-617, eff. 7-10-98; 90-655, eff. 7-30-98;
22 91-357, eff. 7-29-99; 91-623, eff. 1-1-00.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.