

AN ACT concerning local government.

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

Section 5. The Counties Code is amended by changing Section 5-1097.7 as follows:

(55 ILCS 5/5-1097.7)

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

(a) Definitions. In this Act:

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

"Specified sexual activities" means (i) human genitals in a state of sexual stimulation or excitement; (ii) acts of human masturbation, sexual intercourse, fellatio, or sodomy; (iii) fondling, kissing, or erotic touching of specified anatomical areas; (iv) flagellation or torture in the context of a sexual relationship; (v) masochism, erotic or sexually oriented torture, beating, or the infliction of pain; (vi) erotic touching, fondling, or other such contact with an animal by a

human being; or (vii) human excretion, urination, menstruation, or vaginal or anal irrigation as part of or in connection with any of the activities set forth in items (i) through (vi).

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

(c) Specified counties. A non-home rule county with a population of at least 900,000 may adopt, by ordinance, reasonable regulations concerning the operation of a business in unincorporated areas of the county: (i) defined as an adult entertainment facility in Section 5-1097.5 of this Act; (ii) that involves exposure of specified anatomical areas or performance of specified sexual activities by a person within the business' premises; or (iii) that offers or provides sexually-oriented entertainment services or activities. The ordinance may also prohibit the sale, dissemination, display, exhibition, or distribution of obscene materials or conduct.

If the county has established a licensing program as part of its regulation of adult entertainment facilities under this subsection, the findings, decision, and orders of the licensing official or licensing body is subject to review in the Circuit Court of the county. The Administrative Review Law and the rules adopted under the Administrative Review Law apply to and govern the judicial review of the final findings, decision, and order of the licensing official or licensing body under this subsection.

(d) Civil actions. A county adopting an ordinance to regulate adult entertainment facilities may authorize the State's Attorney to institute a civil action to restrain violations of that ordinance. In that proceeding, the court shall enter such orders as it considers necessary to abate the violation and to prevent the violation from continuing or from being renewed in the future. In addition to any injunctive relief granted by the court, an ordinance may further authorize the court to assess fines of up to \$1,000 per day for each violation of the ordinance, with each day in violation constituting a new and separate offense. If a non-home rule county with a population of at least 900,000 has a code hearing unit established under Division 5-41 or Division 5-43 of this Code, then the county may enforce and prosecute violations of the ordinance through its administrative adjudication program.

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