

CLERK'S OFFICE

APPROVED

Date: 12-16-03

IMMEDIATE RECONSIDERATION ANCHORAGE, ALASKA  
FAILED 12-16-03 AO NO. 2003-153

Submitted by: Assemblymembers

SULLIVAN, Traini, Kendall

Prepared by: Department of Assembly

For reading: November 4, 2003

**AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE  
MUNICIPAL CODE SECTION 10.40.50, ADULT-ORIENTED ESTABLISHMENT  
LICENSE, TO REQUIRE ADULT CABARETS BE LICENSED.**

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** Anchorage Municipal Code section 10.40.050 is hereby amended to read as follows:  
(Sections and subsections not affected are not set out.)

**10.40.050      Adult-oriented establishment license; physical layout of premises;  
conduct of business.**

A. Definitions. For the purpose of this section, the following words and phrases shall have the meanings indicated in this subsection:

*Adult-oriented establishment*, or *adult business*, shall include, but is not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture establishments, adult cabarets, physical culture studios, massage parlors, escort services, or similar type businesses where, by the nature of the business, minors under the age of 18 are denied entry, or businesses which are prohibited by law from having minors or unaccompanied minors on the premises for reasons other than the sale of liquor. [PROVIDED HOWEVER, THAT ADULT-ORIENTED ESTABLISHMENT, OR ADULT BUSINESS SHALL NOT INCLUDE A BUSINESS FOR WHICH MINORS ARE PERMITTED ON THE PREMISES, OR AN ADULT CABARET.] If a premises, whose primary business is overnight lodging, offers adult movies via a cable, closed circuit or pay per view system, in the absence of any other adult entertainment activities, the availability of such movies, does not render the business an adult-oriented establishment for the purposes of this section.

*Adult bookstore* means an establishment having as its stock in trade, for sale, rent, lease, inspection or viewing, books, films, videocassettes, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities, or specified anatomical areas, as defined in this section, and in conjunction therewith have facilities for the

1 presentation of adult-oriented films, movies or live performances, for observation.

2  
3 *Adult cabaret* means a cabaret which features topless dancers, strippers, male or  
4 female impersonators, or similar entertainers. An adult cabaret does not include an  
5 establishment licensed for sale of alcoholic beverages.  
6

7 *Adult entertainment* means any exhibition of any motion pictures, live performance,  
8 display or dance of any type, which has as its dominant theme, or is distinguished or  
9 characterized by an emphasis on, any actual or simulated specified sexual activities,  
10 or specified anatomical areas, as defined in this section.  
11

12 *Adult mini-motion picture theater* means an enclosed building with a capacity of less  
13 than 50 persons used for presenting material having as its dominant theme, or  
14 distinguished or characterized by an emphasis on, matters depicting, describing or  
15 relating to specified sexual activities, or specified anatomical areas, as defined in this  
16 section, for observation by patrons therein.  
17

18 *Adult motion picture theater* means an enclosed building with a capacity of 50 or  
19 more persons used for presenting material having as its dominant theme, or  
20 distinguished or characterized by an emphasis on, matters depicting, describing or  
21 relating to specified sexual activities, or specified anatomical areas, as defined in this  
22 section, for observation by patrons therein.  
23

24 *Escort service* means a person or business that furnishes, offers to furnish or  
25 advertises to furnish escorts for a fee, tip or other consideration or prohibits service  
26 to or entry onto their premises of minors under the age of 18. Escort service shall not  
27 include computerized or telephonic services which do not allow access to the  
28 premises by customers.  
29

30 *Operators* means any person, partnership or corporation operating, conducting,  
31 maintaining or owning any adult-oriented establishment.  
32

33 *Physical culture studio* or *massage parlor* means an establishment where minors are  
34 not allowed which:  
35

36 a.. Provides any of the following services for hire or compensation:  
37

- 38 1. Baths or bathing facilities;  
39  
40 2. Steamrooms, saunas or related facilities;  
41  
42 3. Modeling or modeling facilities;

4. Services involving the use of conditioning or exercise equipment;

5. Massage or related services; and

b. Does not have a license for the practice of a profession or vocation licensed or regulated under AS Title 8 or which provides services through persons acting as employees, independent contractors or otherwise who do not have a current license to provide such services pursuant to AS Title 8.

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B. License required; transfer of license.

1. Except as provided in subsection B.4 of this section, from and after May 1, 1994, no adult-oriented establishment shall be operated or maintained in the municipality without first obtaining a license to operate issued by the municipal clerk.

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(AO No. 88-37(S); AO No. 89-131)

**Section 2.** This ordinance shall become effective on January 1, 2004, upon approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 16<sup>th</sup> day of December, 2003.

  
Chair

ATTEST:

  
Municipal Clerk



**MUNICIPALITY OF ANCHORAGE**  
**ASSEMBLY MEMORANDUM**  
**AM NO.868-2003**

**Meeting Date:** November 4, 2003

**From:** Assemblymember Dan Sullivan  
**Subject:** **AO 2003-153— Amendment to AMC 10.40.050, Adult-Oriented Establishment License**

Adult-oriented establishments and activities associated with them have been documented to have secondary impacts affecting the quality of life in neighborhoods, such as increased crime rates, declining property values, disinvestment and decline in economic and pedestrian activity.

AMC 10.40.50 regulates such businesses through a licensing procedure, but within its definitions contains an exclusion for adult-oriented establishments known as an "*adult cabaret*," which feature "topless dancers, strippers, male or female impersonators, or similar entertainers." AO 2003-153 presents an amendment to the "definitions" of adult establishments to include adult cabarets and impose reasonable licensing requirements on such establishments in furtherance of the protection of the public's health, safety, and welfare.

It is recommended that AO 2003-153 be introduced and set for public hearing.

Respectfully submitted,

Dan Sullivan  
Assemblymember, Section 3

AO 2003-153