

**ORDINANCE NO. 2010-25**

AN ORDINANCE AMENDING CHAPTER 6, "ALCOHOLIC LIQUOR," OF THE MUNICIPAL CODE OF THE VILLAGE OF STICKNEY BY REVISING ARTICLE I, SECTION 6-10, AND ARTICLE III, SECTIONS 6-104 AND 6-108

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, A HOME RULE UNIT OF GOVERNMENT, AS FOLLOWS:

**WHEREAS**, the Village of Stickney (the "Village") is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Village regulates the sale of alcoholic liquor as well as the provision of entertainment by and in establishments licensed to sell alcoholic liquor; and

**WHEREAS**, the Village has determined that it is in the interest of the safety and welfare of Village residents to restrict certain dangerous and irresponsible activity within establishments licensed to sell alcoholic liquor and/or provide entertainment;

NOW THEREFORE BE IT ODRAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COUNTY OF COOK, ILLINOIS.

**Section 1. Recitals.** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section. Adoption.** Chapter 6, Articles I and III, Sections 6-10, 6-104, and 6-108 of the Municipal Code of the Village of Stickney shall be amended to read as follows:

**Sec. 6-10. Additional general conduct prohibited in licensed establishments.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Employee* means any agent, manager, employee, entertainer, barkeeper, host, hostess, waiter, waitress or other such person employed on any contractual basis by such an establishment, or receiving any remuneration for services in such an establishment.

*Licensed establishment* means any of those places of business which are issued liquor licenses from the liquor control commissioner of the village.

*Patron* means any patron, customer or visitor of a licensed establishment who is not employed by such establishment.

(b) *Enumeration of prohibited conduct.* No license, or any employee of a licensee shall:

(1) Permit the performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

(2) Permit the actual or simulated display of the breasts, buttocks, pubic hair, anus, vulva or genitals;

(3) Permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her breasts at or below the areola thereof, buttocks, genitals, vulva or anus;

(4) Permit the displaying of films or pictures depicting acts, a live performance of which are prohibited by the regulations quoted in this subsection (b);

(5) Permit any employee to remain on the premises of the licensed establishment who solicits, induces or requests a patron to purchase an alcoholic or nonalcoholic beverage for any employee, except where the patron and employee are related by blood or marriage;

(6) Permit or allow any form of entertainment which, when considered as a whole, would be considered obscene (i.e, predominantly appeals to prurient interests) as such term is defined by state law.

(7) Permit or allow any of the following: male or female striptease (regardless of whether all clothes are stripped off), lingerie or under-garment fashion shows, wet T-shirt contests, mud or jell-o wrestling or wrestling in any substance other than air, and any similar contest or performance.

(8) If any one or more of the provisions of this section is declared unconstitutional or the application thereof is held invalid, the validity of the remainder of this section and the application of such provisions to other persons and circumstances shall not be affected thereby.

(c) *Criminal or dangerous acts.* No licensee or any employee of a licensee shall cause, allow, permit, or suffer, anywhere on the licensed property (which shall include, by way of example, any attached parking lots owned by licensee), any act of assault or battery, or any other dangerous act, including but not limited to fighting, which tends to endanger the health or welfare of any patron, or which may or does in fact damage personal or public property. Any criminal or dangerous act, as outlined in this section, must be reported by the licensee or its agent or employee to the Village Police Department immediately.

#### **Sec. 6-104. Admissions tax.**

If the licensee charges an admission fee, cover charge, or any other fee to enter the premises or view the entertainment, the licensee shall pay the village a \$1.00 per person admissions tax. If the licensee charges an admission fee, cover charge, or other fee as set forth above for entrance

by any patron, then all patrons who enter or remain on the premises during the entertainment are deemed to have been admitted for an admission fee, cover charge, or other fee as set forth above, for purposes of the admissions tax set forth in this section.

To the extent that this section 6-104, which requires an admissions tax to be paid by holders of certain liquor licenses that provides entertainment for an admission fee, and section 10-103, which requires an admissions tax to be paid by any person within the village that provides entertainment for an admission fee, apply concurrently to an event, this section shall apply and section 10-103 shall NOT apply.

The tax provided for in this section shall be due and payable to the village on or before the 15th day of the month following any month during which the amusement is operated. The licensee or permittee shall supply, at the time of payment, a report showing the admission tickets issued and used on each day of operation for which the tax provided in this article is being paid. All payments and reports required in this article shall be delivered to the office of the village clerk.

### **Sec. 6-108. Violations.**

It shall be a violation of this article for a holder of a license or permit under this article:

(1) To provide any entertainment without maintaining an effective and valid entertainment license or temporary entertainment permit under this article.

(2) To allow or permit any minor to enter or remain in the licensed premises during the performance of any entertainment, unless the minor is accompanied by his parent or guardian.

~~(23)~~ To allow its liquor license or any other license or permit from the village or from the State of Illinois, necessary to conduct its business, to expire or to be revoked or suspended.

~~(34)~~ To operate its business in a way that violates any provision of this Code, or any statute of the State of Illinois, or to operate its business so as to constitute a nuisance or public health or safety hazard.

~~(45)~~ To permit or allow any form of entertainment which, when considered as a whole, would be considered obscene (i.e, predominantly appeals to prurient interests) as such term is defined by state law.

~~(56)~~ To permit or allow any of the following: male or female striptease (regardless of whether all clothes are stripped off), lingerie or under-garment fashion shows, wet T-shirt contests, mud or jell-o wrestling or wrestling in any substance other than air, and any similar contest or performance.

**Section 3. Home Rule.** This ordinance is enacted under the Home Rule powers of the Village as set forth in the Constitution and laws of the State of Illinois.

**Section 4. Effective Date.** This Ordinance shall be in full force and effect after its passage, approval and publication in the manner provided by law.

**Section 5. Conflicts.** This Ordinance supersedes all ordinances or parts of ordinances directly conflicting with the terms and provisions contained herein, but only to the extent of such conflict.

**Section 6. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 7. Certification and Publication.** The Village Clerk of the Village of Stickney shall certify to the adoption of this Ordinance and cause the same to be published in pamphlet form.

PASSED AND APPROVED at a regular meeting of the President and the Board of Trustees of the Village of Stickney, Illinois, this 21st day of December, 2010.

AYES: Trustees Lazansky, Mares, Morelli, Walik and Zeedyk

NAYS: \_\_\_\_\_

ABSENT: Trustee Schimel

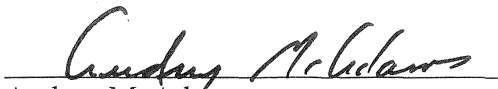
ABSTAIN: \_\_\_\_\_

APPROVED by me this 22nd day of December, 2010.



\_\_\_\_\_  
President Daniel A. O'Reilly of the Village  
of Stickney, Cook County, Illinois

ATTESTED, Filed in my office,  
and published in pamphlet form  
this 22nd day of December, 2010.



Audrey McAdams  
Clerk of the Village of Stickney, Cook County, Illinois