

Bond Case Briefs

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MUNICIPAL ORDINANCE - ILLINOIS

Foxxxy Ladyz Adult World, Inc. v. Village of Dix, Ill.

United States Court of Appeals, Seventh Circuit - March 10, 2015 - F.3d - 2015 WL 1020631

Owners of adult entertainment establishment brought action against village, challenging local ordinances that banned public nudity, open containers of alcohol in public, and possession of liquor in public accommodations. The United States District Court for the Southern District of Illinois granted village's motion to dismiss for failure to state claim. Owners appealed.

The Court of Appeals held that:

- Village was required to provide some evidence demonstrating causal relationship between its ban on public nudity and its proffered interests;
- Alcohol regulations did not violate Illinois Liquor Control Act (ILCA);
- Prohibition on possession of alcohol in public accommodations was authorized by Illinois Municipal Code;
- Ban on open containers of alcohol was authorized by Illinois Municipal Code;
- Alcohol regulations did not, on their face, target establishments where protected expressive conduct was likely to occur; and
- Village's asserted interests in enacting alcohol regulations were legitimate and reasonably related to regulations.

Village was required to provide some evidence demonstrating causal relationship between its ban on public nudity and its proffered interests, i.e., public health, safety, and welfare, in order for such interests to be considered important or substantial, as required for ban to be constitutional under First Amendment.