

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing  
5 Sections 5-1097.5 and 5-1097.7 as follows:

6 (55 ILCS 5/5-1097.5)

7 Sec. 5-1097.5. Adult entertainment facility.

8 (a) It is the intent of the General Assembly through this  
9 Section to control the negative secondary effects associated  
10 with the operation of adult entertainment facilities,  
11 including, but not limited to, negative impacts on surrounding  
12 properties, personal and property crimes, and vice activities,  
13 and to restrict the proximity of adult entertainment facilities  
14 near places where children and families are actively present,  
15 so as to promote the health, safety, and welfare of the  
16 citizens of Illinois.

17 This Section is not intended to deny access by adults to  
18 any expression that may be protected by the First Amendment of  
19 the United States Constitution or by the Illinois Constitution.

20 (b) It is prohibited within an unincorporated area of a  
21 county to locate an adult entertainment facility within 3,000  
22 feet of the property boundaries of any school, day care center,  
23 cemetery, public park, ~~forest preserve,~~ public housing, place

1 of religious worship, or residence, except that in a county  
2 with a population of more than 800,000 and less than 2,000,000  
3 inhabitants, it is prohibited to locate, construct, or operate  
4 a new adult entertainment facility within one mile of the  
5 property boundaries of any school, day care center, cemetery,  
6 public park, ~~forest preserve,~~ public housing, or place of  
7 religious worship located anywhere within that county.  
8 Notwithstanding any other requirements of this Section, it is  
9 also prohibited to locate, construct, or operate a new adult  
10 entertainment facility within one mile of the property  
11 boundaries of any school, day care center, cemetery, public  
12 park, ~~forest preserve,~~ public housing, or place of religious  
13 worship located in that area of Cook County outside of the City  
14 of Chicago. The provisions requiring a one-mile separation  
15 shall not be enforced if enforcement would fail to allow adult  
16 entertainment facilities reasonable alternative avenues of  
17 communication.

18 (c) For the purposes of this Section, "adult entertainment  
19 facility" means (i) a movie theater, lounge, nightclub, bar,  
20 juice bar, or similar commercial establishment that regularly  
21 features ~~a striptease club or pornographic movie theatre whose~~  
22 ~~business is the commercial sale, dissemination, or~~  
23 ~~distribution of sexually explicit material, shows, or other~~  
24 exhibitions characterized by an emphasis on the display of  
25 specified anatomical areas or specified sexual activities, or  
26 (ii) a ~~an adult bookstore or adult video store~~ whose primary

1 business is the commercial sale, dissemination, or  
2 distribution of ~~sexually explicit~~ material, shows, or other  
3 exhibitions characterized by an emphasis on the display of  
4 specified anatomical areas, specified sexual activities, or  
5 devices, other than devices designed to prevent pregnancy or  
6 sexually transmitted diseases, that are designed for use during  
7 specified sexual activities. "Unincorporated area of a county"  
8 means any area not within the boundaries of a municipality and  
9 "specified anatomical areas" and "specified sexual activities"  
10 shall have the meanings given to those terms in Section  
11 5-1097.7 of this Code.

12 (d) The State's Attorney of the county where the adult  
13 entertainment facility is located or the Attorney General may  
14 institute a civil action for an injunction to restrain  
15 violations of this Section. Those persons and entities  
16 authorized to bring an action to enjoin a zoning violation may  
17 bring an action to enjoin a violation of this Section. In any  
18 enforcement ~~that~~ proceeding, the court shall determine whether  
19 a violation has been committed and shall enter such orders as  
20 it considers necessary to remove the effect of any violation  
21 and to prevent the violation from continuing or from being  
22 renewed in the future.

23 (e) A home rule unit may not enact an ordinance, rule, or  
24 otherwise allow an adult entertainment facility to operate in a  
25 manner that would lessen the required distance between an adult  
26 entertainment facility and any other land use listed in

1 subsection (b) of this Section to less than 250 feet from the  
2 home rule unit's boundary. This Section is a limitation under  
3 subsection (i) of Section 6 of Article VII of the Illinois  
4 Constitution on the concurrent exercise by home rule units of  
5 powers and functions exercised by the State.

6 (f) The provisions of this Section are severable under  
7 Section 1.31 of the Statute on Statutes.

8 (Source: P.A. 94-496, eff. 1-1-06; 95-214, eff. 8-16-07.)

9 (55 ILCS 5/5-1097.7)

10 Sec. 5-1097.7. Local ordinances to regulate adult  
11 entertainment facilities and obscenity.

12 (a) Definitions. In this Act:

13 "Specified anatomical area" means human genitals or pubic  
14 region, buttocks, anus, or the female breast below a point  
15 immediately above the top the areola that is less than  
16 completely or opaquely covered, or human male genitals in a  
17 discernibly turgid state even if completely or opaquely  
18 covered.

19 "Specified sexual activities" means (i) human genitals in a  
20 state of sexual stimulation or excitement; (ii) acts of human  
21 masturbation, sexual intercourse, fellatio, or sodomy; (iii)  
22 fondling, kissing, or erotic touching of specified anatomical  
23 areas; (iv) flagellation or torture in the context of a sexual  
24 relationship; (v) masochism, erotic or sexually oriented  
25 torture, beating, or the infliction of pain; (vi) erotic

1 touching, fondling, or other such contact with an animal by a  
2 human being; or (vii) human excretion, urination,  
3 menstruation, or vaginal or anal irrigation as part of or in  
4 connection with any of the activities set forth in items (i)  
5 through (vi).

6 (b) Ordinance to regulate adult entertainment facilities.  
7 A county may adopt by ordinance reasonable regulations  
8 concerning the operation of any business: (i) defined as an  
9 adult entertainment facility in Section 5-1097.5 of this Act or  
10 (ii) that offers or provides activities by employees, agents,  
11 or contractors of the business that involve exposure of  
12 specified anatomical areas or performance of specified sexual  
13 activities in view of any patron, client, or customer of the  
14 business. A county ordinance may also prohibit the sale,  
15 dissemination, display, exhibition, or distribution of obscene  
16 materials or conduct.

17 (c) A county adopting an ordinance to regulate adult  
18 entertainment facilities may authorize the State's Attorney to  
19 institute a civil action to restrain violations of that  
20 ordinance. In that proceeding, the court shall enter such  
21 orders as it considers necessary to abate the violation and to  
22 prevent the violation from continuing or from being renewed in  
23 the future. In addition to any injunctive relief granted by the  
24 court, an ordinance may further authorize the court to assess  
25 fines of up to \$1,000 per day for each violation of the  
26 ordinance, with each day in violation constituting a new and

1 separate offense.

2 (d) A home rule unit may not enact an ordinance, rule, or  
3 otherwise allow an adult entertainment facility to operate in a  
4 manner inconsistent with this Section or subsection (e) of  
5 Section 5-1097.5 of this Code. This Section is a limitation  
6 under subsection (i) of Section 6 of Article VII of the  
7 Illinois Constitution on the concurrent exercise by home rule  
8 units of powers and functions exercised by the State.

9 (e) The provisions of this Section are severable under  
10 Section 1.31 of the Statute on Statutes.

11 (Source: P.A. 94-496, eff. 1-1-06.)

12 Section 10. The Illinois Municipal Code is amended by  
13 changing Section 11-5-1.5 as follows:

14 (65 ILCS 5/11-5-1.5)

15 Sec. 11-5-1.5. Adult entertainment facility.

16 (a) It is the intent of the General Assembly through this  
17 Section to control the negative secondary effects associated  
18 with the operation of adult entertainment facilities,  
19 including, but not limited to, negative impacts on surrounding  
20 properties, personal and property crimes, and vice activities,  
21 and to restrict the proximity of adult entertainment facilities  
22 near places where children and families are actively present,  
23 so as to promote the health, safety, and welfare of the  
24 citizens of Illinois.

1       This Section is not intended to deny access by adults to  
2       any expression that may be protected by the First Amendment of  
3       the United States Constitution or by the Illinois Constitution.

4       (b) It is prohibited within a municipality to locate an  
5       adult entertainment facility within 1,000 feet of the property  
6       boundaries of any school, day care center, cemetery, public  
7       park, ~~forest preserve~~, public housing, and place of religious  
8       worship, except that in a county with a population of more than  
9       800,000 and less than 2,000,000 inhabitants, it is prohibited  
10      to locate, construct, or operate a new adult entertainment  
11      facility within one mile of the property boundaries of any  
12      school, day care center, cemetery, public park, ~~forest~~  
13      ~~preserve~~, public housing, or place of religious worship located  
14      anywhere within that county. Notwithstanding any other  
15      requirements of this Section, it is also prohibited to locate,  
16      construct, or operate a new adult entertainment facility within  
17      one mile of the property boundaries of any school, day care  
18      center, cemetery, public park, ~~forest preserve~~, public  
19      housing, or place of religious worship located in that area of  
20      Cook County outside of the City of Chicago. These provisions  
21      requiring a one-mile separation shall not be enforced if  
22      enforcement would fail to allow adult entertainment facilities  
23      reasonable alternative avenues of communication.

24      (c) For the purposes of this Section, "adult entertainment  
25      facility" means (i) a movie theater, lounge, nightclub, bar,  
26      juice bar, or similar commercial establishment that regularly

1 ~~features a striptease club or pornographic movie theatre whose~~  
2 ~~business is the commercial sale, dissemination, or~~  
3 ~~distribution of sexually explicit material, shows, or other~~  
4 exhibitions characterized by an emphasis on the display of  
5 specified anatomical areas or specified sexual activities, or  
6 (ii) a store whose primary business is the commercial sale,  
7 dissemination, or distribution of materials, shows or other  
8 exhibitions characterized by an emphasis on the display of  
9 specified anatomical areas or specified sexual activities, or  
10 devices, other than devices designed to prevent pregnancy or  
11 sexually transmitted diseases, that are designed for use during  
12 specified sexual activities. As used in this subsection (c),  
13 "specified anatomical areas" and "specified sexual activities"  
14 shall have the meanings given to those terms in Section  
15 5-1097.7 of the Counties Code ~~an adult bookstore or adult video~~  
16 ~~store in which 25% or more of its stock in trade, books,~~  
17 ~~magazines, and films for sale, exhibition, or viewing~~  
18 ~~on premises are sexually explicit material.~~

19 (d) The State's Attorney of the county where the adult  
20 entertainment facility is located or the Attorney General may  
21 institute a civil action for an injunction to restrain  
22 violations of this Section. Those persons and entities  
23 authorized to bring an action under Section 11-13-15 of this  
24 Code to enjoin a zoning violation may bring an action to enjoin  
25 a violation of this Section, and may obtain the remedies set  
26 forth in Section 11-13-15 of this Code. In any enforcement



1 proceeding, the court shall determine whether a violation has  
2 been committed and shall enter such orders as it considers  
3 necessary to remove the effect of any violation and to prevent  
4 the violation from continuing or from being renewed in the  
5 future.

6 (e) A home rule unit may not enact an ordinance, rule, or  
7 otherwise allow an adult entertainment facility to operate in a  
8 manner that would lessen the required distance between an adult  
9 entertainment facility and any other land use listed in  
10 subsection (b) of this Section to less than 250 feet from the  
11 home rule unit's boundary. This Section is a limitation under  
12 subsection (i) of Section 6 of Article VII of the Illinois  
13 Constitution on the concurrent exercise by home rule units of  
14 powers and functions exercised by the State.

15 (f) The provisions of this Section are severable under  
16 Section 1.31 of the Statute on Statutes.

17 (Source: P.A. 95-47, eff. 1-1-08; 95-214, eff. 8-16-07; 95-876,  
18 eff. 8-21-08.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.