

ORDINANCE NUMBER 08 - 40

**ORDINANCE AMENDING TITLE XV, LAND USAGE,
CHAPTER 157, ZONING, SECTION 157.003,
RULES AND DEFINITIONS, SUBSECTION (B)**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the President and Board of Trustees of the Village of East Dundee having determined that it is in the best interests of the health, safety and welfare of the residents of the Village of East Dundee that Title XV, ZONING, Chapter 157, ZONING, Section 157.003(B) be amended.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. That Title XV, ZONING, Chapter 157, ZONING, Section 157.003(B) of the Village of East Dundee Code of Ordinances is hereby amended to include the following:

157.003 RULES AND DEFINITIONS.

(B) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT USES. Adult uses are defined to include:

a) ADULT BOOKSTORE. An establishment having, as a substantial portion of its stock in trade, books, magazines, films or videotapes for sale or viewing on the premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as such terms are defined in this section, or an establishment with a segment or section devoted to the sale or display of such material. Adult bookstores may alternatively or in conjunction with the above stock in trade sell undergarments and other clothing designed for the display of specified anatomical areas or for the enhancement of specified sexual activities. Further, an adult bookstore may alternatively or in conjunction with the above stock in trade sell prosthetic devices, dolls,

candles, vibrators and other objects for sexual gratification which take the form of specified anatomical areas and for the purpose of enhancing specified sexual activities.

b) **ADULT ENTERTAINMENT CABARET.** An establishment offering to its patrons, as entertainment, any exhibition or display or any theatrical or other live performances which include topless or go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, or any persons singing, reading, posing, modeling, or serving food or beverages, where the exhibition, performance, display or dance is intended to sexually arouse the entertainer or the patrons, or where the attire of persons involved is such as to expose specified anatomical areas, as defined in this section.

c) **ADULT MOTION PICTURE THEATER.** An enclosed building, regardless of its seating capacity, which is used to present for public view on the premises, films, movies, previews, trailers or advertisements which are distinguished by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section.

d) **ADULT USE.** Includes any store which sells any of the following items:

- 1) Marijuana or hashish pipes. A pipe characterized by a bowl which is so small that the primary purpose of which is the smoking of marijuana , rather than the lawful smoking of tobacco, and which may or may not be equipped with a screen.
- 2) Separation gins and sifters which may be used in removing twigs and seeds, or otherwise cleaning or refining marijuana.
- 3) Water pipes
- 4) Smoking and carburetion masks
- 5) Roach clips-meaning objects used to hold burning material such as marijuana cigarettes that have become too small or too short to hold in the hand.
- 6) Chamber pipes.
- 7) Bongos.
- 8) Ice pipes or chillers.
- 9) Electric pipes.
- 10) Air-drawn pipes.
- 11) Rolling papers
- 12) Any other device constituting drug paraphernalia as defined in the Drug Paraphernalia Control Act (720 ILCS 600/2 et. seq.)

Section Two. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the validity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Three. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Four. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 7th day of July, 2008 pursuant to a roll call vote as follows:

AYES: Ruffalo, Gorman, Carlini, Lynon, Cichowski,
Pres. O'Leary.

NAYES: _____

ABSENT: _____

Approved by me this 7th day of July, 2008.

Daniel O'Leary
DANIEL O'LEARY, President

Published in pamphlet form this 8th day of July, 2008, under the authority of the President and Board of Trustees.

ATTEST:

Susan Norton
SUSAN NORTON, Village Clerk

Recorded in the Village Records on July 8, 2008.

