

CHAPTER 11
ADULT ENTERTAINMENT ESTABLISHMENTS

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11.01 **DEFINITIONS**

In addition to the definitions in Appendix A of this Code, for the purposes of this Chapter 11, the following definitions, whether capitalized or not, are applicable to this Chapter 11:

Adult Booth: Any area of an adult entertainment establishment set off from the remainder of such Establishment by one or more walls or other dividers or partitions and used to show, play or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

Adult Entertainment Establishment: Also referred to as **Establishment** in this Chapter, any of the following commercial establishments, as defined herein:

1. **Adult Cabaret:** Any commercial establishment that as a substantial or significant portion of its business

features or provides any of the following:

- (a) Persons who appear semi-nude.
 - (b) Live performances that are distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
 - (c) Films, motion pictures, video or audio cassettes, slides, computer displays or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.
2. **Adult Store:** Any commercial establishment that contains one or more adult booths; or where 25 percent or more of its stock in trade includes, books, magazines, films for sale or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity.
3. **Adult Theater:** Any commercial establishment in which 25 percent or more of its business features or provides films, motion pictures, video or audio cassettes, slides or other visual representations or recordings that are distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

Adult Establishment Employees: Any individuals, including entertainers, who work in or at, or render any services directly related to the operation of an Establishment provided, however, that this definition shall not include persons delivering goods, materials (other than adult materials), food and beverages, or performing maintenance or repairs to the licensed premises.

Adult Establishment License: A license issued for an Establishment pursuant to the provisions of this Chapter. The term "License" shall also mean an adult establishment license.

Adult Establishment Patron or Patron: Any individual, other than an Establishment employee, present in or at any Establishment at any time when such Establishment is open for business; provided, however, that this definition shall not include persons delivering goods, materials (other than adult materials), food and beverages, or performing maintenance or repairs to the licensed premises.

Adult Material: Any of the following, whether new or used:

1. (a) Books, magazines, periodicals or other printed matter, or digitally stored materials; or

(b) Films, motion pictures, video or audio cassettes, slides, computer displays or other visual representations or recording of any kind; that are distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.
2. Instruments, novelties, devices or paraphernalia that are designed for use in connection with specified sexual activities, or that depict or describe specified anatomical areas.

Adult Use Commission or Commission: A commission appointed by the Adult Use Commissioner pursuant to Section 11.02 herein.

Adult Use Commissioner or Commissioner: The President of the Village pursuant to Section 11.02 herein.

Chapter: This Chapter 11 of the Lake in the Hills Municipal Code.

Commercial Establishment: Any place where admission, services, performances or products are provided for or upon payment of any form of consideration.

Days: Calendar days, unless otherwise specifically set forth in this Chapter.

Licensed Premises or Premises: The place or location described on a License where an Establishment is authorized to operate. No sidewalks, streets, parking areas, public rights-of-ways or grounds adjacent to any such place or location shall be included within the licensed premises.

Licensee: Any person or entity that has been issued a License pursuant to the provisions of this Chapter.

Nude or State of Nudity: A state of dress or undress that exposes to view (a) less than completely and opaquely covered human genitals, pubic region, anus or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel, provided the areolae is not exposed; or (b) human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

Reviewing Departments: The Police Department, Community Development Department and the office of the Administrator of the Village.

Semi-nude: A state of dress or undress in which clothing covers no more than the genitals, pubic region and areolae of the female breast, as well as portions of the body covered by supporting straps or devices or any other minor accessory apparel such as hats, gloves and socks.

Specified Anatomical Areas: Any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel, provided the areolae is not exposed.
2. Human male genitals in a discernibly turgid state,

even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

Specified Criminal Act: Any unlawful lewd, indecent or immoral sexual conduct, including specifically, but without limitation, any of the lewd, indecent or immoral sexual criminal acts specified in any of the follow statutes, as shall be amended from time to time:

1. Article 11, Sex Offenses, of the Illinois Criminal Code (720 ILCS 5/11 et seq.).
2. Section 5/26-4, Unauthorized Videotaping (720 ILCS 5/26-4).
3. Article 33D-1, Contributing to the Criminal Delinquency of a Juvenile, (720 ILCS 5/330-1).
4. The Harassing and Obscene Communications Act (720 ILCS 135/0.01 et seq.).
5. The Wrongs to Children Act (720 ILCS 150/0.01 et seq.).
6. The Improper Supervision of Children Act (720 ILCS 640/0.01 et seq.).
7. The Sale of Immoral Publications to Children Act (720 ILCS 670/0.01 et seq.).

Specified Sexual Activities: Any of the following:

1. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.
3. Masturbation, actual or simulated.
4. Human genitals in a state of sexual stimulation, arousal or tumescence.
5. Excretory functions as part of or in connection with any of the activities set forth in this definition.

Straddle Dance: The use by any person, including specifically, but without limitation, an Establishment employee, of any part of his or her body to touch the genitals, pubic region, buttock, anus or female breast of any Establishment patron or any other person, or the touching of the genitals, pubic region, buttock, anus or female breast of any person by any Establishment patron. Conduct shall be a "straddle dance" regardless of whether to "touch" or "touching" occurs while the person is displaying or exposing any specified anatomical area. Conduct shall also be a "straddle dance" regardless of whether the "touch" or "touching" is direct or through a medium. Conduct commonly referred to be the slang terms "lap dance," "table dance" and "face dance" shall be included within this definition.

Zoning Code: The Lake in the Hills Zoning Code, as amended.

11.02 **ADULT USE COMMISSIONER AND ADULT USE COMMISSION**

A. **ADULT USE COMMISSIONER:** The President is hereby designated as the Adult Use Commissioner ("Commissioner") pursuant to the terms and conditions of this Chapter. The Commissioner shall have the following powers and duties:

1. To administer and rule upon the applications for, and the issuance, renewal, suspension and revocation of Licenses as set forth herein.
2. To conduct or provide for such inspection of Establishments as shall be necessary to determine and ensure compliance with the provisions of this Chapter and other applicable provisions of law.
3. To periodically review the provisions of this Chapter and the conduct and operation of Establishments and Licensees and to make such related reports and recommendations to the Board of Trustees as the Commissioner shall deem necessary.
4. To appoint members of the Board of Trustees to serve on the Adult Use Commission ("Commission") as set forth in Section 11.02-B herein.

5. To direct the Commission to conduct such hearings, studies and reports on Establishments, and the regulations relating thereto, as the Commissioner shall deem necessary.
6. To take such further actions as the Commissioner shall deem necessary to carry out the purposes and intent of this Chapter and to exercise such additional powers in furtherance thereof as are implied or incident to those powers and duties expressly set forth herein.

B. ADULT USE COMMISSION:

1. Creation: The Adult Use Commission is hereby created and established for the purposes set forth in this Chapter.
2. Composition: The Commissioner may, but shall not be required to, appoint one or more members of the Board of Trustees from time to time to serve at the will of the Commissioner and to advise the Commissioner on matters relating to the implementation and enforcement of the regulations set forth in this Chapter and to the exercise of the Commissioner's powers and duties under this Chapter. The person or persons appointed by the Commissioner, along with the Commissioner, shall comprise the Commission.
3. Filing of Appointments: The Commissioner shall file a written appointment of each member of the Commission with the Clerk.
4. Duties: The Commission shall have the following powers and duties:
 - a. At the direction of the Commissioner, to recommend to the Commissioner such further regulations regarding Establishments and Licenses as the Commissioners may deem necessary to protect the public health, safety and welfare or to otherwise carry out the purposes and objectives of the

regulations established in this Chapter.

- b. To conduct and prepare hearings, studies and reports upon matters referred to the Commission by the Commissioner and to make such reports and recommendations relating thereto as are requested by the Commissioner.
- c. To conduct such hearings on the revocation or suspension of a License as required pursuant to Section 11.15 herein.

11.03 **ADULT ESTABLISHMENT LICENSES GENERALLY**

A. **ADULT ESTABLISHMENT LICENSE REQUIRED:** A License shall be required to establish, operate or maintain an Establishment within the Village.

B. **OPERATION WITHOUT LICENSE PROHIBITED:** It shall be unlawful for any person not having a current and valid License to establish, operate or maintain an Establishment within the Village at any time.

C. **OPERATION IN VIOLATION OF LICENSE PROHIBITED:** It shall be unlawful for any licensee to establish, operate or maintain an Establishment within the Village except in the manner authorized by, and in compliance with, the provisions of this Chapter and the License.

D. **CONTENT AND DISPLAY OF LICENSE:** Every License shall be provided by the Village and shall, at a minimum, prominently state on its face the name of the licensee, the expiration date and the address of the Establishment. Every licensee shall cause the License to be framed, covered by glass and hung at all times in plain view in a conspicuous place on the licensed premises so it can be easily seen and read at any time by any person entering the licensed premises.

E. **LICENSE TERM:** Except as hereinafter provided, Licenses shall be operative and valid, unless first terminated, suspended or revoked, only for a term commencing on the date of issuance and terminating on December 31, of that same year.

F. **RENEWAL:** A License may be renewed only by making

application as required for an initial License pursuant to Section 11.04 herein. Application for renewal shall be made at least 30 days before the expiration of the then current License term. The expiration of the License shall not be affected or extended by a renewal application that is made less than 30 days before expiration.

11.04 **FORM AND SUBMITTAL OF LICENSE APPLICATIONS**

A. **REQUIRED FORM:** An application for a License, or the renewal thereof, shall be made in writing to the Commissioner on the appropriate Village application form and shall be signed by the following:

1. Individual application: by the applicant;
2. Partnership (general or limited), joint venture or any other type of organization where two or more persons share in the profits and liabilities of the organization: By at least one of the persons entitled to share in the profits of the organization and having unlimited personal liability for the obligations of the organization and the right to bind all other such persons, if the applicant;
3. Corporation: by a duly authorized agent; or
4. Land trust: by the trustee.

The application shall be verified by oath or affidavit as to all statements made on or in connection with the application and any attachments thereto. Each application shall specifically identify the applicant and the premises for which a License is sought. Each initial or renewal application shall be accompanied by seven identical copies.

B. **ADMINISTRATIVE PROCESSING FEE:** Every applicant for a License or for the renewal of an existing License shall pay to the Village a \$200 non-refundable administrative processing fee by certified check at the time of filing such application. The fee shall be deposited in the Village's general corporate fund.

C. **REQUIRED INFORMATION AND DOCUMENTS:** Each application shall include the following information and documents:

1. Individual: The applicant's legal name, all of the applicant's aliases, the applicant's business address and social security number, written proof of the applicant's age, citizenship and place of birth and, if a naturalized citizen, the time and place of the applicant's naturalization.
2. Corporations: The complete name and official business address of the corporation; the legal name, all aliases, and the ages, business addresses and social security numbers of all of the directors, officers and managers of the corporation and of every person owning or controlling more than 50 percent of the voting shares of the corporation; the corporation's date and place of incorporation and the objects for which it was formed; proof that the corporation is a corporation in good standing and authorized to conduct business in the State; and the name of the registered corporate agent and the address of the registered office for service of process.

If the corporation is an interest holder that must be disclosed pursuant to this Chapter such interest holders shall disclose the information required hereinabove with respect to their interest holders.

3. Partnerships (general or limited), joint ventures or any other type of organization where two or more persons share in the profits and liabilities of the organization: The complete name and official business address; the legal name, all aliases, and the ages, business addresses and social security numbers of each partner (other than limited partners) or any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization.

If the partnership is an interest holder that must be disclosed pursuant to this Chapter such interest holders shall disclose the information

required hereinabove with respect to their interest holders.

4. Land trusts: The land trust's complete name; the legal name, all aliases, and the ages, business address of the trustee of the land trust; the legal name, all aliases, and the ages, business addresses and social security numbers of each beneficiary of the land trust and the specific interest of each such beneficiary in the land trust; and the interest, if any, that the land trust holds in the premises.

D. ADDITIONAL REQUIRED INFORMATION AND DOCUMENTS: All applications shall also include the following:

1. The general character and nature of the business of the applicant and the length of time the applicant has been in the business.
2. The location, including street address and legal description, and telephone number of the premises.
3. The specific name of the business that is to be operated under the License.
4. The identity of each fee simple owner of the premises.
5. A diagram showing the internal and external configuration of the premises including all doors, windows, entrances, exits, fixed structural internal features, the interior rooms, walls, partitions, stages, performance areas and restrooms. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; provided, however, that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six inches and sufficient to show clearly the various interior dimensions of all areas of the premises and to demonstrate compliance with the

provisions of this Chapter. The requirements of this Section 11.04-C5 shall not apply for renewal applications if the diagram previously submitted continues to accurately depict the exterior and interior layouts of the premises. The approval or use of the diagram shall not be deemed to be, and shall not be interpreted or construed to constitute, any other Village approval otherwise required pursuant to applicable Village ordinances and regulations.

6. The names of each governmental body from which, within 5 years immediately prior to the date of the present application, the applicant, or any of the individuals identified in the application, has received a license or other authorization to conduct or operate a business substantially the same as an Establishment, and the names and addresses of each such business.
7. The specific type or types of Establishment(s) that the applicant proposes to operate in the premises.
8. A copy of each License or any license substantially the same as an Establishment License currently held by the applicant or any of the individuals identified in the application.
9. Whether the applicant, or any of the individuals identified in the application, has been, within five years immediately preceding the date of the application, convicted of, or pleaded nolo contendere to any Specified Criminal Act. As to each conviction, the applicant or other individuals shall provide the conviction date, the case number, the nature of the misdemeanor or felony violation(s) or offense(s), and the name and location of the court.
10. Whether the applicant, or any of the individuals identified in the application, has had a license or other authorization to conduct or operate a business substantially the same as an Establishment revoked or suspended, and, if so,

the date and grounds for each such revocation or suspension, and the name and location of the establishment at issue.

11. The name of the individual or individuals who shall be the day-to-day, on-site managers of the proposed Establishment. If the manager is other than the applicant, the applicant shall provide, for each manager, all of the information required pursuant to Section 11.04-C1 and Sections 11.04-D6, 8, 9 and 10 herein.
12. For the individual or individuals executing the application and the individual or individuals identified pursuant to Section 11.04-D11 herein, a fully executed waiver on a form prescribed by the Police Department to obtain criminal conviction information pursuant to the Illinois Uniform Conviction Information Act.

E. INCOMPLETE APPLICATIONS RETURNED: Any License application that is not complete pursuant to this Chapter shall be deemed to be incomplete and shall not be acted on or processed by the Village. The Commissioner shall, within five days of such submittal, return the incomplete application with a written explanation of why the application is incomplete.

11.05 PROCESSING LICENSE APPLICATIONS

A. REVIEWING DEPARTMENTS, REPORTS: Within three days after receipt of a complete License application the Commissioner shall transmit copies to the reviewing departments. Each review department shall, within 25 days after receipt of the application:

1. Review the application;
2. Conduct such inspections on the premises and background investigations of the applicant and any of the individuals identified in the application pursuant to Section 11.04-C herein, regarding matters within their respective jurisdictions, as shall be reasonably necessary to verify the information set forth in the application and to determine whether the proposed

Establishment and premises comply with the requirements of this Chapter and other applicable laws, codes, ordinances, rules and regulations; and

3. Prepare and submit to the Commissioner a written report regarding the results and findings of such reviews, inspections and investigations.

B. COMMISSIONER REVIEW: The Commissioner shall also conduct such inspections and investigations as the Commissioner shall deem reasonably necessary to verify the information set forth in the application and to determine whether the proposed Establishment and premises comply with the requirements of this Chapter and other applicable laws, codes, ordinances and regulations.

C. RELIANCE ON DIAGRAM: In the event the proposed premises has not yet been constructed or reconstructed to accommodate the proposed Establishment, the Commissioner and reviewing departments shall base their respective written reports, investigations and inspections to the extent necessary, on the diagram submitted pursuant to Section 11.04-D4 herein. Any License issued prior to the construction or reconstruction necessary to accommodate a proposed Establishment shall contain a condition that the Establishment shall not open for business until the premises has been inspected and determined to be in substantial compliance with the required diagram.

D. APPLICANT COOPERATION REQUIRED: An applicant for a License shall cooperate fully in the inspections and investigations conducted by the Commissioner and reviewing departments. The applicant's failure or refusal (i) to give any information reasonably relevant to the investigation of the applicant; (ii) to allow the premises to be inspected; (iii) to appear at any reasonable time and place for examination under oath regarding the application; or (iv) to otherwise cooperate with the investigation and inspection required herein, shall constitute an admission by the applicant that the applicant is ineligible for a License and shall be grounds for denial of the License by the Commissioner.

E. TIME OF ISSUANCE OR DENIAL: The Commissioner shall, within 30 days after submittal of a properly completed application, either issue a License pursuant to the provisions

of Section 11.06-A herein or deny the issuance of the License pursuant to the provisions of Section 11.06-B herein. The Commissioner shall issue or deny the License within said 30-day period regardless of whether or not the Commissioner has received all of the reviewing department reports.

F. DECISION FINAL: The action taken by the Commissioner to issue or deny a License shall be final and shall be subject to judicial review.

11.06 **STANDARDS FOR ISSUANCE OR DENIAL OF LICENSE**

A. ISSUANCE: The Commissioner shall issue a License to an applicant if, but only if, the Commissioner finds and determines all of the following, based on the reports, investigations and inspections concluded by the Commissioner and reviewing departments and on any other credible information on which it is reasonable for the Commissioner to rely:

1. All information and documents required by Section 11.04 herein have been properly provided and the material statements made in the application are true and correct.
2. For adult stores and adult theaters, all persons identified in the application pursuant to Sections 11.04-C1 and 11.04-C2 herein are at least 18 years of age and not under any legal disability. For adult cabarets, all persons identified in the application pursuant to Sections 11.04-C1 and 11.04-C2 herein are at least 21 years of age and not under any legal disability.
3. No person identified in the application pursuant to Sections 11.04-C1 and 11.04-C2 herein has been convicted of, or pleaded nolo contendere to any specified criminal act within five years immediately preceding the date of the application.
4. No person identified in the application pursuant to Sections 11.04-C1 and 11.04-C2 herein has been convicted of, or pleaded nolo contendere to any violation of a provision of this Chapter within

five years immediately preceding the date of the application.

5. No person identified in the application pursuant to Sections 11.04-C1 and 11.04-C2 herein is overdue on payment to the Village of taxes, fees, fines or penalties assessed against, or imposed on, any such individual in connection with any Establishment.
6. No person identified in the application pursuant to Sections 11.04-C1 and 11.04-C2 herein is residing with, or married to, a person (i) who has been denied a License within 12 months immediately preceding the date of the application, (ii) whose License has been revoked within 12 months immediately preceding the date of the application, or (iii) whose License is under suspension at the time of the application.
7. The Establishment and premises, and the proposed operation of the Establishment, comply with all then applicable building, health and life safety codes and regulations and have received all necessary zoning approvals required pursuant to the then applicable provisions of the Zoning Code including, specifically but without limitation, the conditional use permit required for the Establishment and the standards contained in Section 24.10 of the Zoning Code.
8. The applicant has confirmed in writing and under oath as part of the application that the applicant has read this Chapter and all provisions of the Zoning Code applicable to Establishments, that the applicant is familiar with their terms and conditions, and that the premises and proposed Establishment and its proposed operation are and shall be in compliance therewith.

B. DENIAL: If the Commissioner determines that the applicant has not met any one or more of the conditions set forth in Section 11.06-A herein, then the Commissioner shall deny issuance of the License and shall give the applicant a

written notification and explanation of such denial. The Commissioner's notice of denial shall be delivered by person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the applicant's address as set forth in the application. The License shall be deemed denied on the day the notice of denial is delivered in person or three days after it is placed in the U.S. mail as provided herein.

C. LICENSE DEEMED TO BE ISSUED: If the Commissioner does not issue or deny the License within 30 days after the properly completed application is submitted, the License applied for shall be deemed to have been issued.

11.07 INSPECTIONS BY THE VILLAGE

A. AUTHORITY: The Commissioner and other Village representatives and departments with jurisdiction shall periodically inspect all Establishments as shall be necessary to determine compliance with the provisions of this Chapter and other applicable law.

B. LICENSEE COOPERATION: A licensee shall permit representatives of the Village to inspect the licensed premises and the Establishment for the purpose of determining compliance with the provisions of this Chapter and all other applicable laws at any time during which the licensed premises is occupied or the Establishment is open for business.

C. INTERFERENCE OR REFUSAL ILLEGAL: It shall be unlawful for a licensee, any Establishment employee or any other person to prohibit, interfere with or refuse to allow any lawful inspection conducted by the Village pursuant to this Chapter or any other authority.

D. SUSPENSION OR REVOCATION: Any such prohibitions, interference or refusal shall be grounds for suspension or revocation of the License pursuant to Section 11.15 herein.

11.08 CHANGE IN INFORMATION

During the pendency of any application for, or during the term of, any License, the applicant Licensee shall promptly notify the Commission in writing (i) of any change in any material information given by the applicant or Licensee in the application for such License, including specifically, but

without limitation, any change in managers of the Establishment or in the individuals identified in the application pursuant to Sections 11.04-C1 and 11.04-C2 herein; or (ii) if any of the events specified in Section 11.15-A herein occur.

11.09 REGULATIONS APPLICABLE TO ALL ADULT ENTERTAINMENT ESTABLISHMENTS

A. GENERAL COMPLIANCE: All licensed premises and Establishments shall comply with the provisions of this Chapter; all other applicable Village ordinances, resolutions, rules and regulations; and all other applicable federal state and local laws.

B. HOURS OF OPERATION: No Establishment shall be open for business at any time between the hours of 12:00 a.m. and 12:00 noon on any weekday or Saturday or at any time on any Sunday or on any legal state or federal holiday.

C. ANIMALS: Except only for dogs required to assist persons with disabilities, no animals shall be permitted any time at or in any Establishment or licensed premises.

D. RESTROOMS: All restrooms in Establishments shall be equipped with standard toilets, sinks and other traditional lavatory facilities. No adult materials or live performances shall be provided or allowed at any time in the Establishment restrooms. Separate male and female restrooms shall be provided for and used by Establishment employees and patrons.

E. RESTRICTED ACCESS: No Establishment patron shall be permitted at any time to enter into any of the non-public portions of any Establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of Establishment employees. The Section 11.09-E shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the licensed premises; provided, however, that any such persons shall remain in such non-public areas only for the purposes and to the extent and time necessary to perform their job duties.

F. SPECIFIC PROHIBITED ACTS:

1. No Establishment employee or any other person at

any Establishment shall appear, be present or perform while nude.

2. No Establishment employee or any other person at any Establishment shall perform or conduct any specified sexual activity with or for any Establishment patron or any other Establishment employee or any other person. No Establishment patron or any other person at the Establishment shall perform or conduct any specified sexual activity with or for any Establishment employee or any other Establishment patron or any other person.
3. Straddle dances shall be prohibited at all Establishments.

G. EXTERIOR DISPLAY: No Establishment shall be maintained or operated in any manner that causes, creates or allows public viewing of any adult material, or any entertainment depicting, describing or relating to specified sexual activities or specified anatomical areas, from any sidewalk, public or private right-of-way or any property other than the lot on which the licensed premises is located. No portion of the exterior of an Establishment shall utilize or contain any flashing lights, search lights or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings or pictorial representations of any manner except to the extent specifically allowed pursuant to Section 11.09-H herein with regard to signs. This Section 11.09-G shall apply to any advertisement, display, promotional material, decoration or sign; to any performance or show; and to any window, door or other opening.

H. SIGNAGE LIMITATIONS: All signs for Establishments shall be flat wall signs. The maximum allowable sign area shall be one square foot of sign area per foot of lot frontage on a street, but in no event exceeding 32 square feet. The maximum number of signs shall be one per street frontage. Signs otherwise permitted pursuant to this Chapter shall contain only (i) the name of the Establishment and/or (ii) the specific type of Establishment conducted on the licensed premises. Temporary signage shall not be permitted in connection with any Establishment.

I. NOISE: No loudspeakers or sound equipment audible beyond the licensed premises shall be used at any time.

J. GAMBLING AND RELATED DEVICES PROHIBITED: No Establishment shall contain any video, pinball, slot, bagatelle, pigeon-hole, pool or any other games, machines, tables or implements.

K. MANAGER'S STATION: Each Establishment shall have one or more manager's stations. The interior of each Establishment shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one manager's station to every part of each area, except restrooms, of the Establishment to which a patron is permitted access for any purpose.

L. ALCOHOL PROHIBITION: No alcoholic liquor of any kind shall be sold, used, consumed or possessed at any time on any licensed premises.

11.10 SPECIAL REGULATIONS FOR ADULT BOOTHS

A. PROHIBITED EXCEPT IN ADULTS STORES: Adult booths shall be prohibited in all Establishments except adult stores.

B. OCCUPANCY AND PROHIBITED ACTS: Only one individual shall occupy an adult booth at any one time. No individual occupying an adult booth shall engage in any specified sexual activities. No individual shall damage or deface any portion of an adult booth.

C. OPEN BOOTH REQUIREMENT: In addition to satisfying the manager station requirements in Section 11.09-K herein, all adult stores containing adult booths shall be physically arranged in such a manner that the entire interior portion of each adult booth shall be visible from the common area of the adult store. To satisfy this requirement, there shall be a permanently open and unobstructed entranceway for each adult booth and for the entranceway from the area of the adult store that provides other adult materials to the area of the adult store containing the adult booths. Each of these entranceways shall not be capable of being closed or obstructed, entirely or partially, by any door, curtain, partition, drape(s) or any other obstruction whatsoever that would be capable of wholly or partially obscuring the area of the adult store containing the

adult booths or any person situated in an adult booth. It shall be unlawful to install adult booths within an Establishment for the purpose of providing secluded viewing of adult materials or live performances.

D. AISLE REQUIRED: There shall be one continuous lighted main aisle alongside the adult booths provided in any adult store. Each person situated in an adult booth shall be visible at all times from this aisle.

E. HOLES PROHIBITED: Except for the open adult booth entranceway, the walls and partitions of each adult booth shall be constructed and maintained of solid walls or partitions without any holes or openings whatsoever.

F. SIGNAGE: A sign shall be posted in a conspicuous place at or near the entranceway to each adult booth that states (i) that only one person is allowed in an adult booth at any one time, (ii) that it is unlawful to engage in any specified sexual activities while in an adult booth, and (iii) that it is unlawful to damage or deface any portion of an adult booth.

G. AGE LIMITATIONS:

1. No Establishment employee or patron in an adult booth or in a licensed premises that contains an adult booth shall be under the age of 18.
2. No person under the age of 18 shall be admitted to any adult booth or any licensed premises that includes an adult booth.
3. No person under the age of 18 shall be allowed or permitted to remain in any adult booth or at any licensed premises that includes an adult booth.
4. No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult booth or any licensed premises that includes an adult booth.

11.11 **SPECIAL REGULATIONS FOR ADULT CABARETS**

A. PERFORMANCE AREA: The performance area of an adult cabaret shall be limited to one or more stages or platforms permanently anchored to the floor ("Stage"). Each Stage shall be at least 18 inches in elevation above the floor level of the patron seating areas. Each Stage shall be separated by a distance of at least eight feet from all areas of the premises to which patrons have access. A continuous barrier at least three feet in height and located at least eight feet from all points of each Stage shall separate each Stage from all patron seating areas. The barrier shall consist of horizontal or vertical members spaced no more than nine inches apart and nine inches from the floor or the walls to which it is attached.

B. LIGHTING: Sufficient lighting shall be provided and equally distributed throughout the public areas of the adult cabaret so that all objects are plainly visible at all times. A minimum lighting level of not less than 30 lux horizontal, measured at 30 inches from the floor and on 10-foot centers shall be maintained at all times for all areas of the adult cabaret where patrons are admitted.

C. TIPPING: No tip or gratuity from any patron may be offered or accepted for any performance by an Establishment employee on any Stage at any time prior to the completion of any such performance. No patron shall offer, and no Establishment employee having performed on any Stage, shall accept any form of tip or gratuity offered directly to the Establishment employee by the patron. Rather, following completion of the performance, all tips and gratuities to Establishment employees performing on any Stage shall be placed into a receptacle provided for receipt of such tips and gratuities by the Establishment.

D. NOTICE OF SELECT RULES: A sign at least two feet by two feet, with letters at least one inch high, shall be conspicuously displayed on or adjacent to every Stage stating the following, in capital letters:

This Adult Cabaret is regulated by the Village of Lake in the Hills. Entertainers are:

1. Not permitted to engage in any type of sexual conduct.
2. Not permitted to appear in a state of nudity.

3. Not permitted to accept tips or gratuities for any performance until after completion of the performance.
4. Not permitted to accept any tips directly from patrons even after completion of the performance. Any such tips must be placed into the receptacle provided by management.

E. AGE LIMITATIONS:

1. No Establishment employee or patron at an adult cabaret or a licensed premises used for an adult cabaret shall be under the age of 21.
2. No person under the age of 21 shall be admitted to any adult cabaret or to any licensed premises used for an adult cabaret.
3. No person under the age of 21 shall be allowed or permitted to remain at any adult cabaret or at any licensed premises used as an adult cabaret.
4. No person under the age of 21 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult cabaret or any licensed premises used for an adult cabaret.

11.12 **SPECIAL REGULATIONS FOR ADULT STORES**

A. WINDOWS AND SIGNS: Window areas for adult stores shall not be covered or obstructed in any way. No signs or other obstructions shall be placed in the windows.

B. AGE LIMITATIONS:

1. No Establishment employee or patron at an adult store or a licensed premises used for an adult store shall be under the age of 18.
2. No person under the age of 18 shall be admitted to any adult store or any licensed premises used for an adult store.

3. No person under the age of 18 shall be allowed or permitted to remain at any adult store or at any licensed premises used for an adult store.
4. No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult store or any licensed premises used for an adult store.

11.13 **SPECIAL REGULATIONS FOR ADULT THEATERS**

A. SEATING: Each adult theater shall provide seating only in individual chairs with arms or in seats separated from each other by immovable arms and not on couches, benches or any other multiple person seating structures. The number of seats shall equal the maximum number of persons who may occupy the adult theater.

B. AISLE: Each adult theater shall have a continuous main aisle alongside the seating area in order that each person seated in the adult theater shall be visible from the aisle at all times.

C. SIGN: Each adult theater shall have a sign posted in a conspicuous place at or near each entranceway to the auditorium or similar area that lists the maximum number of persons who may occupy the auditorium area, which number shall not exceed the number of seats in the auditorium area.

D. SPECIFIC PROHIBITED ACTS: No person shall appear semi-nude in any adult theater. No adult theater shall present, conduct or allow any live performance that is distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

E. AGE LIMITATIONS:

1. No Establishment employee or patron at an adult theater or a licensed premises used for an adult theater shall be under the age of 18.
2. No person under the age of 18 shall be admitted to any adult theater or any licensed premises

used for an adult theater.

3. No person under the age of 18 shall be allowed or permitted to remain at any adult theater or at any licensed premises used for an adult theater.
4. No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult theater or any licensed premises used for an adult theater.

11.14 **LICENSEE RESPONSIBILITY FOR EMPLOYEES**

Every act or omission by an Establishment employee constituting a violation of the provisions of this Chapter shall be deemed to be the act or omission of the licensee if such act or omission occurs either with the authorization, knowledge or approval of the licensee, or as a result of the licensee's negligent failure to supervise the Establishment employee. The licensee shall be punishable for any such act or omission in the same manner as if the licensee committed the act or caused the omission. Accordingly, any such act or omission of any such Establishment employee constituting a violation of the provisions of this Chapter shall be deemed, for purposes of determining whether the License shall be revoked, suspended or renewed, to be the act or omission of the licensee.

11.15 **LICENSE REVOCATION OR SUSPENSION**

A. **GROUND:** Pursuant to the procedures set forth in Section 11.15-B herein, the Commissioner shall suspend for not more than 30 days, or revoke, any License if the Commissioner, based on credible and reasonably reliable information and evidence, determines that any one or more of the following has occurred:

1. The licensee has violated any of the provisions or requirements of this Chapter or the License issued pursuant to this Chapter, or the provisions of the Zoning Code applicable to the licensed premises or the Establishment.
2. The licensee (i) knowingly or negligently furnished false or misleading information or

withheld information on any application or other document submitted to the Village for the issuance or renewal of any License or (ii) knowingly or negligently caused or suffered any other person to furnish or withhold any such information on the licensee's behalf.

3. The licensee has committed a felony or specified criminal activities on the licensed premises.
4. The licensee authorizes, approves or, as a result of the licensee's negligent failure to supervise the premises or the Establishment, allows an Establishment employee, a patron or any other person to (i) violate any of the provisions or requirements of this Chapter or the provisions or requirements of the License issued pursuant hereto, or (ii) commit any felony or specified criminal activities on the licensed premises.
5. The licensee, or any person identified pursuant to Sections 11.04-C1 or 11.04-C2 herein, becomes disqualified for the issuance of a License at any time during the term of the License at issue.

B. PROCEDURE: A License shall be suspended for not more than 30 days or revoked pursuant to the terms and conditions set forth in this Section 11.15-B.

1. Notice: Upon determining that one or more of the grounds for suspension or revocation under Section 11.15-A herein may exist, the Commissioner shall serve a written notice on the licensee in person or by certified mail, postage prepaid, return receipt requested, addressed to the licensee's address as set forth in the Licensee's application. The written notice shall, at a minimum, (i) state that the Commissioner has determined that the License may be subject to suspension or revocation pursuant to Section 11.15-A herein; (ii) identify the specific grounds for the Commissioner's determination; and (iii) set a date for a hearing regarding the Commissioner's determination as to the possibility of suspension or revocation of the

License. The date of the hearing shall be no less than five days after service of the Commissioner's notice, unless an earlier or later date is agreed to by the Licensee and the Commissioner.

2. Hearing: The hearing shall be conducted by the Commission or, at the Commissioner's direction, by the Commission. At the hearing the Licensee may present and submit evidence and witnesses to refute the grounds cited by the Commissioner for suspending or revoking the License and the Village and any other persons may submit evidence to sustain such grounds. The administrative record compiled on the Establishment pursuant to Section 11.16 herein shall be made part of the hearing record. Within three days after the close of the hearing, the Commissioner shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision. The action taken by the Commissioner shall be final and shall be subject to judicial review pursuant to the Illinois Administrative Review Law and all other available provisions of law.
3. Notice and Effective Date of Suspension or Revocation: The Commissioner's written decision shall be posted at the office of the Commissioner and shall be served on the Licensee in person or by certified mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in the Licensee's application. In order to allow an aggrieved Licensee an opportunity to obtain judicial relief, any suspension or revocation, as the case may be, shall take effect on the 10th day after (i) the Commissioner's written decision is delivered in person or (ii) the third day after it is placed in the U.S. mail as provided herein.
4. Surrender of License: Upon the suspension or revocation of a License pursuant to this Chapter, the Commissioner shall take custody of the suspended or revoked License.

11.16 **ADMINISTRATIVE RECORD**

The Commissioner shall cause to be kept in the Commissioner's office an accurate record of every License application received and acted on, together with all relevant information and material pertaining to such application, any License issued pursuant thereto, and any Establishment operated pursuant to such License.

11.17 **EMPLOYEE REGISTER**

The Licensee of every Establishment shall maintain a register of all of its Establishment employees. For each such Establishment employee, the register shall include the following information:

1. Legal name;
2. Any and all aliases;
3. Current residential address and telephone number;
4. Date of birth;
5. Gender;
6. Social security number;
7. Date of commencement of employment;
8. Date of employment termination, if applicable; and
9. Specific job or employment duties.

The register shall be maintained for all current employees and all employees employed at any time during the preceding 36 months. The Licensee shall make the register of the Establishment employees available for inspection by the Village immediately upon demand at all reasonable times.

11.18 **NUISANCE DECLARED**

Any Establishment that is operated or maintained in violation of any of the provisions of the Chapter or of the License shall be, and the same is, declared to be unlawful and a public nuisance.

The Village may, in addition to or in lieu of any other remedies set forth herein, commence an action to enjoin, remove or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from establishing, operating or maintaining an Establishment contrary to the provisions of this Chapter.

11.19 **PENALTY**

Any person who violates, neglects, refuses to comply with, or assists or participates in any way in the violation of any of the provisions or requirements of this Chapter or of any of the provisions or requirements of any License, shall be fined not more than \$500 for each violation. Each day such violation continues shall constitute a separate offense. The Commissioner shall give written notice to any such person of any such violation and the fine imposed by serving a citation in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in the Licensee's application.

Established 10-23-03

Amended 10-25-07