



Rep. Donald L. Moffitt

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LRB095 09332 RLJ 51755 a

1 AMENDMENT TO HOUSE BILL 3200

2 AMENDMENT NO. _____. Amend House Bill 3200, 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,
15 ~~or~~ in a municipality with 75,000 or more inhabitants, or in a
16 municipality with more than 5,000 and less than 10,000
17 inhabitants from locating within 100 feet of a property for
18 which there is a preexisting license to sell alcoholic liquor
19 at retail. In these instances, the local zoning authority may,
20 by ordinance adopted simultaneously with the granting of an
21 initial special use zoning permit for the church or church
22 affiliated school, provide that the 100-foot restriction in
23 this Section shall not apply to that church or church
24 affiliated school and future retail liquor licenses.

25 (g) Nothing in this Section shall prohibit the issuance of
26 a retail license authorizing the sale of alcoholic liquor at

1 premises within 100 feet, but not less than 90 feet, of a
2 public school if (1) the premises have been continuously
3 licensed to sell alcoholic liquor for a period of at least 50
4 years, (2) the premises are located in a municipality having a
5 population of over 500,000 inhabitants, (3) the licensee is an
6 individual who is a member of a family that has held the
7 previous 3 licenses for that location for more than 25 years,
8 (4) the principal of the school and the alderman of the ward in
9 which the school is located have delivered a written statement
10 to the local liquor control commissioner stating that they do
11 not object to the issuance of a license under this subsection
12 (g), and (5) the local liquor control commissioner has received
13 the written consent of a majority of the registered voters who
14 live within 200 feet of the premises.

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

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

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

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

1 (4) the premises are owned by the University of
2 Illinois,

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

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

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

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

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

1 more entities, and (3) the theater is used by at least 5
2 different not-for-profit theater groups.

3 (k) Notwithstanding any provision in this Section to the
4 contrary, nothing in this Section shall prohibit the issuance
5 or renewal of a license authorizing the sale of alcoholic
6 liquor at a premises that is located within a municipality with
7 a population in excess of 1,000,000 inhabitants and is within
8 100 feet of a school if:

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

12 (2) the southeast corner of the premises are at least
13 350 feet from the southwest corner of the school;

14 (3) the school was built in 1978;

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

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

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

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

25 (l) Notwithstanding any provision in this Section to the
26 contrary, nothing in this Section shall prohibit the issuance

1 or renewal of a license authorizing the sale of alcoholic
2 liquor at a premises that is located within a municipality with
3 a population in excess of 1,000,000 inhabitants and is within
4 100 feet of a church or school if:

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

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

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

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

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

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

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

24 (m) Notwithstanding any provision of 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 more than 5,000 and less than 10,000 and is within
3 100 feet of a church if:

4 (1) the church was established at the location within
5 100 feet of the premises after a license for the sale of
6 alcoholic liquor at the premises was first issued; and

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

9 (3) a license for the sale of alcoholic liquor on the
10 premises has been continuously in effect since January 1,
11 2007, except for interruptions between licenses of no more
12 than 90 days.

13 (Source: P.A. 94-1103, eff. 2-9-07; 95-331, eff. 8-21-07.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."