

**DU PAGE COUNTY
AD HOC ADULT BUSINESS COMMITTEE
TUESDAY FEBRUARY 12, 2019 REGULAR MEETING
12:30 AM ROOM 3500B
421 NORTH COUNTY FARM ROAD
WHEATON, IL 60187 DUPAGE COUNTY**

ADULT BUSINESS INDEX OF EXHIBITS 2-12-19

GENERAL INFORMATION:

#01. A.1. 2-12-19 Exhibit List	
#01. A.2. 2-12-19 Hoss Memo on current ABU regulations	Summary of Current County AB regulations/codes
#01. A.3. 2-12-19 SAO Memo	Summary of Case law and Studies

LAW:

#01. <i>Village of Euclid, Ohio v. Ambler Realty Co., 272 U.S. 365 (1926)</i>	Landmark U.S. Supreme Court case that established the principle and practice of land-use zones provided that there was a showing of compelling government interest. Upholds government authority to regulate though zoning regulation.
#02. <i>Renton v. Playtime Theaters</i>	Holds that governments may impose regulations prohibiting adult business from operating within certain areas, finding that the regulation in question was a content-neutral time/place/manner restriction.
#03. <i>Young v. American Mini-Theaters, Inc.</i>	Held that City of Detroit had legal right to implement zoning regulation of adult businesses. This case marked the first judicial recognition of zoning laws, which can be used to zone adult businesses based on their harmful secondary effects (secondary effects doctrine).
#04. <i>City of L.A. v. Alameda Books, 535 U.S. 425</i>	Held that city ordinance that makes more than one adult entertainment business in the same premises illegal does not violate the First Amendment.
#05. <i>World Wide Video of Washington, Inc., v. City of Spokane, 2004</i>	Held the City of Spokane's ordinances regulating the location of adult-oriented retail businesses ("adult stores") are constitutional.
#06. <i>Fantasyland Video, Inc. v. County of San Diego, 2005</i>	Held that ordinance's hours-of-operation restriction.
#07. <i>City of Erie v. Paps, AM</i>	Held that preventing secondary effects is a sufficient reason to make a content neutral law.
#08. <i>Artistic Entertainment, Inc. v. City of Warner Robins</i>	Held that although nude dancing was entitled protection under the First Amendment as expressive content, Indiana did not infringe upon the First Amendment rights of the bars or the dancers by imposing certain restrictions.
#09. <i>Barnes v. Glen Theatre, 501 U.S. 560</i>	Held that Indiana's requirement that dancers wear at least pasties and G-strings is modest, and the bare minimum necessary to achieve the State's purpose and that the public indecency statute furthers a substantial government interest in protecting order and morality.
#10. <i>Buzdum v. Vill. of</i>	Held that city's ordinance's for hours of regulations is narrowly tailored and

<i>Germantown, 2007 U.S. Dist.</i>	that the ordinance leaves adequate avenues of communications (sites) for the operation of adult business. In addition the court held that the licensing provisions do not render the ordinance as an unconstitutional prior restraint
<i>#11. Wise Enters. v. Unified Gov't, 217 F.3d 1360</i>	Held that county's ordinance prohibiting nude dancing at establishments that serve alcohol satisfies the four-part <i>O'Brien</i> test. The zoning provision of the ordinance is constitutional under <i>Renton</i> . Therefore, the County's Adult Entertainment Ordinance does not violate Appellants' First Amendment rights.
<i>#12. Sammy's Ltd. v. City of Mobile, 140 F.3d 993</i>	Held that prohibition against nude dancing in establishments licensed to sell liquor is constitutional.
<i>#13. Schmitt's City Nightmare, LLC v. City of Fond Du Lac</i>	Held City's loitering ordinance and its adult oriented zoning code are constitutionally permissible regulations enacted under the city's lawful authority to protect the health, safety and welfare of the community.
<i>#14. Schultz v. City of Cumberland, 228 F.3d 831</i>	Held that certain provisions of the Ordinance are constitutional including prohibition on nudity within sexually oriented businesses and licensing provisions.

CASES HOLDING THAT REGULATIONS DID NOT WITHSTAND CONSTITUTIONAL MUSTER

<i>#15. R.V.S., L.L.C. v. City of Rockford, 361 F.3d 402</i>	Held that Rockford may not permissibly use its zoning power to regulate any type of clothed dancing.
<i>#16. Palmetto Properties, Inc. v. County of DuPage</i>	Held the DuPage Ordinance unconstitutional and enjoined the County from enforcing the zoning ordinance as the ordinance was an unconstitutional prior restraint on speech.

LICENSING PROGRAMS:

001.Dallas, Texas	
002.San Diego, California	

STUDIES:

<u>AGENCY</u>	REPORTS RELATIVE TO THE SECONDARY EFFECTS OF ADULT BUSINESS BUSINESS
<u>GENERAL STUDIES:</u>	
01.	The ABC'S of SOB's: Basic Legal Principals of SOB Regulation
02. State of Minnesota	Study: Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses
03. State of Ohio Study-SB-252 Study/Hearings	Study of Sexually Oriented Business from an insider's view
04. New York City, New York Study	Study on the impacts of Adult Business in New York City
05. Miami, Florida Study	Statistics, incidents reports over period of time in Miami related to adult business
06. Austin, Texas Study	Report on adult oriented businesses
07. El Paso, Texas Study	Report generally on negative secondary effects of adult business

08. Los Angeles, California Study	Effects of the concentration of adult entertainment establishments
09. Whittier, California Study	Staff Report Amendment to Zoning Regulations on Adult Businesses with Conditional Business
10. Mount Vernon, Washington Study	Adult Entertainment and Licensing Committee Report to the City of Mount Vernon
11. Marrison	Effects of Sexual Orientated Business on Society
12. Tucker	Preventing the Secondary Effects of Adult Entertainment Establishments: Is Zoning the Solution?
13. Martinez	The Potential Dangers of Sexually Orientated Business
14. Gosseler	Zoning, (and Other Regulations) of Adult Business
15. Minnesota Study	Attorney General for the State of Minnesota 1989
<u>SECONDARY EFFECT-CRIME:</u>	
16. McCleary	Crime Related Secondary Effects
17. McCleary	Rural Hotspots
18. McCord and Tewksbury	Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime- An Examination Using Spatial Analyses
19. Garden Grove, California Study	The Relationship Between Crime and Adult Business Operations On Garden Grove Blvd
20. Strafford	Regulating Adult Business -Zoning and First Amendment Limitations
21. Tucker	Preventing the Secondary Effects of Adult Business
<u>SECONDARY EFFECT: COMMUNICABLE DISEASE</u>	
22. Sherman	More than a dance, the production of sexual health risk in the exotic dance
23. Reuben et. al.	Correlates of Current Transactional Sex among a Sample of Female Exotic Dance
<u>SECONDARY EFFECT: PROPERTY VALUES</u>	
24. Bellevue, Washington Study	Planning Directors Memorandum: Regarding Location of Adult Entertainment Business. (1988)
25. El Paso Study	Effects of Adult Entertainment Businesses on Residential Neighborhoods
26. McCord	Using Location Quotients to Test for Negative Secondary Effects of Sexually Orientated Business
27. McCleary	Study Survey of Texas Appraisers
<u>SECONDARY EFFECT: VIOLENCE</u>	
28. Holsopple	Strip Clubs According to Strippers: Exposing Workplace Sexual Violence
<u>SECONDARY EFFECTS HUMAN TRAFFICKING</u>	
29. Chicago Alliance Against Sexual Exploitation	Know the Facts-Human Trafficking
30. Texas AG	Report to Texas State Legislator: Sexually Orientated Business on Human Trafficking
31. FBI REPORT/DuPage County Illinois	Incident Report from the FBI to DuPage County: Criminal Activity related to adult business
<u>DISSENTING STUDIES ON IMPACTS OF ADULT BUSINESS:</u>	
32. West Virginia University Study	Effects on Seattle property values
33. Linz	Critique of Adult Businesses Association with Crime