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**VILLAGE OF MELROSE PARK  
COOK COUNTY, ILLINOIS**

**ORDINANCE NO. 1360**

**AN ORDINANCE AMENDING CHAPTER 5.08 OF THE VILLAGE  
OF MELROSE PARK MUNICIPAL CODE REGARDING THE  
CONSUMPTION OF ALCOHOLIC BEVERAGES AT ADULT  
ENTERTAINMENT ESTABLISHMENTS, FOR THE VILLAGE OF  
MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

**ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF MELROSE PARK**

**THIS 22<sup>ND</sup> DAY OF FEBRUARY 2010**

**RONALD M. SERPICO, Village President  
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

**Board Of Trustees**

**CATHLEEN COSSIDENT ITALIA  
ANTHONY J. PRIGNANO  
ARTURO J. MOTA  
MARY RAMIREZ TACONI  
JAIME ANGUIANO  
ANTHONY N. ABRUZZO**

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**Published by authority of the  
President and Board of Trustees  
Of the Village of Melrose Park,  
Cook County, Illinois on  
This 23<sup>RD</sup> day of FEBRUARY 2010**

**ORDINANCE NO. 1360**

**AN ORDINANCE AMENDING CHAPTER 5.08 OF THE VILLAGE OF MELROSE PARK MUNICIPAL CODE REGARDING THE CONSUMPTION OF ALCOHOLIC BEVERAGES AT ADULT ENTERTAINMENT ESTABLISHMENTS, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

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**WHEREAS**, the Village of Melrose Park, County of Cook, State of Illinois (the “Village”) is a duly organized and existing municipality and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; and

**WHEREAS**, the Village President (the “President”), the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, and the Board of Trustees of the Village (the “Village Board”), the Honorable Cathleen Cossident Italia, Anthony J. Prignano, Arturo J. Mota, Mary Ramirez Taconi, Jaime Anguiano and Anthony N. Abruzzo, having taken office on April 30, 2009, constitute the duly elected, qualified and acting officials of the Village; and

**WHEREAS**, pursuant to Section 11-42-10.2 of the Illinois Municipal Code (65 ILCS 5/11-42-10.2), the corporate authorities of municipalities with populations of less than seven hundred fifty thousand (750,000) may license or regulate any business: (i) that is operating as an adult entertainment facility; (ii) that permits the consumption of alcoholic liquor on the business premises; and (iii) that is not licensed under the Liquor Control Act of 1934 (235 ILCS 5/1-1, *et seq.*); and

**WHEREAS**, according to a study that assessed the adult entertainment industry in Texas, researchers have found data that links alcohol to the perpetration of sexual violence and an increased risk of being victimized and, although no known study has definitively linked alcohol, adult entertainment businesses and the perpetration of sexual violence, the correlation between sexual violence and alcohol and between prostitution and rape is generally accepted; and

**WHEREAS**, Illinois cases cite studies that suggest: (i) statistics show that sex-related crimes occur more often in neighborhoods where adult entertainment businesses are located; (ii) adult entertainment businesses have a negative impact on neighboring property values; (iii) consuming alcoholic beverages at adult entertainment establishments intensifies the harmful secondary effects of adult entertainment businesses on the community; (iv) adult entertainment businesses may spawn prostitution, assault and exploitation of young women; and (v) areas with more bars have higher crime rates for murder, rape, assault, robbery, burglary, grand theft and auto theft; and

**WHEREAS**, to protect individuals from the negative secondary effects of adult entertainment establishments, while simultaneously protecting individuals' First Amendment rights to patronize adult entertainment businesses, the President and the Village Board (collectively, the "Corporate Authorities") have determined that the Village of Melrose Park Municipal Code (the "Village Code") should be amended to prohibit adult entertainment establishments from allowing their customers to consume alcoholic liquor on their premises if the establishments are not properly licensed under the Liquor Control Act of 1934 and local law; and

**WHEREAS**, based on the foregoing studies and cases, the Corporate Authorities have determined that it is both advisable and in the best interests of the Village and its residents to

amend the Village Code to prohibit adult entertainment establishments from allowing their customers to consume alcoholic liquor on their premises if the establishments are not properly licensed under the Liquor Control Act of 1934 and local law; and

**WHEREAS**, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend Chapter 5.08 of the Village Code as set forth herein; and

**WHEREAS**, the enactment of this Ordinance directly pertains to and is in furtherance of the health, welfare and safety of the residents of the Village; and

**NOW, THEREFORE, BE IT ORDAINED** by the President and the Board of Trustees of the Village of Melrose Park, County of Cook, State of Illinois, as follows:

**ARTICLE I.  
IN GENERAL**

**Section 01. Incorporation Clause.**

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**Section 02. Purpose.**

The purpose of this Ordinance is to amend the Village Code to prohibit adult entertainment establishments from allowing their customers to consume alcoholic liquor on their premises if the establishments are not properly licensed under the Liquor Control Act of 1934 and local law.

**Section 03. Invocation of Authority.**

This Ordinance is enacted pursuant to the police powers and authority granted to the Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

**Section 04. State Law Adopted.**

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

**Sections 05 - 09. Reserved.**

**ARTICLE II.  
AMENDMENT TO CHAPTER 5.08**

**Section 10.00 Amendment to Chapter 5.08 of the Village of Melrose Park Municipal Code, "Adult Entertainment Businesses."**

Chapter 5.08 of the Village Code, titled "Adult Entertainment Businesses" is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Section 5.08.020, titled "Definitions," which Section shall be amended as follows (additions are underlined and deletions are struck through):

"Adult store" means any commercial establishment in which twenty-five percent (25%) or more of its stock-in-trade, books, magazines, and films for sale, exhibition or viewing on-premises are sexually explicit material; ~~(a) that contains one or more adult booths; (b) that as a substantial or significant portion of its business offers for sale, rental, or viewing any adult materials; or (c) that has a segment or section devoted to the sale or display of adult materials.~~

**Section 10.01 Amendment to Chapter 5.08 of the Village of Melrose Park Municipal Code, "Adult Entertainment Businesses."**

Chapter 5.08 of the Village Code, titled "Adult Entertainment Businesses" is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by adding Section 5.08.220, which Section shall read as follows (additions are underlined):

**Consumption of Alcoholic Beverages on Premises.**

No adult entertainment establishment licensed under this Chapter shall permit any employee, entertainer, patron or other individual to consume alcoholic liquor on its premises unless the establishment is licensed under the Liquor Control Act of 1934 and local law.

**Section 10.02 Other Actions Authorized.**

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith including, without limitation, the execution and delivery of any and all documentation required to be delivered in connection with this Ordinance.

**Sections 11.00 – 15.00 Reserved.**

**ARTICLE III.  
HEADINGS, SAVINGS CLAUSES,  
PUBLICATION, EFFECTIVE DATE**

**Section 16.00 Headings.**

The headings for the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

**Section 17.00 Severability.**

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, subparagraph, section or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, subparagraph, section or part shall be excluded and deemed inoperative, unenforceable and as though not provided for herein, and all

other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Village Board that this Ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, subparagraph, section or part thereof not been included.

**Section 18.00 Superseder.**

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

**Section 19.00 Publication.**

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

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**Section 20.00 Effective Date.**

This Ordinance shall be in full force and effect upon its passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board Of Trustees:

AYE VOTES: Trustee Italia, Trustee Mota, Trustee Taconi,  
Trustee Anguiano, Trustee Abruzzo

NAY VOTES:

ABSTAIN:

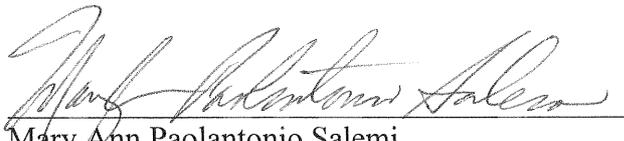
ABSENT: Trustee Prignano

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS TWENTY-SECOND DAY OF FEBRUARY, 2010, A.D.

APPROVED:

  
RONALD M. SERPICO  
VILLAGE PRESIDENT

ATTEST:

  
Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: February 22, 2010  
Published in Pamphlet Form: February 23, 2010