



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0602

Introduced 1/27/2005, by Rep. Roger L. Eddy

SYNOPSIS AS INTRODUCED:

New Act

Creates the Adult Entertainment Billboard Regulation Act. Provides that no billboard or other exterior advertising sign for an adult cabaret or a sexually-oriented business shall be located within one mile of any State highway, unless that business is located within one mile of a State highway, in which case that business may display one sign giving notice that the premises are off limits to minors and one identification sign of no more than 40 square feet in size that contains only the business' name, street address, telephone number, and operating hours. Provides that non-conforming signs in use at the time of the effective date of the Act may continue in use, but should be made to conform to the specifications of the Act within 3 years after the Act's effective date. Provides that any adult cabaret or sexually-oriented business owner who violates the provisions of the Act is guilty of a Class C misdemeanor and that each day that a violation of the Act continues in existence constitutes a separate offense. Preempts home rule. Effective July 1, 2005.

LRB094 03768 RAS 33777 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning advertising.

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

4 Section 1. Short title. This Act may be cited as the Adult
5 Entertainment Billboard Regulation Act.

6 Section 5. Definitions. In this Act:

7 "Adult cabaret" means a nightclub, bar, restaurant, or
8 similar establishment in which owners, employees, or both
9 appear in a state of nudity or semi-nudity in the performance
10 of their duties or patrons are permitted or encouraged to
11 appear in a state of nudity or semi-nudity.

12 "Semi-nudity" means a state of dress in which opaque
13 clothing fails to cover the genitals, anus, anal cleft or
14 cleavage, pubic area, vulva, nipple, and areola of the female
15 breast below a horizontal line across the top of the areola at
16 its highest point. Semi-nudity includes the entire lower
17 portion of the female breast, but does not include any portion
18 of the cleavage of the female breast exhibited by wearing
19 apparel, provided that the areola is not exposed in whole or
20 part.

21 "Sexually-oriented business" means any business that
22 offers its patrons goods of which a substantial portion are
23 sexually-oriented materials. Any business where more than 10%
24 of display space is used for sexually-oriented materials is
25 presumed to be a sexually-oriented business.

26 "Sexually-oriented materials" means any textual,
27 pictorial, or 3-dimensional material that explicitly depicts
28 subject matter that is intended to be sexually arousing,
29 including, but not limited to, nudity, sexual conduct, sexual
30 excitement, or sadomasochistic abuse.

31 Section 10. Billboard or other exterior advertising sign

1 regulation. No billboard or other exterior advertising sign for
2 an adult cabaret or a sexually-oriented business shall be
3 located within the boundaries of any municipality or within one
4 mile of any municipal boundary, Interstate highway, public or
5 private elementary or secondary school, or church, synagogue,
6 or other established place of worship, except if such business
7 is located within one mile of any municipal boundary,
8 Interstate highway, public or private elementary or secondary
9 school, or church, synagogue, or other established place of
10 worship, then the business may display a maximum of 2 exterior
11 signs on the premises of the business, consisting of one
12 identification sign and one sign solely giving notice that the
13 premises are off limits to minors. The identification sign
14 shall be no more than 40 square feet in size and shall include
15 no more than the following information: name, street address,
16 telephone number, and operating hours of the business.

17 Section 15. Grace period. Signs existing at the time of the
18 effective date of this Act and that do not conform to the
19 requirements of this Act may be allowed to continue in
20 non-conforming use, but should be made to conform within 3
21 years after the effective date of this Act.

22 Section 20. Penalty. Any owner of an adult cabaret or a
23 sexually-oriented business who violates any provision of this
24 Act is guilty of a Class C misdemeanor. Each day that a
25 violation of this Section continues to exist constitutes a
26 separate offense.

27 Section 25. Home rule; local ordinances.

28 (a) Except as provided in subsection (b), a home rule unit
29 may not regulate billboards or other exterior advertising signs
30 for adult cabarets or sexually-oriented businesses in a manner
31 that is less restrictive than this Act. This subsection is a
32 limitation under subsection (i) of Section 6 of Article VII of
33 the Illinois Constitution on the concurrent exercise by home

1 rule units of powers and functions exercised by the State.

2 (b) A unit of local government may, by ordinance adopted
3 after the effective date of this Act, allow billboards or other
4 exterior advertising signs within the jurisdiction of that unit
5 of local government that would otherwise be in violation of
6 this Act. Billboards or other exterior advertising signs in
7 compliance with such an ordinance are not in violation of this
8 Act.

9 Section 99. Effective date. This Act takes effect July 1,
10 2005.