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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

3-4-3: Establishment and Classification Businesses

3-4-4: Measurement of Distance

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3-4-9: Permit Required

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3-4-23: Hours of Operation

3-4-24: Public Nudity Prohibited

3-4-25: Prohibition of Live Adult Entertainment

3-4-26: Additional Criminal Prohibitions for the Operation of
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3-4-28: Criminal Penalties and Additional Legal, Equitable,
 and Injunctive Relief

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)