

Submitted By: Assembly Chair Fairclough,
Assembly Vice-Chair Coffey,
Assembly Members Traini and
Tesche
Assembly Member Ossiander

Prepared By: Dept. of Law
For Reading: September 27, 2005

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 10-11-05

ANCHORAGE, ALASKA
No. AO 2005-139

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 10.40.050,
2 REGARDING THE PREMISES AND LICENSING OF ADULT-ORIENTED
3 ESTABLISHMENTS.

4
5 THE ANCHORAGE ASSEMBLY ORDAINS:

6
7 **Section 1.** Anchorage Municipal Code section 10.40.050 is hereby amended as follows (*the*
8 *remainder of the section is not affected and therefore is not set out.*):

9
10 **10.40.050 Adult-oriented establishment license; physical layout of premises;**
11 **conduct of business.**

12
13 A. *Definitions.* For the purpose of this section, the following words and phrases shall
14 have the meanings indicated in this subsection:

15 *** **

16 *Specified sexual activities* means simulated or actual:

- 17
18
19 a. Showing of human genitals in a state of sexual stimulation or arousal.
20 b. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia,
21 sado-masochistic abuse, fellatio or cunnilingus.
22 c. Fondling or [EROTIC] touching of human genitals, pubic region, buttock,
23 anus or female breasts.
24 d. The intrusion of any object into the genital or anal opening regardless of
25 whether the act was consensual.
26 e. **A separation of a minimum of four (4) feet shall be maintained**
27 **between entertainers, dancers and/or strippers and patrons.**

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31 **D. Standards for issuance of license.**

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33 **1. To receive a license to operate an adult-oriented establishment, an**
34 **applicant must meet the following standards:**

35 **a. If the applicant is an individual:**

36 **(1) The applicant shall be at least 18 years of age.**

37 **(2) The applicant must have not been convicted of a**
38 **violation of this section or any of the offenses listed**

in subsection I.1.g. of this section within the two years immediately preceding the date of application.

b. If the applicant is a corporation:

(1) All officers, directors and stockholders required to be named under subsection C.2.d. of this section shall be at least 18 years of age.

(2) The applicant must have not been convicted of a violation of this section or any of the offenses listed in subsection I.1.g. of this section within the two years immediately preceding the date of application.

c. If the applicant is a partnership, joint venture or any other type of organization where two or more persons have a financial interest:

(1) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least 18 years of age.

(2) The applicant must have not been convicted of a violation of this section or any of the offenses listed in subsection I.1.g. of this section within the two years immediately preceding the date of application.

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H. *Renewal of license.*

3. If the municipal police department, **health and human services, or other departments are** [IS] aware of any information bearing on the operator's qualifications, or that of the applicant's employees, that information shall be filed in writing with the municipal clerk. Approval or clearance by the municipal police department is not a prerequisite to the issuance of a license under this chapter.

4. The Municipal Clerk may deny renewal of license or permit for any of the reasons identified in section 10.40.050.I.

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I. *Revocation of license.*

1. The municipal clerk may revoke or suspend a license or permit for any of the following reasons:

a. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

b. The operator violates any provision of subsection J. [1.B.2] or K.

1 of this section or any rule or regulation adopted pursuant to this
2 section.

3
4 c. The operator becomes ineligible to obtain a license or permit.

5
6 d. Any cost or fee required to be paid by this section is not paid.

7
8 e. Any intoxicating liquor or other alcoholic beverage is transported
9 onto the premises, or served or consumed on the premises of the
10 adult-oriented establishment by any person, where the licensee
11 knew or reasonably should have known.

12
13 f. Any person under the age of eighteen is permitted to enter or
14 remain upon the premises.

15
16 g [F]. Any of [THE LICENSEE, MANAGER OR DESIGNATED
17 REPRESENTATIVE, IS CONVICTED OF] the following offenses
18 are committed by any person at the location to which an adult
19 business license has been issued:

20
21 (1) Any of the offenses described in chapter 8.65 involving or
22 related to prostitution.

23 [INVOLVING ANY OF THE FOLLOWING OFFENSES
24 AS DESCRIBED IN CHAPTER 8 OF THE
25 ANCHORAGE MUNICIPAL CODE:

26 (A) ASSIGNATION FOR PROSTITUTION;

27 (B) PROSTITUTION;

28 (C) OFFERING TO SECURE ANOTHER FOR
29 PROSTITUTION;

30 (D) MAINTAINING A PLACE OF PROSTITUTION;

31 (E) OWNING OR LEASING A PLACE OF
32 PROSTITUTION;

33 (F) COERCING ANOTHER TO BECOME A
34 PROSTITUTE;

35 (G) VIOLATION OF SECTION 8.50.010 , RELATING
36 TO PROHIBITED PERFORMANCES AND
37 EXHIBITIONS TO MINORS;

38 (H) VIOLATION OF SECTION 8.50.020 , RELATING
39 TO DISSEMINATING INDECENT MATERIAL
40 TO MINORS; OR

41 (I) VIOLATION OF SECTION 8.50.040 , RELATING
42 TO SEXUAL EXPLOITATION OF MINORS.]

43
44 (2) Any of the offenses described in chapter 8.50 involving
45 sexual exhibition, dissemination of indecent material, or
46 sexual exploitation harmful to minors; or

47 [THE FACT THAT A CONVICTION IS BEING

APPEALED SHALL HAVE NO EFFECT ON THE
REVOCATION OF THE LICENSE.]

(3) Allowing any person on the premises to engage in any of
the specified sexual activities listed in 10.40.050A.

h [G]. Any of the reasons set forth in section 10.10.035.

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J. Physical condition of premises; sanitation requirements.

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3. Exterior.

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d. No adult entertainment shall be open to view from outside the
licensed premises, or broadcast to any site outside the licensed
premises. Permanent barriers shall be installed and maintained at
each entrance and exit to screen the interior of the premises from
public view. No exterior door or window shall be propped or kept
open at any time during hours of operation, and E]e]xterior
windows shall be covered with opaque covering at all times.

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(AO No. 93-157(S-6), § 1, 5-1-94; AO No. 94-145(S), § 1, 8-23-94; AO No. 2003-153, §
1, 1-1-04)

Cross references: Restrictions regarding location of places where minors are prohibited
from entering, § 21.45.240.

Section 2. This ordinance shall be effective immediately upon its passage and approval by the
Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 11th day of
October, 2005.

Anna L. Fairclough
Chair

ATTEST:

John E. Gruent
Municipal Clerk