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Municipal Clerk

SL/EGJ/2005ORDINANCES/AO25

postpored indefinitely 9/27/05

Submitted by: Assemblymember **TRAINI Prepared by:** Department of Assembly

For reading: August 23, 2005

ANCHORAGE, ALASKA AO NO. 2005-116

MUNICIPAL COD SET A MINIMUI	OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE SECTION 10.40.050, ADULT-ORIENTED ESTABLISHMENT LICENSE, TO DISTANCE BETWEEN ADULT-ORIENTED ESTABLISHMENTS AND ISED AS BEVERAGE DISPENSARIES UNDER AS 04.11.					
THE ANCHORAG	E ASSEMBLY ORDAINS:					
Section 1: read as follows:	Anchorage Municipal Code subsection 10.40.050D, is hereby amended to					
10.40.050	Adult-oriented establishment license; physical layout of premises; conduct of business.					
D. Stand	lards for issuance of license.					
***	***					
2.	Location.					
	 a. The location for which the license is sought must meet the requirements of section 21.45.240 or comply with that section as an existing nonconforming use. Provided however, that any structural changes required to comply with the physical layout requirements of subsection J of this section shall not terminate an existing nonconforming use right. b. In addition to the requirements of subsection D.2.a. above, no adult- 					
	oriented establishment may be operated within 1,000 feet of any other adult- oriented establishment or within 1,000 feet of a beverage dispensary licensed under AS 04.11.					
Section 2: approval by the Ass	This ordinance shall become effective immediately upon passage and embly.					
PASSED A	ND APPROVED by the Anchorage Assembly thisday of 5.					
ATTEST:	Chair					

MUNICIPALITY OF ANCHORAGE Summary of Economic Effects -- General Government

AO Number: 2005-116

Title: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY REGARDING ADULT ORIENTED ESTABLISHMENTS. PH 2: 14

CLERKS UFFICE

Sponsor: Assemblymember Traini

Preparing Agency: Department of Assembly

Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:					(In Thousands of Dollars)					
	FY06		FY07		FY08		FY09		FY10	
Operating Expenditures 1000 Personal Services 2000 Non-Labor 3900 Contributions 4000 Debt Service TOTAL DIRECT COSTS:		***************************************		_	\$		<u> </u>		\$	w
	· ·									
Add: 6000 Charges from Others Less: 7000 Charges to Others										
FUNCTION COST:	\$		\$	m	\$	*	\$		\$	-
REVENUES:										
CAPITAL:										
POSITIONS: FT/PT and Temp							···			

PUBLIC SECTOR ECONOMIC EFFECTS:

There are no public sector economic effects anticipated.

PRIVATE SECTOR ECONOMIC EFFECTS:

The private sector will feel the brunt of the economic impact of this proposal though how substantial the impact will be is difficult to determine. One club owner has stated that she will simply have to close her business. If clubs employing underage dancers are forced to employ only women who are of age, the eighteen to twenty-one year old employees will suffer a loss of their livelihood. No information is available regarding the extent of that income.

Prepared by: Reviewed by:	Mike Gutierrez Barbara Gruenstein	Telephone: 343-4763 Telephone: 343-4312



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

NO. 611-2005

Meeting Date: August 23, 2005

From: Assemblymember Traini

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Subject: AO 2005-116 - Setting a Minimum Distance Between Adult-Oriented

Establishments and Premises Licensed as Beverage Dispensaries

Under AS 04.11.

Through their police powers, municipalities may regulate adult-oriented businesses to control where, when, and how they will locate and operate in order to eliminate their documented adverse secondary effects, such as illegal drug and alcohol use, underage employment and patronage, decreased property values, blight, littering, sexual assaults, prostitution, and other criminal activities. The purpose of setting minimum distances between adult establishments and between those establishments and licensed beverage dispensaries is to reduce the natural synergy that is often created by the co-location of adult-oriented businesses in compact urban areas. The congregation of such uses becomes a magnet for criminal activity, including prostitution, sexual assault, drug use, and robbery, which may not occur to the same extent if those businesses are dispersed and cannot mutually benefit from the presence of like uses in the same geographic area.

In 2003, the Anchorage Public Safety Advisory Commission held a hearing to review community concerns about under-21 nude dance clubs, and in the same year, Service High School PTA took up the matter in response to high school students working in strip clubs. Many young women lured into the lucrative world of stripping turn to prostitution and drugs, and end up with sexually transmitted diseases, unwanted pregnancies, drug habits, felony and misdemeanor convictions, incarceration. Other community councils and social service organizations have also supported increased regulations in accordance with obscenity laws and to protect youth.

Because the activities in adult businesses involve an element of expressive conduct, they are protected under the First Amendment. However, courts have long recognized the authority of local government to enact content-neutral ordinances imposing reasonable "time, place and manner" regulations on adult businesses. The courts have also recognized that alcohol and erotica are a harmful combination and legitimately regulated. AO 2005-116 imposes conditions designed to minimize adverse effects of adult businesses, but does not significantly restrict nor prohibit expressive conduct that is constitutionally protected.

Approval of AO 2005–116 is recommended.

Prepared by:

Susan Lutz, Research Analyst'

Concur:

Elvi Gray-Jackson, Director, Budget & Legislative Services

Respectfully submitted:

Dick Traini, Assemblymember