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**CHAPTER 1**

**GENERAL LICENSING PROVISIONS**

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3-1-1: **STATUTORY AUTHORITY; PURPOSE:** The licensing of all wholesale and retail businesses within the city and the establishment of a license fee, uniform to all classes imposed, pursuant to the statutory authority vested in the city by Idaho Code section 50-307, is hereby declared to be justified and necessary for the purpose of protecting and providing services to residents of the city and the businesses and occupations doing business therein. (2025 Code)

3-1-2: **DEFINITIONS:** For the purposes of this chapter, the following words shall have the meanings indicated, unless the context clearly requires otherwise:

BUSINESS OR All activities, occupations, callings, trades,

OCCUPATION: pursuits or professions located or engaged

within the city with the object of gain, profit,   
 benefit or advantage. Each business location shall   
 be deemed a separate business, unless it is a   
 specific annex to the main location of the   
 business. This chapter is intended to regulate the   
 safety of the premises which a business occupies   
 and compliance with the city's land use and public health and safety ordinances. It is not   
 intended to regulate the practice of certain   
 professions which are otherwise regulated by state   
 or federal authorities. Examples of such   
 professions are the practice of medicine,   
 architecture, dentistry, etc.

ENGAGING IN Commencing, conducting or continuing in any BUSINESS: business or occupation, the exercise of corporate and franchise powers and the liquidating of a business where the liquidators hold themselves out to the public as conducting such business. Any person shall be deemed to be engaged in doing business when he does one act of:

A. Selling any goods or performing any services for compensation;

B. Soliciting business or offering or holding out goods or services for sale or hire;

C. Acquiring any premises, or using any vehicle for the purpose of delivery of any goods, either at wholesale or retail unless licensed under another section of this code. "Premises" means all lands, structures, places and equipment and appurtenances connected or used therewith in any business, and also any personal property, including any vehicle, which is either affixed to or is otherwise used in connection with any such business conducted on said premises.

YEAR: A calendar year. (2025 Code)

3-1-3: **FEE AMOUNT ESTABLISHED:** There is hereby established upon and shall be collected from every person engaged in doing any business or occupation within the city regulated hereby a license fee for the privilege of engaging in business. The license fee for less than six (6) months of any calendar year shall be prorated. License fees which remain unpaid in the month of February of each calendar year, or any month thereafter, shall be charged double the annual license fee provided hereby. Fee amounts shall be established by resolution of the city council. (2025 Code)

3-1-4: **EXEMPTIONS:** The provisions of this chapter shall   
 not apply to:

A. Persons qualifying as nonprofit or charitable businesses or occupations, including charitable activities, within the meaning of the United States internal revenue code. Possession of a certificate of tax exempt status from the internal revenue service shall be required to qualify for this exemption, except that the mayor and council may waive the license fee for bona fide charitable or civic groups within the city, including, but not necessarily limited to, private schools, churches, fraternal organizations and fraternal clubs or lodges, with respect to their educational, religious, or fraternal activities, but this exemption shall not apply to any noncharitable business activity for profit engaged in by such otherwise exempt organizations.

B. Any agency of the United States government, any state of   
 the United States, any political subdivision of the state   
 of Idaho, including, but not necessarily limited to,   
 counties, school districts, irrigation or sewer districts,   
 or fire districts. (2025 Code)

3-1-5: **ENGAGING IN BUSINESS WITHOUT LICENSE PROHIBITED; EXPIRATION:** No person shall engage in any business or activity in the city for which a license fee is established by this chapter, without first obtaining and being a holder of a valid business and occupation license issued under the provisions of this chapter. No license required hereby shall be deemed valid without paying the license fee imposed by this chapter, which license fee shall accompany the application for the license. Such license shall expire at the end of the calendar year in which it is issued. (2025 Code)

3-1-6: **APPLICATION:** The application for a license   
 shall be made to the city clerk-treasurer on a form provided by the city. The application shall set forth the name of the applicant, his residence, place of business, the nature of the business and the amount of the license fee prescribed by this chapter and shall be accompanied by a deposit of the license fee by the applicant. Every application shall be personally signed by the applicant or his legally authorized   
 agent. (2025 Code)

3-1-7: **INVESTIGATION:**

A. Investigation: The city may cause any applicant for a new business and occupation license to be investigated for compliance with the laws of the state and of the city. The aforesaid investigation may be conducted by law   
 enforcement, the fire marshal, the building official, or   
 their respective designee. If it appears that all   
 conditions requisite to the issuance of a license have been   
 substantially met and that no life safety hazards exist at   
 the premises, a license shall be issued. The license will   
 be conditional until such time that the applicant is in   
 total compliance with the applicable laws, including   
 building, fire, and life safety codes. Building and   
 occupational licenses issued pursuant to this chapter shall   
 be valid until the end of the final day of the calendar   
 year in which they are issued.

B. Failure To Comply; Revocation: If the licensee fails to comply with applicable laws within sixty (60) days after   
 the license is issued, the city may revoke the license and   
 shall notify the applicant of such decision.

C. Disclaimer: The city, by granting a city business license, does not warrant or affirm the safety of any business property. (2025 Code)

3-1-8: **APPEAL PROCEDURE:**

A. Notice Of Appeal; Council Consideration: Any applicant aggrieved by a license denial by the city may appeal such a decision to the city council by filing a written notice of appeal with the city within ten (10) days of such decision by the mayor. However, any applicant, if denied a license   
 by reason of the fire marshal, the building official, or   
 their designee, shall first exhaust all rights of appeal of   
 such decisions as otherwise provided by this code. The   
 mayor shall transmit said notice of appeal to the council,   
 which shall consider it at its next regular meeting. At   
 such a hearing, the applicant may appear and speak on his   
 own behalf explaining why the subject premises and/or   
 business complies with applicable laws.

B. Action Of Council: The council shall proceed to determine said appeal; and if it decides in favor of the applicant,   
 it shall pass a motion to that effect. If it decides   
 against the license applicant, it shall state its reasons   
 therefore on the record. The council may defer action upon   
 said appeal for not longer than five (5) weeks from the   
 date of the appeal hearing. (2025 Code)

3-1-9: **CONTENTS OF LICENSE:** Each license issued   
 hereunder shall state upon its face the following:

A. The name of the licensee and any other name under which business is to be conducted;

B. Type of principal business;

C. The name and address of each business so licensed;

D. The amount of license fee therefor;

E. The dates of issuance and expiration thereof;

F. Such other information as the city clerk-treasurer shall determine necessary. (2025 Code)

3-1-10: **DISPLAY OF LICENSE; OPERATION AFTER EXPIRATION OF LICENSE PROHIBITED; TRANSFER:** Every licensee, under this chapter, shall display such license in a prominent location upon the licensed premises. No person shall operate a business or occupation on premises which should be licensed pursuant to this chapter after the issued license has expired or when it has been denied, suspended, or revoked or for any other reason become ineffective. No licensee shall loan, sell, give, or assign to any other person or allow any other person to use or display, or to destroy, damage, or remove, or to have in his possession any license which has been issued to said licensee. No person shall operate a business or occupation which should be licensed pursuant to this chapter without first applying for and obtaining the license required hereby. (2025 Code)

3-1-11: **CHANGE IN LOCATION OR OWNER OF LICENSED BUSINESS:** Any change of owner or owners or location shall automatically void any existing license granted under this chapter and shall necessitate application and issuance of a new license. (2025 Code)

3-1-12: **MAILING OF APPLICATION FORMS; FAILURE TO FILE LICENSE APPLICATION:** The city may, but is not   
 required to, mail to persons forms for applications for licenses; but failure of any person to receive any such forms shall not excuse the person from making application for and securing the license required and payment of the license fee when and as due hereunder. If any person fails, neglects or refuses to file his application and to pay any fee as and when required herein, the city will determine the amount of fee payable and by mail to notify such person of the amount so determined. The amount so fixed shall thereupon be immediately due and payable, subject to the person's right to appear before the council and show cause why his enterprise should not be subject to licensure pursuant to this chapter. (2025 Code)

3-1-13: **LICENSE FEES:**

A. Date Payable: Each annual license fee herein provided shall become due and payable on January 1 of each calendar year   
 as to any business which must be licensed hereby.

B. Late Payment: Failure to pay any license fee within fifteen (15) days after the day upon which it is due and payable shall render the person subject to a penalty of ten dollars ($10.00) per licensed premises, in addition to other   
 charges or penalties as provided herein. Fee amounts may   
 be adjusted by resolution of the city council.

C. Collection: Any license fee, including penalties thereon, may be collected by inclusion with the utility charges submitted to the premises which should be licensed pursuant to this chapter. No civil action or judgment shall bar or prevent a criminal prosecution for violations of this chapter. (2025 Code)

3-1-14: **USE OF FUNDS:** All funds received by the city   
 under the terms of this chapter shall be paid into the general fund of the city to fund public safety related activities, i.e., street striping and signage, fire protection, etc., concerning the business community of the city. (2025 Code)

3-1-15: **OPERATION WITHOUT LICENSE; INJUNCTION:** The operation or conducting of any business or occupation for which a license is required by this chapter without having a valid license as provided herein is hereby declared to be a criminal violation. In addition to any other remedy provided by this chapter, the city may bring a civil action in any court of competent jurisdiction to obtain an order enjoining any person from operating or conducting any business or occupation in violation of this chapter. (2025 Code)

3-1-16: **MOBILE FOOD CONCESSIONS:**

A. Permit Required: The concessionaire must obtain a valid public health permit for the mobile food concession to be used prior to issuance of the city permit. All city permits shall be issued on a monthly calendar basis. Application   
 for such city permit shall be made on a form supplied by   
 the city clerk-treasurer twenty (20) days in advance of the issuance of such city permit. The city clerk-treasurer   
 shall charge ten dollars ($10.00) for each monthly mobile   
 food concession permit. Permits shall be renewed by the   
 first business day following the first day of each month,   
 or the permit shall immediately expire and a new permit   
 shall be required. Fee amounts shall be established by   
 resolution of the city council.

B. Trash And Garbage Disposal Container Required: Each mobile food concession unit must have attached thereto or to a   
 part thereof a trash and garbage disposal container capable   
 of holding all trash and garbage generated by the operation   
 of the concession. The container shall be emptied   
 periodically as necessary to ensure, at all times,

public access and use of the container. Each concessionaire   
 or their employees shall, at all times, keep their cart and   
 the immediate area (within 10 feet) free of litter, grease,   
 and other debris which results from their operation.

C. Location; Hours of Operation: Mobile food concessions may operate at approved locations only from sunrise until   
 sunset of each day, except those operating under a sports tournament permit. Mobile food concessions must be placed   
 on private property with sufficient parking space to ensure   
 That customers do not impede the flow of traffic on any   
 public right-of-way.

D. Use Of City Utilities or Property; Permission, Deposit Required: Mobile food concessionaires shall not use the   
 city utilities or property without written permission from   
 the city, and after providing a deposit to defray the costs thereof.

E. Fire Extinguisher Required: All mobile food concessions shall contain at least one functional fire extinguisher approved by the fire department.

F. Hold Harmless Agreement; Insurance Requirements: All mobile food concessionaires shall agree, in writing, to hold the city harmless from any injury or damage resulting from the operation of the concession on public property. Each such concessionaire shall possess comprehensive general   
 liability and automobile liability insurance as appropriate   
 in an amount at least equal to the amount required by the   
 Idaho tort claims act.

G. Operation Without Permit Prohibited: It shall be unlawful and a misdemeanor for mobile food concessions to operate without having been awarded a permit.

H. Consumption Prohibited: No sales by vendors shall be consumed on the traveled portion of any public street.

I. Issuance Of Permit: The city clerk-treasurer may issue a permit for the operation of a mobile food concession after receiving a properly completed application, accompanied by payment of the monthly permit charge and the public health permit as required; provided that all other requirements of this chapter have been complied with.

J. Separate Permit for Each Month Required: A separate permit shall be required for each month, or portion thereof, of operation and shall be issued by the city clerk-treasurer upon the applicant again complying with the provisions of this chapter.

K. Separate Application and Permit Required For Each Cart Or Device: A separate application and permit shall be required for each individual mobile food concession cart or like device.

L. Permanent Number Required: Each mobile food concession   
 shall be permanently numbered, and each city and public   
 health permit issued will be correspondingly numbered and   
 apply only to the respectively numbered cart or other like   
 device.

M. Display Of Permit: Each city and public health permit shall be continuously displayed in a conspicuous place on each mobile food concession.

N. Revocation: Any license for a mobile food concession issued pursuant to this section may be revoked by the mayor or   
 city council for violation of any law of the city, county,   
 state, or of the United States, applicable to the business   
 for which the license was issued. Such revocation must be preceded by notice, in writing, to the licensee from the city clerk-treasurer, informing the licensee that the mayor or city council has determined that the concession permit should be revoked, stating the reasons therefore. The licensee may then appear within ten (10) days before the mayor and show cause why the license should not be revoked. At such a hearing, which shall not extend beyond one hour   
 in length, the licensee may be represented by counsel, may testify personally, and may present evidence. Should the mayor determine that such a license should be revoked, he shall notify the licensee of his determination.

O. Violation; Penalty: A person who violates any provision of this section or operates any mobile concession business without having first obtained a license as herein provided shall be guilty of a misdemeanor. Each day that a violation of this chapter occurs shall be deemed a separate offense. This licensing provision may also be enforced by civil action initiated by the city in a court of competent jurisdiction. (2025 Code)

CHAPTER 2

**ALCOHOLIC BEVERAGES**

SECTION:

3-2-1: Alcoholic Beverages Code Adopted

3-2-2: Code Available to Public

3-2-3: City License Required

3-2-4: Licensing Requirements

3-2-5: License Denial; Appeal

3-2-6: License Categories; Fees

3-2-7: Open Containers of Alcoholic Beverages

3-2-8: License Revocation

3-2-9: Hours And Days of Sale

3-2-10: Penalty

3-2-1: **ALCOHOLIC BEVERAGES CODE ADOPTED:** The city   
 hereby adopts those parts of Idaho Code title 23, alcoholic beverages, including any future changes to title 23, which are applicable to and legally enforceable by a city government. (2025 Code)

3-2-2: **CODE AVAILABLE TO PUBLIC:** One copy of Idaho Code Title 23, alcoholic beverages, shall be kept on file by the city clerk-treasurer and shall be available to the public for examination upon demand. (2025 Code)

3-2-3: **CITY LICENSE REQUIRED:** It shall be lawful for   
 any person to engage in the retail sale of liquor, beer or wine within the corporate limits of the city only after first having procured an appropriate city license. (2025 Code)

3-2-4: **LICENSING REQUIREMENTS:**

A. Qualifications: Possession of a current license issued by the department of law enforcement of the state of Idaho and/or the board of county commissioners of Jefferson or Bonneville County, Idaho, shall be prima facie evidence of an applicant's qualification to receive and maintain a city license.

B. Application: Application for the initial issuance of, the renewal of, or the transfer of a city license shall be in writing on the application form(s) provided by the city clerk-treasurer and shall be signed and sworn to by the applicant in the presence of the city clerk-treasurer.

C. City Council Approval; Record of Proceedings:

1. The city clerk-treasurer shall process each application in a timely manner. The mayor and council shall examine and vote upon an application within forty (40) days following the submission of said application to the city clerk-treasurer.

2. In all cases where the council is considering applications for licenses, transfers or renewals thereof, a transcribed audio recording or verbatim record of the   
 proceedings shall be made. If the application for a   
 license, transfer or renewal is denied, a transcribed audio   
 recording or verbatim record of the proceedings shall be   
 kept for a period of not less than six (6) months after a   
 final decision has been rendered on the matter.

D. Issuance: Upon approval of an application by the council, the city clerk-treasurer shall, at the earliest convenience of the applicant, during normal city hall business hours, and upon payment by the applicant of the applicable fee, issue the approved license to said applicant. (2025 Code)

E. Licensing Period: The licensing period shall be from   
 October 1 to September 30. Whenever an initial license is   
 issued for the period date of issuance through September   
 30, then the fee shall be prorated by using the following   
 formula: Annual fee divided by three hundred sixty-five   
 (365), times the number of days remaining in the year from   
 the date of issuance of the license. In no case shall the   
 fee be for less than thirty (30) days. (2025 Code)

3-2-5: **LICENSE DENIAL; APPEAL:**

A. Justification For Denial Of Application: Whenever the council denies an application or fails to approve an application within forty (40) days from the date of receipt of said application by the city clerk-treasurer, the   
 council shall specify, in writing:

1. The statutes, ordinances, and standards used in evaluating the application.

2. The reasons for denial or delay.

3. The actions, if any, that the applicant could take   
 to obtain the license, transfer or renewal thereof.

B. Applicant's Recourse to Denial: An applicant denied a license, transfer or renewal thereof or aggrieved by a decision of the council pursuant to this chapter may,   
 within thirty (30) days, after all remedies have been   
 exhausted under city ordinances and procedures, seek   
 judicial review under the procedures provided in the Idaho   
 administrative procedure act. For the purposes of the Idaho   
 administrative procedure act, a city shall be construed to   
 mean an agency. (2025 Code)

3-2-6: **LICENSE CATEGORIES; FEES:**

A. Categories: The categories of retail licenses shall be:

1. Liquor and wine sold for on premises consumption by   
 the drink, and wine in an unopened container for off   
 premises consumption.

2. Beer for on premises consumption by the bottle, can or glass, and for off premises consumption by the bottle or can.

3. Beer for off-premises consumption by the bottle or can.

4. Wine for on-premises consumption by the drink.

5. Wine for off-premises consumption by the bottle.

6. Transfer of each existing license.

B. Fees: Fees shall be as provided by state law. No part of   
 any licensing fee shall, once paid in acceptance of a   
 license or transfer, be refundable. (2025 Code)

3-2-7: **OPEN CONTAINERS OF ALCOHOLIC BEVERAGES:**

A. Unlawful Acts: It shall be unlawful for any person to be in possession of an open container or receptacle containing beer, liquor, wine or any other consumable liquid   
 containing alcohol and/or to consume beer, liquor, wine or   
 any other consumable liquid containing alcohol within the   
 city limits except when:

1. The person is on private real property with the permission of the property owner, or

2. The person is inside of an establishment licensed to   
 sell beer, liquor or wine by the glass or drink, or

3. The substance containing alcohol is a medication either prescribed for that person by a medical doctor or is a patent medicine commonly sold over the counter without   
 prescription.

B. Penalty For Violation: Any person found to be guilty of violating this section shall be guilty of committing a misdemeanor offense and shall be punished pursuant to the laws of the state of Idaho. (2025 Code)

3-2-8: **LICENSE REVOCATION:** The mayor and council shall retain the right, at all times, to revoke and cancel any license issued under this chapter for just cause, giving notice to and allowing the licensee recourse in the manner as provided in section 3-2-5 of this chapter. (2025 Code)

3-2-9: **HOURS AND DAYS OF SALE:**

1. The hours and days during which establishments holding a   
    current city license to sell liquor by the drink, beer   
    and/or wine shall be from ten o'clock (10:00) A.M. until   
    one o'clock (1:00) A.M. the following day.

1. The Sunday hours during which establishments holding a

current city license to sell beer and/or wine by the drink   
 shall be from twelve o’clock (Noon)P.M. until nine o’clock   
 (9:00) P.M.; effective March 14, 2023.(2025 Code)

1. Beer and/or wine for off-premises consumption may be sold   
    between the hours of six o’clock (6:00) A.M. and one   
    o’clock (1:00) A.M. the following day; effective March 14,   
    2023. (2025 Code)

3-2-10: **PENALTY:** Any person convicted of a violation of this chapter shall be guilty of committing a misdemeanor and shall be punished in accordance with section 1-4-1 of this code. (2025 Code)

CHAPTER 3

**PEDDLERS AND SOLICITORS**

SECTION:

3-3-1: Applicability

3-3-2: Registration Required

3-3-3: Registration Fee

3-3-4: Nuisance Prohibited

3-3-1: **APPLICABILITY:** This chapter applies throughout the city. Every person soliciting door to door, unless exempt by state and federal law, is responsible for compliance with its terms. Fundraising activities for students from school districts recognized by the state of Idaho are exempt from these requirements. (2025 Code)

3-3-2: **REGISTRATION REQUIRED:** It is unlawful for any person to solicit door to door without first registering with the city, unless exempt by state or federal law. "Door to door solicitation" shall mean any unsolicited contact by a person with any person at a residence or dwelling in the city for the purpose of selling any product or service or soliciting orders for any product or service.

A. Required Information: Persons registering at the Ririe city hall must have and shall present current government issued photo identification and shall fill out a registration application to be provided by the city, which shall give   
 the following information:

1. Name and permanent home address of the applicant;

2. A brief description of the nature of the business   
 and the goods or services to be sold or provided,   
 including a copy of all information to be presented   
 to the resident;

3. The name and address of the person's employer, together   
 with an explanation of the exact relationship   
 between the person and the employer;

4. The length of time for which the door to door   
 solicitation will occur;

5. A statement as to whether or not the person has been convicted of any crime or violation of any municipal   
 ordinance, the nature of the offense and where the   
 offense was committed.

B. Term:

1. A new registration application shall be filed with the city every one hundred twenty (120) days for   
 solicitation of sales of the same product or service by   
 the same person. A new registration shall be required   
 when a person who has previously registered within the   
 last one hundred twenty (120) days desires to sell door   
 to door any products or services not listed on the   
 original registration application. (2025 Code)

3-3-3: **REGISTRATION FEE:** A registration fee in the amount set by the city council by resolution shall be tendered at the time of submitting a registration application. (2025 Code)

3-3-4: **NUISANCE PROHIBITED:**

A. No person, registered or not, shall solicit business at any home or business when such location has clearly posted any sign indicating that solicitation or peddling is prohibited as a nuisance.

B. No person, registered or not, shall continue with door-to-  
 door solicitation at any home or business when requested to leave by the owner, authorized agent of the owner, or any other person that resides or works on the premises. (2025 Code)

CHAPTER 4

**ADULT BUSINESSES**

SECTION:

3-4-1: Purpose and Intent

3-4-2: Definitions

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3-4-25: Prohibition of Live Adult Entertainment

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3-4-28: Criminal Penalties and Additional Legal, Equitable,   
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3-4-29: Immunity from Prosecution

3-4-30: Scope and Interpretation

3-4-1: **PURPOSE AND INTENT:** The purpose of this Chapter   
 is to regulate Sexually Oriented Businesses which sell, display, or distribute indecent materials, or which sponsor, exhibit or engage in conduct, which is indecent, but which is not obscene such as to be prohibited by state law. It is also the purpose and intent of this Chapter to regulate Sexually Oriented Businesses to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of Sexually Oriented Businesses within the City, thereby reducing or eliminating the adverse secondary effects from such Sexually Oriented Businesses. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the Chapter to condone or legitimize the distribution of obscene material. 2025 Code)

3-4-2: **DEFINITIONS:** Whenever the following terms are   
 used in this Code, they shall have the meanings ascribed below:

ADULT ARCADE: An establishment where, for any form of   
 consideration, one or more still or motion   
 picture projectors, slide projectors,   
 computers, or other similar image producing   
 machines, for viewing by five or fewer persons   
 each, are regularly used to show films, motion   
 pictures, video cassettes, DVD’s, CD-ROMs,   
 slides, computer-generated images, or other   
 photographic reproductions which are   
 characterized by the depiction or description   
 of "Specified Sexual Activities" or "Specified   
 Anatomical Areas.”

ADULT BOOKSTORE, A commercial establishment which has   
ADULT NOVELTY significant or substantial portion of its   
STORE, OR stock-in-trade or derives a significant or   
ADULT VIDEO substantial portion of its revenues or devotes   
STORE: a significant or substantial portion of its   
 interior business or advertising to the sale,   
 rental for any form of consideration, of any   
 one or more of the following:

A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, DVD’s, CD-ROMs, or other visual representations which are characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas";

B. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital   
organs or for sadomasochistic use or abuse of themselves or others.

C. An establishment may have other principal business purposes that do not involve the offering for sale rental or viewing of materials depicting or describing "Specified Sexual   
Activities" or "Specified Anatomical Areas,” and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "Specified   
Anatomical Areas” or "Specified Sexual Activities." For the purpose determining whether a significant or substantial portion of the stock in trade or revenues consist of or is   
derived from the sale of materials which depict or describe “Specified Sexual Activities” or “Specified Anatomical Areas,” the amount of such stock in trade or revenues shall be compared to the aggregate amount of revenues derived from the sale of all such materials sold or displayed and the revenues or amount of stock in trade derived from or consisting of all materials described in Section 3-4-2(A),   
subsections 2.a. and b. hereof, over a period of at least one month.

ADULT CABARET: A nightclub, bar, restaurant "bottle club,”   
 juice bar or similar commercial establishment,   
 whether or not alcoholic beverages are served,   
 which regularly features:

A. persons who appear nude or in a state of   
 nudity or semi-nude;

B. live performances which are characterized   
 by the exposure of "Specified Anatomical Areas"   
 or by "Specified Sexual Activities,” or (c)   
 films, motion pictures, video cassettes,   
 slides, or other photographic reproductions   
 which are characterized by the depiction or   
 description of "Specified Sexual Activities" or   
 "Specified Anatomical Areas.”

ADULT MOTEL: A motel, hotel or similar commercial   
 establishment which:

A. offers public accommodations, for any form   
 of consideration, which provides patrons with   
 closed-circuit television transmissions, films,   
 motion pictures, video cassettes, slides,   
 DVD’s, CD-ROMs, or other photographic   
 reproductions which are characterized by the   
 depiction or description of "Specified Sexual   
 Activities" or "Specified Anatomical Areas" and   
 which advertises the availability of this   
 sexually oriented type of material by means of   
 a sign visible from the public right-of-way,   
 or by means of any off-premises advertising   
 including but not limited to, newspapers,   
 magazines, pamphlets or leaflets, radio or   
 television, or

B. offers a sleeping room for rent for a   
 period of time less than ten (10) hours; or

C. for any form of consideration, allows a   
 tenant or occupant to sub-rent the sleeping   
 room for a time period of less than ten (10)   
 hours.

ADULT MOTION A commercial establishment where films, motion PICTURE THEATER: pictures, video cassettes, slides, DVD’s,   
 CD-ROMs, or similar photographic reproductions   
 which are characterized by the depiction or   
 description of "Specified Sexual Activities,"   
 or "Specified Anatomical Areas," are shown for   
 any form of consideration.

ADULT THEATER: A theater, concert hall, auditorium, or similar   
 commercial establishment which, for any form of   
 consideration, regularly features persons who   
 appear in a state of nudity or live   
 performances which are characterized by   
 exposure of "Specified Anatomical Areas," or by   
 "Specified Sexual Activities."

COUCH OR An employee of the establishment intentionally STRADDLE DANCE: touching or coming within ten (10) feet of any   
 patron while engaged in the display or exposure   
 of any "Specified Anatomical Area,” or any   
 "Specified Sexual Activity.”

EMPLOYEE: A person who works or performs in and/or for a   
 Sexually Oriented Business, regardless of   
 whether or not said person is paid a salary,   
 wage or other compensation by the operator of   
 said business.

ESCORT: A person who, for any form of consideration,   
 agrees or offers to act as a companion or date   
 for another person, or who agrees or offers to   
 privately model lingerie or to privately   
 perform a striptease for or dance with another   
 person.

ESCORT AGENCY: A person or business association who furnishes,   
 offers to furnish, or advertises to furnish   
 escorts as one of its primary business purposes   
 for a fee, tip, or other consideration.

ESTABLISHMENT: “Establishment" means and includes any of the   
 following:

A. The opening or commencement of any such   
 business as a new business;

B. The conversion of an existing business,   
 whether or not a Sexually Oriented Business, to   
 any of the Sexually Oriented Businesses defined   
 in this Chapter;

C. The addition of any of the Sexually   
 Oriented Businesses defined in this Chapter to   
 any other existing Sexually Oriented Business;   
 or:

D. The relocation of any such Sexually   
 Oriented Business.

LIVE ADULT Any exhibition, dance, or performance for ENTERTAINMENT: consideration by a person who appears nude or   
 semi-nude, or a performance which is   
 characterized by the exposure of "Specified   
 Anatomical Areas" or by "Specified Sexual   
 Activities,” including the performance of a   
 “Straddle” or “Couch” dance.

MASSAGE PARLOR: Any place where, for any form of consideration   
 or gratuity, massage, alcohol rub,   
 administration of fomentations, electric or   
 magnetic treatments, or any other treatment   
 manipulation of the human body which occurs as   
 part of or in connection with "Specified Sexual   
 Activities,” or where any person providing such   
 treatment, manipulation, or service related   
 thereto, exposes his or her "Specified   
 Anatomical Areas.” The definition of Sexually   
 Oriented Businesses shall not include the   
 practice of massage in any licensed hospital,   
 nor by any employee of a licensed hospital, nor   
 by a licensed physician, surgeon, chiropractor   
 or osteopath, massage therapist, nor by any   
 nurse or technician working under the   
 supervision of a licensed physician, surgeon,   
 chiropractor or osteopath, nor by trainers for   
 any amateur, semiprofessional or professional   
 athlete or athletic team or school athletic   
 program.

NUDE MODEL Any place where a person, who regularly appears STUDIO: in a state of nudity or displays "Specified   
 Anatomical Areas," is provided for money or any   
 form of consideration to be observed,   
 sketched, drawn, painted, sculptured,   
 photographed, or similarly depicted by other   
 persons.

NUDITY OR STATE The appearance of human bare buttock, anus, OF NUDITY: male genitals, female genitals, or the areola   
 or nipple of the female breast; or a state of   
 dress which fails to opaquely and fully cover a   
 human buttock, anus, male or female genitals,   
 pubic region or areola or nipple of the female   
 breast.

OPERATOR: The owner, permit holder, custodian, manager,   
 operator or person in charge of any permitted   
 or licensed premises.

PERMITTED OR Any premises that requires a license and/or LICENSED permit and that is classified as a Sexually PREMISES: Oriented Business.

PERMITTEE AND/OR A person in whose name a permit and/or license LICENSEE: to operate a Sexually Oriented Business has   
 been issued, as well as the individual listed   
 as an applicant on the application for a permit   
 and/or license.

PERSON: An individual, proprietorship, partnership,   
 corporation, association, or other legal   
 entity.

PUBLIC BUILDING: Any building owned, leased or held by the   
 United States, the state, the county, the city,   
 any special district, school district, or any   
 other agency or political subdivision of the   
 state or the United States, which building is   
 used for governmental purposes.

PUBLIC PARK Public land which has been designated for park   
 OR or recreational activities including but not RECREATION limited to a park, playground, nature trails, AREA: swimming pool, reservoir, athletic field,   
 basketball or tennis courts, pedestrian/bicycle   
 paths, open space, wilderness areas, or similar   
 public land within the city which is under the   
 control, operation, or management of the city   
 park and recreation authorities.

PUBLIC PLACE: All outdoor places owned by or open to the   
 general public, and all buildings and enclosed   
 places owned by or open to the general public,   
 including but not limited to places of   
 entertainment, taverns, restaurants, clubs,   
 theaters, dance halls, banquet halls, party   
 rooms or halls limited to specific members,   
 restricted to adults or to patrons invited to   
 attend, whether or not an admission is charged.   
 The term does not include private rooms used   
 primarily for residential purposes, hotel rooms   
 or other private places used for human   
 habitation or bona fide dressing rooms or   
 restrooms.

RELIGIOUS Any church, synagogue, mosque, temple or INSTITUTION: building which is used primarily for religious   
 worship and related religious activities.

RESIDENTIAL USE: A single-family dwelling, duplex, townhouse,   
 multiple family, or mobile park or subdivision   
 and campground or other use characterized by   
 its devotion to human habitation, excluding   
 hotels, motels, boarding establishments or   
 similar commercial establishments.

RESIDENTIAL Any district established by the Ririe Zoning DISTRICT: Ordinance which is characterized by residential   
 uses.

SCHOOL: Any public or private educational facility   
 including but not limited to child day care   
 facilities, nursery schools, preschools,   
 kindergartens, elementary schools, primary   
 schools, intermediate schools, junior high   
 schools, middle schools, high schools,   
 vocational schools, secondary schools,   
 continuation schools, special education   
 schools, junior colleges, and universities.   
 School includes the school grounds, but does   
 not include the facilities used primarily for   
 another purpose and only incidentally as a   
 school.

SEMI-NUDE: A state of dress in which clothing covers no   
 more than the genitals, pubic region, and   
 areolae of the female breast, as well as   
 portions of the body covered by supporting   
 straps or devices.

SEXUAL ENCOUNTER A business or commercial establishment, that as ESTABLISHMENT: one of its primary business purposes, offers   
 for any form of consideration, a place where   
 two or more persons may congregate, associate,   
 or consort for the purpose of "Specified Sexual   
 Activities" or the exposure of "Specified   
 Anatomical Areas" or activities when one or   
 more of the persons is in a state of nudity or   
 semi-nude. The definition of Sexually Oriented   
 Businesses shall not include an establishment   
 where a medical practitioner, psychologist,   
 psychiatrist, or similar professional person   
 licensed by the state engages in medically   
 approved and recognized sexual therapy.

SEXUALLY An adult arcade, adult bookstore, adult ORIENTED cabaret, adult motel, adult motion picture BUSINESS: theater, adult novelty shop, adult theater,   
 adult video store, escort agency, massage   
 parlor, nude model studio, or sexual encounter   
 establishment.

SIGNIFICANT OR At least twenty-five percent (25%). SUBSTANTIAL:

SPECIFIED Any sexual crimes against children, sexual CRIMINAL abuse, rape or crimes connected with another ACT; Sexually Oriented Business including but not   
 limited to distribution of obscenity or   
 material harmful to minors, prostitution,   
 pandering, or tax violations.

SPECIFIED "Specified Anatomical Areas,” as used in this ANATOMICAL AREAS: Chapter means and includes any of the   
 following:

A. Less than completely and opaquely covered   
 human genitals, pubic region, anus, or female   
 breasts below a point immediately above the top   
 of the areolae; or

B. Human male genitals in a discernibly turgid   
 state, even if completely and opaquely covered.

SPECIFIED SEXUAL "Specified Sexual Activities," as used in this ACTIVITIES: Chapter, means and includes any of the   
 following:

A. The fondling or other intentional touching   
 of human genitals, pubic region, buttocks,   
 anus, or female breasts for any purpose other   
 than for medical or therapeutic purposes by a   
 licensed medical practitioner.

B. Sex acts, normal or perverted, actual or   
 simulated, including intercourse, oral   
 copulation, or sodomy;

C. Masturbation, actual or simulated; or

D. Human genitals in a state of sexual   
 Stimulation, arousal or tumescence;

E. Excretory functions as part of or in   
 connection with any of the activities set   
 forth in subdivisions (A) through (D) of   
 this Chapter.

SUBSTANTIAL An increase in the floor areas occupied by the ENLARGEMENT business by more than fifteen percent (15%) OF A SEXUALLY as the floor areas exist on the effective ORIENTED date of the Ordinance adopting this Chapter BUSINESS: Chapter.

TRANSFER OF Means and includes any of the following: OWNERSHIP OR CONTROL A. The sale, lease or sublease of the OF A SEXUALLY business; ORIENTED BUSINESS: B. The transfer of securities which constitute   
 a controlling interest in the business, whether   
 by sale, exchange or similar means;

C. The establishment of a trust, gift or other   
 similar legal devise which transfers ownership   
 or control of the business, except for transfer   
 by bequest or other operation of law upon the   
 death of a person possessing the ownership or   
 control. (2025 Code)

3-4-3: **ESTABLISHMENT AND CLASSIFICATION OF BUSINESSES:**

A. The establishment and operation of a Sexually Oriented   
 Business shall be permitted only in the Industrial zone, and   
 shall be subject to the restrictions set forth in this

Chapter. In particular, the issuance of a license shall not   
 be construed to allow any person or establishment to engage   
 in conduct otherwise expressly prohibited under Sections   
 3-4-24 and 3-4-25 of this Chapter.

B. No person shall cause or permit the establishment of a   
 Sexually Oriented Business within 1,000 feet of another   
 such business or within 2,500 feet of any religious   
 institution,   
 school, boys' club, girls' club, or similar existing youth   
 organization, or public park or public building, or within   
 2,500 feet of any property zoned for residential use or used   
 for residential purposes.

C. Notwithstanding the distance requirements of subsection (B)   
 above, the location of Sexually Oriented Businesses within   
 retail shopping centers in such zones is permitted where   
 such activities will have their only frontage upon enclosed   
 malls or malls isolated from direct view from public   
 streets, parks, schools, religious institutions, boys'   
 clubs, girls' clubs, or similar existing youth organization,   
 public buildings or residential districts or uses.(2025   
 Code)

3-4-4: **MEASUREMENT OF DISTANCE:** As regarding Section   
 3-4-3, paragraph (B), distance between any two Sexually Oriented Businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any Sexually Oriented Business and any religious institution,

public or private elementary or secondary school, boys club, girls club, or similar existing youth organization, or public park or public building or any properties zoned for residential use or used for residential purposes shall also be measured in a straight line, without regard to intervening structures or objects from the nearest point of the property line of the premises where the Sexually Oriented Business is conducted, to the nearest point of the property line of the premises of a religious institution, public or private elementary or secondary school, boys club, girls club, or similar existing youth organization, or public park or public building or any properties zoned for residential use or used for residential purposes. (2025 Code)

3-4-5: **LOCATION OF SEXUALLY ORIENTED BUSINESSES:**   
 Sexually Oriented Businesses shall be permitted only in the Industrial zone and shall otherwise be subject to the provisions of the Zoning Ordinance applicable to such zones, together with the provisions of this Chapter. In the event of any conflict between the Zoning Ordinance and this Chapter, then the provisions of this Chapter shall control. Permits for Sexually Oriented Businesses shall be required and governed by the procedures and policies specified in Section 3-4-9 of this Chapter. In addition, any person who owns, operates or controls a Sexually Oriented Business shall be subject to the following restrictions:

A. The person commits a misdemeanor if he operates or causes to   
 be operated a Sexually Oriented Business except as provided   
 in Section 3-4-3 of this Chapter.

B. The person commits a misdemeanor if he operates or causes to   
 be operated a Sexually Oriented Business within 2,500 feet   
 of:

1. any religious institution;

2. any school;

3. the boundary of any residential zone;

4. a public park adjacent to any   
 residential zone;

5. a property line of a lot devoted to   
 residential use; or

6. a boy’s club, girls club, or similar existing   
youth organization, except as provided in Section 3-4-3(C).

C. A person commits a misdemeanor if he operates or causes to   
 be operated a Sexually Oriented Business within 1,000 feet   
 of another such business, which will include, any adult   
 arcade, adult book store, adult video store, adult cabaret,   
 adult motel, adult motion picture theater, adult theater,   
 massage parlor or any sexual encounter establishment, except   
 as provided in Section 3-4-3(C).

D. A person commits a misdemeanor if he causes or permits the   
 operation, establishment, or maintenance of more than one   
 Sexually Oriented Business within the same building,   
 structure, or portion thereof, except as provided in Section   
 3-4-3(C), or causes the substantial enlargement of any   
 Sexually Oriented Business in any building, structure or   
 portion thereof containing another Sexually Oriented   
 Business.

E. It is a defense to prosecution under this section if a   
 person appearing in a state of nudity or semi-nudity did so   
 in a modeling class operated:

1. by a proprietary school, licensed by the State of   
 Idaho; a college, junior college, or university   
 supported entirely or partly by taxation;

2. by a private college or university which maintains   
 and operates educational programs in which credits   
 are transferable to a college, junior college, or   
 university supported entirely or partly by   
 taxation; or

3. in a structure:

a. which has no sign visible from the exterior   
 of the structure and no other advertising that   
 indicates a nude person is available for   
 viewing; and

b. where, to participate in a class a   
 student must enroll at least three (3) days in   
 advance of the class; and

c. where no more than one nude model is on the   
 premises at any one time. (2025 Code)

3-4-6: **REGULATIONS GOVERNING EXISTING SEXUALLY ORIENTED   
 BUSINESSES:**

A. Any Sexually Oriented Business in operation on the effective   
 date of the Ordinance adopting this Chapter, whose operation   
 at a location is prohibited by this Chapter, shall be deemed   
 to be a non-conforming use. Subject to the provisions of   
 Article III of the Zoning Ordinance, such non-conforming use   
 may be continued at such location notwithstanding the   
 provisions of this Chapter. Such business shall be   
 considered to be in operation on the effective date of this   
 Chapter if the business has been in continuous operation for   
 a period of at least thirty (30) days prior to the date of   
 the first reading of the Ordinance adopting this Chapter or   
 has expended at least $1,000 for construction of   
 improvements to any building or structure occupied by such   
 business prior to such date. Such non-conforming uses shall   
 not be increased, enlarged, extended or altered except that   
 the use may be changed to a conforming use. If two (2) or   
 more Sexually Oriented Businesses are within 1,000 feet of   
 one another and otherwise in a permissible location, the   
 Sexually Oriented Business which was first established and   
 continually operating at the particular location is the   
 conforming use and the later established business(es) is   
 non-conforming, except as provided in Section 3-4-3(C).

B. A Sexually Oriented Business lawfully operating as   
 conforming use is not rendered a non-conforming use by the   
 location, subsequent to the grant or renewal of a Sexually   
 Oriented Business permit and/or license, of a church, public   
 or private elementary or secondary school, public park,   
 public building, residential district, or residential lot   
 within 2,500 feet of the Sexually Oriented Business. This   
 provision applies only to the renewal of a valid permit   
 and/or license and does not apply when an application for a   
 permit and/or license is submitted after a permit and/or   
 license has expired or has been revoked.

C. Any establishment subject to the provision of this section   
 shall apply for the permit provided for by Section 3-4-10   
 within thirty (30) days of the effective date of the   
 Ordinance adopting this Chapter. Any establishment, existing   
 prior to such effective date, shall comply with the   
 regulations pertaining to Sections 3-4-20 and 3-4-22 within   
 sixty (60) days of such effective date, and all other   
 applicable permit regulations within thirty (30) days of the   
 effective date. (2025 Code)

3-4-7: **INJUNCTION:** A person who operates or causes to be   
 operated a Sexually Oriented Business without having a valid permit due to locational restrictions is subject to a suit for injunction as well as prosecution for the criminal violation. Such violation shall be punishable by a fine in an amount set from time to time by Resolution of Council, and/or thirty (30) days imprisonment, and if an injunction must be sought, attorney’s fees and costs may be assessed by the Court against the Sexually Oriented Business. (2025 Code)

3-4-8: **SEXUALLY ORIENTED BUSINESS PERMIT: PURPOSE AND   
 INTENT:** It is the purpose of this Chapter to regulate Sexually Oriented Businesses to promote the health, safety, morals and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent deleterious effects of Sexually Oriented Businesses within the City. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent, nor effect of this Chapter, to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this Chapter to in any way condone or legitimize the distribution of obscene or harmful to minors' material.(2025 Code)

3-4-9: **PERMIT REQUIRED:**

A. No Sexually Oriented Business shall be permitted to operate   
 without a valid Sexually Oriented Business permit issued by   
 the City for the business. It shall be unlawful and a person   
 commits a misdemeanor if he/she operates or causes to be   
 operated a Sexually Oriented Business without said permit.

B. The City Planning and Zoning Administrator or his/her   
 designee is responsible for granting, denying, revoking,   
 renewing, suspending, and canceling Sexually Oriented   
 Business permits for proposed or existing Sexually Oriented   
 Businesses. The City Planning and Zoning Administrator or   
 his/her designee is also responsible for ascertaining   
 whether a proposed Sexually Oriented Business for which a   
 permit is being applied for complies with all locational   
 requirements of Sections 3-4-3, 3-4-5, and 3-4-6 of this   
 Chapter, all applicable zoning laws and/or regulations now   
 in effect or as amended or enacted subsequent to the   
 effective date of the Ordinance adopting this Chapter and   
 the City Comprehensive Plan.

C. The Jefferson County Sheriff’s Department shall be   
 responsible for enforcing all other provisions of this   
 Chapter. The Jefferson County Sheriff’s Department shall,   
 upon request from the City Planning and Zoning   
 Administrator, provide information on whether an applicant   
 has been convicted of a Specified Criminal Act during the   
 time period set forth.

D. The City Planning and Zoning Administrator and the Jefferson   
 County Sheriff’s Department shall be jointly responsible for   
 inspecting a proposed, permitted or non-permitted Sexually   
 Oriented Business to ascertain whether it is in   
 compliance with this Chapter.

E. An application for a permit must be made on a form provided   
 by the City. Any person desiring to operate a Sexually   
 Oriented Business shall file with the City Clerk an original   
 and two (2) copies of a sworn permit application on the   
 standard application form supplied by the City or designee.   
 The completed application shall contain the following   
 information and shall be accompanied by the following   
 documents:

1. If the applicant is:

a. an individual, the individual shall state his/her   
 legal name and any aliases and submit satisfactory   
 proof that he/she is eighteen (18) years of age;

b. a partnership, the partnership shall state its   
 complete name, and the names of all partners, whether   
 the partnership is general or limited, and a copy of   
 the partnership agreement, if any;

c. a corporation, the corporation shall state its   
 complete name, the date of its incorporation, evidence   
 that the corporation is in good standing under the   
 laws of Idaho the names and capacity of all officers,   
 directors and principal stockholders, and the name of   
 the registered corporate agent and the address of the   
 registered office for service of process.

2. If the applicant intends to operate the Sexually Oriented Business under a name other than that of the applicant; he must state

a. the Sexually Oriented Business's fictitious name   
 and

b. submit documents evidencing compliance with   
 Chapter 5, Title 53, Idaho Code.

3. Whether the applicant or any of the other individuals   
 listed pursuant to Section 3-4-9 of this Chapter has,   
 within the two (2) or five (5) year period as specified in   
 Section 3-4-11 immediately preceding the date of the   
 application, been convicted of a Specified Criminal Act,   
 and, if so, the Specified Criminal Act involved, the date   
 of conviction, and the place of conviction.

4. Whether the applicant or any of the other individuals   
 listed pursuant to Section 3-4-9(F) of this Chapter has had   
 a previous permit under this Chapter or other similar   
 Sexually Oriented Business ordinances from another city or   
 county denied, suspended or revoked, including the name and   
 location of the Sexually Oriented Business for which the   
 permit was denied, suspended or revoked, as well as the   
 date of the denial, suspension or revocation, and whether   
 the applicant or any other individuals listed pursuant to   
 Section 3-4-9(F) has been a partner in a partnership or an   
 officer, director or principal stockholder of a corporation   
 that is permitted under this Chapter whose permit has   
 previously been denied, suspended or revoked, including the   
 name and location of the Sexually Oriented Business for   
 which the permit was denied, suspended or revoked as well   
 as the date of denial, suspension or revocation.

5. Whether the applicant or any other individual listed   
 pursuant to Section 3-4-9(F) holds any other permits and/or   
 licenses under this Chapter or other similar Sexually   
 Oriented Business ordinance from another city or county   
 and, if so, the names and locations of such other permitted   
 businesses.

6. The single classification of permit for which the   
 applicant is filing.

7. The location of the proposed Sexually Oriented   
 Business, including a legal description of the property,   
 street address, and telephone number(s), if any.

8. The mailing addresses and residential addresses of the   
 applicant and each partner, member, officer, director and   
 shareholder listed in Section 3-4-9(F) hereof.

9. A recent photograph of the applicant(s) or its manager, partner, member or president.

10. The driver's permit number, Social Security number,   
 and/or State or federally issued tax identification number   
 of the applicant or its manager, partner, member or   
 president.

11. A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

12. A current certificate and straight-line drawing   
prepared within thirty (30) days prior to application by an Idaho registered land surveyor depicting the property lines and the structures containing any established existing uses regulated by this Chapter within 2,500 feet of the property to be certified; the property lines of any established   
religious institution/synagogue, school, or public park or recreation area within 2,500 feet of the property to be certified; and the property lines of any residentially zoned area or residential property within 2,500 feet of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in   
existence at the time an application is submitted. Sexually Oriented Businesses allowed under Section 3-4-3(C) of this Chapter are excepted from this requirement.

( 13. If a person who wishes to operate a Sexually Oriented Business is an individual, he/she must sign the application for a permit as applicant. If a person who wishes to operate a Sexually Oriented Business is other than an individual, each individual who has a ten percent (10%) or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a Sexually Oriented Business or as the entity which wishes to operate such a business, each individual having a ten percent (10%) or greater interest in the corporation must sign the application for a permit as applicant.

( a. If a person wishes to operate a Sexually Oriented   
 Business which shall exhibit on the premises films,   
 video cassettes, DVD’s, CD ROMs, or other video   
 reproductions which depict Specified Sexual Activities   
 or Specified Anatomical Areas, then said person shall   
 comply with the application requirements stated at   
 Section 3-4-20 et. seq. of this Chapter.

F. To determine the suitability of prospective applicants for a   
 license, the Sheriff shall require a first-time applicant to   
 provide information and fingerprints necessary to obtain   
 criminal history information from the Idaho State Police and   
 the Federal Bureau of Investigation. Pursuant to Section   
 67-3008, Idaho Code, and congressional enactment Public Law   
 Section 92-544, the Sheriff shall submit a set of   
 fingerprints obtained from the applicant and the required   
 fees to the Idaho State Police, Bureau of Criminal   
 Identification, for criminal records check of state and   
 national databases. The submission of fingerprints and   
 information required by this section shall be on forms   
 prescribed by the Idaho State Police. The Sheriff is   
 authorized to receive criminal history information from the   
 Idaho State Police and from the Federal Bureau of   
 Investigation for the purpose of evaluating the fitness of   
 applicants for a license under this section. As required by   
 state and federal law, further dissemination of other use of   
 the criminal history information is prohibited.   
 Fingerprinting shall not be required for a license renewal,   
 unless fingerprints and criminal background check have not   
 been previously obtained or performed for the applicant. For   
 the purposes of this subsection, fingerprints shall also be   
 taken of all individuals required to be listed pursuant to   
 subsection E (14) of the preceding subsection.

G. Applicants for a permit under this section shall have a   
 continuing duty to promptly supplement application   
 information required by this section in the event said   
 information changes in any way from what is stated on the   
 application. The failure to comply with said continuing duty   
 within thirty (30) days from the date of such change, by   
 supplementing the application on file with the City Clerk or   
 his/her designee, shall be grounds for suspension of a   
 permit.

H. In the event that the City Clerk or his/her designee   
 determines or learns at any time that the applicant has   
 improperly completed the application for a proposed Sexually   
 Oriented Business, he/she shall promptly notify the   
 applicant of such fact and allow the applicant ten (10) days   
 to properly complete the application. The time period for   
 granting or denying a permit shall be stayed during the   
 period in which the applicant is expressly allowed an   
 opportunity to properly complete the application.

I. The applicant must be qualified according to the provisions   
 of this Chapter and the premises must be inspected and found   
 to be in compliance with all federal, state or City health,   
 fire and building codes and laws.

J. The applicant shall be required to pay a non-refundable   
 application fee at the time of filing an application under   
 this Chapter in an amount set from time to time by   
 Resolution of the Council.

K. Prior to obtaining any permit or license to operate any   
 Sexually Oriented Business defined in this Chapter, and as   
 part of any application for a permit under this section, the   
 applicant shall obtain from the City Planning and Zoning   
 Administrator, or his or her designee, a certification that   
 the proposed location of such business complies with the   
 locational requirements of Sections 3-4-5 and 3-4-6 of this   
 Chapter.

L. The fact that a person possesses other types of State or   
 City permits and/or licenses does not exempt the applicant   
 from the requirement of obtaining a Sexually Oriented   
 Business permit.

M. By applying for a permit under this Chapter, the applicant   
 shall be deemed to have consented to the provisions of this   
 Chapter and to the exercise by the City Planning and Zoning   
 Administrator or his/her designee, the Jefferson County   
 Sheriff’s Department and all other City agencies charged   
 with enforcing the laws, ordinances and codes applicable in   
 the City of their respective responsibilities under this   
 Chapter.

N. The applicant shall be required to provide the City with the   
 names of any and all employees who are required to be   
 licensed pursuant to Section 3-4-19 of this Chapter. This   
 shall be a continuing requirement even after a permit is   
 granted or renewed. (2025 Code)

3-4-10: **INVESTIGATION AND APPLICATION:**

A. Upon receipt of an application properly filed with the City   
 Clerk and upon payment of the non-refundable application   
 fee, the City Clerk or his/her designee, shall immediately   
 stamp the application as received and shall immediately   
 thereafter send photocopies of the application to the   
 Jefferson County Sheriff’s Department and any other City   
 departments or agencies responsible for enforcement of   
 health, fire and building codes and laws. Each department or   
 agency shall promptly conduct an investigation of the   
 applicant, application and the proposed Sexually Oriented   
 Business in accordance with its responsibilities under law   
 and as set forth in this Chapter. Said investigation shall   
 be completed within twenty (20) days of receipt of the   
 application by the City or its designee. At the conclusion   
 of its investigation, each department, division or agency   
 shall indicate on the photocopy of the application its   
 approval or disapproval of the application, date it, sign   
 it, and, in the event it disapproves, state the reasons   
 therefor. The Jefferson County Sheriff’s Department shall   
 only be required to certify the NCIC records request check   
 mentioned at Section 3-4-11. The Jefferson County Sheriff’s   
 Department shall not be required to approve or disapprove   
 applications.

B. The City Council shall disapprove an application if it finds   
 that the proposed Sexually Oriented Business will be in   
 violation of any provision of any statute, code, ordinance,   
 regulation or other law in effect in the City.   
 (2025 Code)

3-4-11: **ISSUANCE OF PERMIT:**

A. The City Council shall grant or deny an application for a   
 permit within sixty (60) days from the date of its proper   
 filing. Upon the expiration of the sixtieth (60th) day,   
 unless the applicant requests and is granted a reasonable   
 extension of time, the applicant shall be permitted to begin   
 operating the business for which the permit is sought,   
 unless and until the City Planning and Zoning Administrator,   
 or his/her designee, notifies the applicant of a denial of   
 the application and states the reasons(s) for that denial.

B. Grant of Application for Permit

1. The City Council shall grant the application unless   
 one (1) or more of the criteria set forth in Section (C)   
 below is present.

2. The permit, if granted, shall state on its face the   
 name of the person or persons to whom it is granted, the   
 expiration date, and the address of the Sexually Oriented   
 Business. The permit shall also indicate that the   
 Sexually Oriented Business whether permitted or not may   
 be subject to prohibitions against Public Nudity and   
 Indecency pursuant to the United States Supreme Court   
 decision in Barnes v. Glen Theatre, Inc., 501 U.S. 560   
 (1991). The permit shall be posted in a conspicuous place   
 at or near the entrance to the Sexually Oriented Business   
 so that it can be read easily at any time.

C. Denial of Application for Permit

1. The Council shall deny the application for any of   
 the following reasons:

a. An applicant is under eighteen (18)   
 years of age.

b. An applicant or an applicant's spouse is overdue   
 on his/her payment to the City or Jefferson or   
 Bonneville County of any taxes, fees, fines, or   
 penalties assessed against him/her or imposed upon   
 him/her in relation to a Sexually Oriented   
 Business.

c. An applicant is residing with a person who has   
 been denied a permit by the City to operate a   
 Sexually Oriented Business within the preceding   
 twelve (12) months, or residing with a person whose   
 permit to operate a Sexually Oriented Business has   
 been revoked by any other governmental or   
 regulatory agency within the preceding twelve (12)   
 months.

d. An applicant has failed to provide information   
 required by this section or permit application for   
 the issuance of the permit or has falsely answered   
 a question or request for information on the   
 application form.

e. The premises to be used for the Sexually   
 Oriented Business have not been approved as being   
 in compliance with health, fire and building codes   
 by the department, division, or agency responsible   
 under law for investigating said compliance.

f. The application or permit fees required by this   
 chapter have not been paid.

g. An applicant of the proposed business is in   
 violation of, or is not in compliance with, any of   
 the provisions of this Chapter including but not   
 limited to the zoning locational requirements for a   
 Sexually Oriented Business under Sections 3-4-3,   
 3-4-5, and 3-4-6 hereof.

h. The granting of the application would violate a   
 statute, ordinance, or court order.

i. The applicant has a permit under this Chapter which has been suspended or revoked.

j. An applicant has been convicted of a   
 "Specified Criminal Act” for which:

i. less than two (2) years have elapsed since   
 the date of conviction or the date of release   
 from confinement, whichever is the later date,   
 if the conviction is of a misdemeanor offense   
 for the "Specified Criminal Acts” which are   
 sexual crimes against children, sexual abuse,   
 rape or crimes connected with another Sexually   
 Oriented Business including but not limited to   
 distribution of obscenity or material harmful   
 to minors, prostitution, pandering, or tax   
 violations;

ii. less than five (5) years have elapsed   
 since the date of conviction or the date of   
 release from confinement, whichever is the   
 later date, if the conviction is of a felony   
 offense; for the "Specified Criminal Acts”   
 which are sexual crimes against children,   
 sexual abuse, rape or crimes connected with   
 another Sexually Oriented Business including   
 but not limited to distribution of obscenity   
 or material harmful to minors, prostitution,   
 pandering, or tax violations;

iii. less than five (5) years have elapsed   
 since the date of conviction or the date of   
 release from confinement, whichever is the   
 later date, if the convictions are of two (2)   
 or more misdemeanor offenses for "Specified   
 Criminal Acts” which are sexual crimes against   
 children, sexual abuse, rape or crimes   
 connected with another Sexually Oriented   
 Business including but not limited to   
 distribution of obscenity or materials harmful   
 to minors, prostitution, pandering or tax   
 violations; offenses occurring within any   
 twenty-four (24) month period;

iv. the fact that a conviction is being   
 appealed shall have no effect on   
 disqualification of the applicant;

v. An applicant who has been convicted of the   
 above described "Specified Criminal Acts" may   
 qualify for a Sexually Oriented Business permit   
 only when the time period required above in   
 Section 3-4-11 (j) has elapsed.

k. An applicant knowingly has in his or her employ,   
 an employee who does not have a valid license as   
 required in Section 3-4-19 of this Chapter.

2. If the City Council denies the application, the City   
 Clerk shall notify the applicant of the denial and state   
 the reasons(s) for the denial within ten (10) days after   
 the date of such denial.

3. If a person applies for a permit for a particular   
 location within a period of twelve (12) months from the   
 date of denial of a previous application for a permit at   
 the location, and there has not been an intervening change   
 in the circumstances which could reasonably be expected to   
 lead to a different decision regarding the former reasons   
 for denial, the application shall be denied. (2025 Code)

3-4-12: **ANNUAL PERMIT FEE:** The annual fee for a Sexually   
 Oriented Business permit shall be in an amount set from time to time by Resolution of the Council. Such fee shall accompany the application filed under Section 3-4-9 (F) hereof. (2025 Code)

3-4-13: **INSPECTION:**

A. An applicant or permittee shall permit representatives of   
 the City Planning and Building Office, the State Health   
 Department, and the Central Fire District to inspect the   
 premises of a Sexually Oriented Business for the purpose of   
 insuring compliance with the law, at any time it is occupied   
 or open for business.

B. It shall be unlawful and a person who operates a Sexually   
 Oriented Business, regardless of whether or not a permit has   
 been issued for said business under this Chapter, or his/her   
 agent or employee, if he/she refuses to permit such lawful   
 inspection of the premises at any time that it is occupied   
 or open for business. (2025 Code)

3-4-14: **EXPIRATION OF PERMIT:**

A. Each permit shall expire one (1) year from the date that the   
 permit is issued and may be renewed only by making   
 application for a permit, as provided by this Chapter. For   
 renewals, filing of the original survey shall be sufficient.   
 Application for renewal shall be made at least thirty (30)   
 days before the expiration date, and when made less than   
 thirty (30) days before the expiration date, the expiration   
 of the permit will not be affected.

B. When the Council denies renewal of the permit, the   
 applicant shall not be issued a permit under this Chapter   
 for one (1) year from the date of denial. If, subsequent to   
 denial, the Council finds that the basis for denial of the   
 renewal of the permit has been corrected, the applicant   
 shall be granted a permit if at least ninety (90) days have   
 elapsed since the date denial became final. (Ord. 3282;   
 11-26-19)(2025 Code)

3-4-15. **SUSPENSION OF PERMIT:**

A. The City Planning and Zoning Administrator or the Sheriff   
 shall suspend a permit for a period not to exceed thirty   
 (30) days if he/she determines that a permittee, or an   
 employee of a permittee, has:

1. Violated or is not in compliance with any Section of   
 this Chapter; or

2. Been under the influence of alcoholic beverages while   
 working in the Sexually Oriented Business premises; or

3. Refused to allow an inspection of Sexually Oriented   
 Business premises as authorized by this Chapter; or

4. Knowingly permitted gambling by any person on the   
 Sexually Oriented Business premises; or

5. Operated the Sexually Oriented Business in violation of a   
 building, fire, health, or zoning statute, code, ordinance   
 or regulation, whether federal, state or local, said   
 determination being based on investigation by the   
 department, division or agency charged with enforcing said   
 rules or laws. In the event of such statute, code,

ordinance or regulation violation, the City or its   
 designee, shall promptly notify the permittee of the   
 violation and shall allow the permittee a seven (7) day   
 period in which to correct the violation. If the permittee   
 fails to correct the violation before the expiration of the   
 seven (7) day period, the City or its designee, shall   
 forthwith suspend the permit and shall notify the permittee   
 of the suspension.

6. Engaged in permit transfer contrary to Section 3-4-18 of   
 this Chapter. In the event that the City Planning and   
 Zoning Administrator suspends a permit on the ground that a   
 permittee engaged in a permit transfer contrary to Section   
 3-4-18 of this Chapter, the Administrator or his/her   
 designee shall forthwith notify the permittee of the   
 suspension. The suspension shall remain in effect until the   
 applicable section of this Chapter has been satisfied.

7. Operated the Sexually Oriented Business in violation of   
 the hours of operation Section 3-4-23.

8. Knowingly employs a person who does not have a valid   
 license as required in Section 3-4-19 of this Chapter.

B. The suspension shall remain in effect until the violation of   
 the statute, code, ordinance or regulation in question has   
 been corrected. (2025 Code)

3-4-16: **REVOCATION OF PERMIT:**

A. The City Council shall revoke a permit if a cause of   
 suspension in Section 3-4-15 of this Chapter occurs and the   
 permit has been suspended within the preceding twelve (12)   
 months.

B. The City Council shall revoke a permit upon   
 determining that:

1. A permittee gave false or misleading information in   
 the material submitted during the application   
 process that tended to enhance the applicant's   
 opportunity for obtaining a permit; or

2. A permittee or an employee has knowingly allowed   
 possession, use or sale of controlled substances in upon   
 the premises; or

3. A permittee or an employee has knowingly allowed   
 prostitution on the premises; or

4. A permittee or an employee knowingly operated the   
 Sexually Oriented Business during a period of time when the   
 permittee's permit was suspended; or

5. A permittee has been convicted of a "Specified Criminal Act" for which the time period required in Section 4-16-11 of this Chapter has not elapsed; or

6. On two (2) or more occasions within a twelve (12) month   
 period, a person or persons committed an offense, occurring   
 in or on the permitted premises, constituting a Specified   
 Criminal Act for which a conviction has been obtained, and   
 the person or persons were employees of the Sexually   
 Oriented Business at the time the offenses were committed.   
 The fact that a conviction is being appealed shall have no   
 effect on the revocation of the permit; or

7. A permittee is convicted of tax violations for any taxes or fees related to a Sexually Oriented Business; or

8. A permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or any other Specified Sexual Activities to occur in or on the permitted premises; or

9. A permittee has been operating more than one Sexually Oriented Business under a single roof except as provided in Section 3-4-3(C).

C. When the City Council revokes a permit, the revocation shall   
 continue for one (1) year and the permittee shall not be   
 issued a Sexually Oriented Business permit for one (1) year   
 from the date revocation became effective. If, subsequent to   
 revocation, the City Council finds that the basis for   
 revocation under Section 4-16-16 of this Chapter has been   
 corrected, the applicant shall be granted a permit if at   
 least ninety (90) days have elapsed since the date   
 revocation became effective. If the permit was revoked under   
 Section 3-4-16 of this Chapter, an applicant may not be   
 granted another permit until the number of years required   
 under Section 3-4-16 have elapsed. (Ord. 3003, 04-23-15)   
 (2025 Code)

3-4-17: **JUDICIAL REVIEW OF PERMIT DENIAL, SUSPENSION OR   
 REVOCATION:** After denial of an application, or denial of a renewal of an application, or suspension or revocation of a permit, the applicant or permittee may seek review of such administrative action pursuant to and within the time frames established by the Idaho Administrative Procedure Act. (2025 Code)

3-4-18: **TRANSFER OF PERMIT:**

A. A permittee shall not operate a Sexually Oriented Business   
 under the authority of a permit at any place other than the   
 address designated in the application for permit.

B. A permittee shall not transfer his/her permit to another   
 person unless and until such other person satisfies the   
 following requirements:

1. Obtains an amendment to the permit from the City Council   
 which provides that he/she is now the permittee, which   
 amendment may be obtained only if he/she has completed and   
 properly filed an application with the City Clerk or   
 his/her designee, setting forth the information called for   
 under Section 3-4-11 of this Chapter in the application;   
 and (2) Pays a transfer fee of twenty percent (20%) of the   
 annual permit fee set by this Chapter.

C. No permit may be transferred when the City Planning and   
 Zoning Administrator, the Sheriff, or the City Council have   
 notified the permittee that suspension or revocation   
 proceedings have been or will be brought against the   
 permittee.

D. A permittee shall not transfer his permit to another   
 location.

E. Any attempt to transfer a permit either directly or   
 indirectly in violation of this section is hereby declared   
 void and the permit shall be deemed revoked upon the date   
 such transfer is made. (2025 Code)

3-4-19: **SEXUALLY ORIENTED BUSINESS EMPLOYEE LICENSE:**

A. Each individual employed in a Sexually Oriented   
 Business, as defined in Section 3-4-2 of this Chapter, who   
 engages in the services rendered by a nude model studio,   
 escort or escort agency, sexual encounter establishment,   
 massage parlor, or a live performer or entertainer shall be   
 required to obtain a Sexually Oriented Business Employee   
 License. Each applicant shall pay a permit fee in an amount   
 set from time to time by Resolution of the Council. Said fee   
 is to cover reasonable administrative costs of the licensing   
 application process.

B. Before any applicant may be issued a Sexually Oriented   
 Business Employee License, the applicant shall submit on a   
 form to be provided by the City Clerk or his/her designee   
 the following information:

1. The applicant's name or any other names (including "stage" names) or aliases used by the individual;

2. Age, date, and place of birth;

3. Height, weight, hair and eye color;

4. Present residence address and telephone number;

5. Present business address and telephone number;

6. State driver's license or identification number;

7. Social Security number;

8. Acceptable written proof that the individual is at   
 least eighteen (18) years of age;

9. Attached to the application form as provided above, a color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the Jefferson County Sheriff’s Department. Any fees for the photographs and fingerprints shall be paid by the applicant;

10. A statement detailing the license or permit history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operating or seeking to operate, in this or any other county, city, state, or country has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the date, the name of the issuing or denying jurisdiction, and describe in full the reasons for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application;

11. Whether the applicant has been convicted of a "Specified Criminal Act” as defined in Section 3-4-2 of this Chapter. This information shall include the date, place, nature of each conviction or plea of nolo contendere and identifying the convicting jurisdiction;

12. The City Clerk or his or her designee shall refer the Sexually Oriented Business Employee License Application to the Jefferson County Sheriff’s Department for an investigation to be made of such information as is contained on the application. The application process shall be completed within ten (10) days from the date the completed application is filed. After the investigation, the City Clerk or his or her designee shall issue a license unless the report from the Sheriff’s department finds that one (1) or more of the following findings is true:

a. That the applicant has knowingly made any false, misleading, or fraudulent statement of a material fact in the application for a license, or in any report or record required to be filed with the sheriff's department or other department of the City;

b. That the applicant is under eighteen (18) years of age;

c. That the applicant has been convicted of a "Specified Criminal Act" as defined in Section 3-4-2 of this Chapter;

d. That the Sexually Oriented Business Employee License is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by particular provisions of this Chapter; or

e. That the applicant has had a Sexually Oriented Business Employee License revoked by the City or any other governmental or regulatory agency within two (2) years of the date of the current application.

C. Renewal of license:

1. A license granted pursuant to this section shall be subject to annual renewal by the City Clerk or his or her designee upon the written application of the applicant and a finding by the City Clerk or his or her designee and the Jefferson County Sheriff’s Department that the applicant has not been convicted of any "Specified Criminal Act" as defined in Section 4-16-2 of this Chapter or committed any act during the existence of the previous license period which would be grounds to deny the initial permit application.

2. The renewal of the license shall be in an amount set from time to time by Resolution of the Council. (2025 Code)

3-4-20: **REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY   
 EXPLICIT FILMS OR VIDEOS IN VIDEO BOOTHS:**

A. A person who operates or causes to be operated a Sexually   
 Oriented Business, other than an Adult Motel and regardless   
 of whether or not a permit has been issued to said business   
 under this Chapter, and who exhibits on the premises in a   
 viewing room of less than one hundred fifty square feet   
 (150 ft²) of floor space, a film, video cassette, DVD’s, CD-  
 ROMs, or other video reproduction which depicts Specified   
 Sexual Activities or Specified Anatomical Areas, shall   
 comply with the following requirements:

1. Upon application for a Sexually Oriented Business   
permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one (1) or more manager's stations, the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two square feet (32 ft²) of floor area with no dimension greater than eight feet (8’). The diagram shall also designate the place at which this permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale with marked dimensions sufficient to show the various internal dimension of all areas of the interior of the premises to an accuracy of plus or minus six inches (6”). The City Planning and Zoning Administrator or his/her   
designee, may waive the foregoing diagram for renewal   
applications if the applicant adopts a diagram that was   
previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

2. The application shall be sworn to be true and correct by   
 the applicant.

3. No alteration in the configuration or location of a   
 manager's station may be made without the prior approval of   
 the City Planning and Zoning Department or his/her   
 designee.

4. It is the duty of the owners and operator of the   
 premises to insure that at least one (1) employee is on   
 duty and situated at each manager's station at all times   
 that any patron is present inside the premises.

5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

6. It shall be the duty of the owners and operator, and it   
 shall also be the duty of any agents and employees present   
 on the premises to insure that the view area specified in   
 Subsection 5 remains unobstructed by any doors, walls,   
 merchandise, display racks or other materials or person at   
 all times and to insure that no patron is permitted   
 access to any area of the premises which has been   
 designated as an area in which patrons will not be   
 permitted in the application filed pursuant to Subsection   
 a. of this section.

7. No viewing room may be occupied by more than one (1)   
person at any one time. No holes, commonly known as "glory holes," shall be allowed in the walls or partitions which separate each viewing room from an adjoining viewing room or restroom.

8. The premises shall be equipped with overhead lighting   
 fixtures of sufficient intensity to illuminate every place   
 to which patrons are permitted access and an illumination   
 of not less than two (2) foot candle as measured at the   
 floor level.

9. It shall be the duty of the owners and operator and it   
shall also be the duty of any agents and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises.

B. A person having a duty under Section 3-4-20(A)(1)-(9) of   
 this Chapter commits a misdemeanor if he/she knowingly fails   
 to fulfill that duty. (2025 Code)

3-4-21: **PROHIBITIONS REGARDING MINORS AND SEXUALLY   
 ORIENTED BUSINESSES:** A person commits a misdemeanor if he/she operates or causes to be operated a Sexually Oriented Business, regardless of whether or not a permit has been issued for said business under this Chapter, and knowingly or with reasonable cause to know, permits, suffers, or allows:

A. Admittance of a person under eighteen (18) years of age to   
 the business premises unless accompanied by a parent or   
 guardian;

B. A person under eighteen (18) years of age to remain at the   
 business premises unless accompanied by a parent or   
 guardian;

C. A person under eighteen (18) years of age to purchase goods   
 or services at the business premises without the specific   
 consent of a parent or guardian; or

D. A person who is under eighteen (18) years of age to work at   
 the business premises as an employee. (2025 Code)

3-4-22: **ADVERTISING AND LIGHTING REGULATIONS:**

A. It shall be unlawful and a person commits a misdemeanor if   
 he/she operates or causes to be operated a Sexually Oriented   
 Business, regardless of whether or not a permit has been   
 issued for said business under this Chapter, and advertises   
 the presentation of any activity prohibited by any   
 applicable State statute or local ordinance.

B. It shall be unlawful and a person commits a misdemeanor if   
 he/she operates or causes to be operated a Sexually Oriented   
 Business, regardless of whether or not a permit has been   
 issued for said business under this Chapter, and displays or   
 otherwise exhibits the materials and/or performances at such   
 Sexually Oriented Business in any advertising which is   
 visible outside the premises. This prohibition shall not   
 extend to advertising of the existence or location of such   
 Sexually Oriented Business.

C. It shall be unlawful for any permittee to allow any portion   
 of the interior premises of a Sexually Oriented Business to   
 be visible from outside the licensed premises.

D. All off-street parking areas and premise entries of the   
 Sexually Oriented Business shall be illuminated from dusk to   
 closing hours of operation with a lighting system which   
 provides an average maintained horizontal illumination of   
 one (1) foot candle of light on the parking surface and/or   
 walkways. This required lighting level is established in   
 order to provide sufficient illumination of the parking   
 areas and walkways serving the Sexually Oriented Business   
 for the personal safety of patrons and employees and to   
 reduce the incidence of vandalism and criminal conduct. The   
 lighting shall be shown on the required sketch or diagram of   
 the premise.

E. Nothing contained in this section of the Chapter shall   
 relieve the operator(s) of a Sexually Oriented Business from   
 complying with the requirements of the City Zoning   
 Ordinance, as it may be amended from time to time, or any   
 subsequently enacted City ordinances or regulations. (2025   
 Code)

3-4-23: **HOURS OF OPERATION:**

A. It shall be unlawful and a person commits a misdemeanor if   
 he/she operates or causes to be operated a Sexually   
 Oriented Business, regardless of whether or not a permit has   
 been issued for said business under this Chapter, and allows   
 such business to remain open for business, or to permit any   
 employee to engage in a performance, solicit a performance,   
 make a sale, solicit a sale, provide a service, or solicit a   
 service on Sunday between the hours of 1:00 a.m. and 9:00   
 a.m. of the following Monday or between the hours of 1:00   
 a.m. and 9:00 a.m. of any other day.

B. It shall be unlawful and a person commits a misdemeanor if,   
 working as an employee of a Sexually Oriented Business,   
 regardless of whether or not a permit has been issued for   
 said business under this Chapter, said employee engages in a   
 performance, solicits a performance, makes a sale, solicits a   
 sale, provides a service, or solicits a service on Sunday   
 between the hours of 1:00 a.m. and 9:00 a.m. or the   
 following Monday or between the hours of 1:00 a.m. and 9:00   
 a.m. of any other day. (2025 Code)

3-4-24: **PUBLIC NUDITY PROHIBITED:**

A. The United States Supreme Court decision in Barnes v. Glen   
 Theatre, Inc., 501 U.S. 560, 111 S. Ct. 2456, 115 L. Ed.2d   
 504 (1991) and Erie v. Pap’s A.M., 120 S. Ct. 1382, 146 L.   
 Ed.2d 265, upheld the rights of cities to prohibit public   
 nudity at any Sexually Oriented Businesses, regardless of   
 whether or not a permit has been issued to said businesses,   
 including businesses where no alcoholic beverages are sold,   
 served, or consumed at the premises. The City expressly   
 finds that the secondary effects associated with live adult   
 entertainment and public nudity adversely impact and   
 threaten to impact the public health, safety and welfare by   
 providing an atmosphere conducive to violence, sexual   
 harassment, public intoxication, prostitution, the spread of   
 sexually transmitted disease and other deleterious effects.   
 Accordingly, consistent with such decisions, the City   
 intends by this Chapter to prohibit public nudity within the   
 City.

B. No person shall knowingly or intentionally, in a   
 Public Place:

1. engage in sexual intercourse,

2. appear in a state of nudity or semi-nudity,

3. fondle his or her genitals or the genitals   
 another person, or

4. engage in Specified Sexual Activities.

C. No person who owns, operates or otherwise controls a   
 Sexually Oriented Business shall permit, allow, hire,   
 sponsor or employ any other person for the purpose of   
 appearing in a state of nudity or semi-nudity at any Public   
 Building, Public Park or Recreation Area or Public Place.

D. The prohibitions set forth in subsections B(2) and B(3)   
 above shall not apply to:

1. any child under eight (8) years of age;

2. any individual exposing a breast in the process of   
 breast feeding an infant under two (2) years of age;

3. any person while performing any excretory function   
 within a public restroom; or

4. any person changing his or her clothing in a dressing   
 room, the sole purpose of which is to provide personal   
 privacy for such purposes.

5. Any person while receiving medical or therapeutic   
 treatment from any physician, paramedic, nurse or other   
 medical practitioner licensed by the State of Idaho.   
 (2025 Code)

3-4-25: **PROHIBITION OF LIVE ADULT ENTERTAINMENT:**

A. No person shall perform, cause or allow the performance of   
 Live Adult Entertainment in any Public Place within the City   
 or at any private place or location where any individual   
 admissions charge or consideration is charged to or   
 collected from persons attending such performance.

B. No employee of a Sexually Oriented Business shall engage in   
 any "Specified Sexual Activity" or display or expose any   
 "Specified Anatomical Area" while acting as a waiter,   
 waitress, host, hostess, or bartender. (2025 Code)

3-4-26: **ADDITIONAL CRIMINAL PROHIBITIONS FOR THE   
 OPERATION OF A SEXUALLY ORIENTED BUSINESS WITHOUT   
 A VALID PERMIT:**

A. In addition to the criminal provisions in other sections of   
 this Chapter, the following additional criminal provisions   
 shall also apply to Sexually Oriented Businesses.

B. It shall be unlawful and a person commits a misdemeanor if   
 he/she operates or causes to be operated a Sexually Oriented   
 Business, regardless of whether or not a permit has been   
 issued for said business under this Chapter, and said person   
 knows or should know that:

1. The business does not have a Sexually Oriented Business   
 permit under this Chapter for any applicable   
 classification;

2. The business has a permit which is under suspension;

3. The business has a permit which has been   
 revoked; or

4. The business has a permit which has expired.   
 (2025 Code)

3-4-27: **EXEMPTIONS:**

A. It is a defense to prosecution for any violation of this   
 Chapter that a person appearing in a state of nudity did so   
 in a modeling class operated:

1. By a college, junior college, or university supported   
 entirely or partly by taxation;

2. By a private college or university which maintains and   
 operates educational programs in which credits are   
 transferable to a college, junior college, or university   
 supported entirely or partly by taxation; or:

3. In a structure:

a. Which has no sign visible from the exterior of the   
 structure and no other advertising that indicates a   
 nude person is available for viewing; and

b. Where, in order to participate in a class a student   
 must enroll at least three (3) days in advance of the   
 class; and

c. Where no more than one (1) nude model is on the   
 premises at any one (1) time.

B. It is a defense to prosecution for a violation of this   
 Chapter that an employee of a Sexually Oriented Business,   
 regardless of whether or not it is permitted under this   
 Chapter, exposed any Specified Anatomical Area during the   
 employee's bona fide use of a restroom, or during the   
 employee’s bona fide use of a dressing room which is   
 accessible only to employees. (Ord. A-2022-3, 2-8-2022)(2024   
 Code)

3-4-28: **CRIMINAL PENALTIES AND ADDITIONAL LEGAL,   
 EQUITABLE, AND INJUNCTIVE RELIEF:**

A. In addition to whatever penalties are applicable under the   
 Idaho Criminal Code, if any person fails or refuses to obey   
 or comply with or violates any of the criminal provisions of   
 this Chapter, such person upon conviction of such offense,   
 shall be guilty of a misdemeanor and shall be punished by a   
 fine not to exceed Three Hundred Dollars ($300) or by   
 imprisonment not to exceed six (6) days in jail, or both,in   
 the discretion of the Court. Each violation or   
 non-compliance shall be considered a separate and distinct   
 offense. Further, each day of continued violation or   
 non-compliance shall be considered as a separate offense.

B. Nothing herein contained shall prevent or restrict the City   
 from taking such other lawful action in any court of   
 competent jurisdiction as is necessary to prevent or remedy   
 any violation or non-compliance. Such other lawful actions   
 shall include, but shall not be limited to, an equitable   
 action for injunctive relief or an action at law for   
 damages.

C. All remedies and penalties provided for in this section   
 shall be cumulative and independently available to the City   
 and the City shall be authorized to pursue any and all   
 remedies set forth in this section to the full extent   
 allowed by law. (2025 Code)

3-4-29: **IMMUNITY FROM PROSECUTION:** The City and its   
 designee, the Jefferson County Sheriff’s Department and all other departments, divisions, and agencies, and all other City officers, agents and employees, charged with enforcement of State and local laws and codes shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon property owned or controlled by a Sexually Oriented Business while acting within the scope of authority conferred by this Chapter. (Ord. A-2022-3, 2-8-2022)

3-4-30: **SCOPE AND INTERPRETATION:** Notwithstanding the   
 other provisions of this Chapter, nothing in this Chapter shall apply to the sale, loan, distribution, dissemination, presentation or exhibition of material or live conduct which is obscene, as defined under Chapter 18, Title 41, Idaho Code, unless such Chapter or any provision thereof, is determined to be unconstitutional or unenforceable for any reason. This Chapter shall be interpreted to be consistent in all respects with the provisions of Idaho Code Section 18-4113 and shall be applicable only to the extent it regulates the sale, loan, distribution, dissemination presentation or exhibition of material or live conduct that is not otherwise obscene, as defined by Idaho Code Section 18-4101, provided, however, if any provision of such Chapter of the Idaho Code is determined to be unconstitutional or unenforceable for any reason, then this Chapter shall be fully enforceable notwithstanding such determination.(2025 Code)

**CHAPTER 5**

**BUSINESS REGISTRATION**

SECTION:

3-5-1: Definitions

3-5-2: Requirement to Register Businesses Requiring a   
 Fire Code

3-5-3: Registration Form

3-5-4: Business Registration Fee

3-5-5: Renewal

3-5-6: Registration Non-Transferable

3-5-7: Duty to Update Location

3-5-8: Exemptions

3-5-9: Failure to Register

3-5-1: **DEFINITIONS:** Certain words and phrases used in   
 this Chapter are defined as follows:

ENGAGING IN the practice of engaging in commerce with the BUSINESS: object of gain, profit, benefit, or advantage.

FIRE CODE: the International Fire Code, as currently adopted   
 by the City.

FIRE CODE A permit issued by the Idaho Falls Fire PERMIT: Department pursuant to the requirements of the   
 Fire Code.

LAND USE Using the Business Registration Form, COMPLIANCE: verification by the Planning Administrator that   
 the proposed business is an allowed use in the   
 proposed location. Additionally, if a building   
 permit is submitted, verification that setbacks   
 are applied.

ADULT as defined in the Ririe Adult Businesses BUSINESSES: Ordinances; allowed only in the Industrial Zone,   
 with all other applicable laws and ordinances   
 also applied. (2025 Code)

3-5-2: **REQUIREMENT TO REGISTER BUSINESSES REQUIRING A   
 FIRE CODE:** Any person, partnership, corporation, or other legal entity intending to engage or actually engaging in any business which requires a Fire Code Permit shall register with the Clerk. Registration shall be valid for a consecutive period of twelve (12) months. Separate registrations shall be required for each outlet, branch, location, or place of business within the City that requires a Fire Operational Permit.

(2025 Code)

3-5-3: **REGISTRATION:** The Clerk shall prescribe a   
 registration form. The registration form shall include, at a minimum,

A. the registered business owner’s name, email address, and   
 residential and emergency phone numbers,

B. the name of the registered business,

C. the specific Fire Code Permit required by the registered   
 business,

D. the form of the registered business (i.e., sole   
 proprietorship, partnership, or corporation),

E. the street address of the registered business,

F. a statement of the nature and description of the business,   
 and what allowed use listed in the Ririe Zone Ordinance   
 this business would apply,

G. whether there will be a building permit applied for (if   
 electrical, plumbing, structural or HVAC work will be   
 done),

H. name, telephone number, and email address for the   
 registered business’s contact person (if other than the   
 business’s owner),

I. the zoning of the property on which the registered business   
 will be conducted,

J. provide a copy of the registered businesses Certificate of   
 Fire Insurance,

K. the registration’s expiration date, and

L. any other information deemed by the Clerk to be necessary   
 to keep an accurate registry of businesses. (2025 Code)

3-5-4: **BUSINESS REGISTRATION FEE:** All businesses   
 required to register under this Chapter shall pay a registration fee in an amount set from time to time by Resolution of the Council at the time of registration. (2025 Code)

3-5-5: **RENEWAL:** Prior to expiration of a business’s   
 registration, all businesses required to register   
under this Chapter must renew the business registration by confirming with the Clerk that the registration on file is current and pay a registration fee set from time to time by   
Resolution of the Council. (2025 Code)

3-5-6: **REGISTRATION NON TRANSFERABLE:** No business   
 registration issued pursuant to this Chapter shall be automatically transferred to a new owner. A new business registration shall be required in the event of a change in business ownership. (2025 Code)

3-5-7: **DUTY TO UPDATE LOCATION:** In the event that a   
 registered business relocates from its registered location, a business owner shall be required to contact the Clerk and update the business’s registration with the new location. There shall be no fee imposed for updating a registered business’s location. (2025 Code)

3-5-8: **EXEMPTIONS:** The requirements of this Chapter   
 shall not apply to any governmental entity.

(2025 Code)

3-5-9: **FAILURE** **TO REGISTER:** Any person or entity   
 which

A. fails to register a Business requiring a Fire Code Permit,   
 or

B. provides a false statement contained in the registration,   
 or otherwise fails to comply with the requirements of this   
 Chapter shall be guilty of a misdemeanor, punishable by a   
 fine set from time to time by Resolution of the Council or   
 imprisonment for not more than one (1) year, or by both   
 such fine and imprisonment for any single violation. (2025   
 Code)