



City License No.: \_\_\_\_\_

Entered: \_\_\_\_\_

Approved/Denied By: \_\_\_\_\_

Approval/Denial Date: \_\_\_\_\_

Zoning Approval/Denial: \_\_\_\_\_

### SEXUALLY ORIENTED BUSINESS LICENSE APPLICATION

Application Fee: \$100.00

Receipt No.: \_\_\_\_\_

Business Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

Business Address, including a legal description of the property: \_\_\_\_\_

\_\_\_\_\_

1. If the applicant is 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.
2. If the applicant is 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.
3. If the applicant is 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.

If the applicant intends to operate the Sexually Oriented Business under a name other than that of the applicant:

Sexually Oriented Business's fictitious name: \_\_\_\_\_

Documents must be submitted evidencing compliance with Chapter 5, Title 53, Idaho Code.

Mailing addresses and residential addresses of each person listed in Paragraph 1:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please list the Driver's License, Social Security Number, and/or State or federally issued tax identification number of the individuals or company's listed in Paragraph 1:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Is any individual listed in Paragraph 1 or their spouse overdue on his/her payment to the City 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?    Yes \_\_\_\_\_    No \_\_\_\_\_

Has any individual listed in Paragraph 1 resided 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the preceding twelve (12) months, or residing with a person whose permit to operate a Sexually Oriented Business has been revoked by any other governmental or regulatory agency within the preceding twelve (12) months? Yes \_\_\_\_\_ No \_\_\_\_\_

Has any person listed in Paragraph 1 been convicted of a "specified criminal act" for which:

- a. 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? Yes \_\_\_\_\_ No \_\_\_\_\_
- b. 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? Yes \_\_\_\_\_ No \_\_\_\_\_
- c. 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? Yes \_\_\_\_\_ No \_\_\_\_\_

(Note: The fact that a conviction is being appealed shall have no effect on disqualification of the applicant. 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 has elapsed.)

Has any individual listed in Paragraph 1 had a previous permit under this Ordinance or other similar Sexually Oriented Business ordinances from another city or county denied, suspended or revoked? If yes, please include 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. Yes \_\_\_\_\_ No \_\_\_\_\_

---

---

Does any individual listed under Paragraph 1 hold any other permits and/or licenses under this Ordinance or other similar Sexually Oriented Business Ordinance from another city or county? If so, list the names and locations of such other permitted businesses. Yes \_\_\_\_\_ No \_\_\_\_\_

---

---

Classification of Permit for which the applicant is applying:

- |  |   |
|--|---|
| <input type="checkbox"/> Adult Arcade        | <input type="checkbox"/> Adult Motion Picture Theater   |
| <input type="checkbox"/> Adult Bookstore     | <input type="checkbox"/> Adult Theater                  |
| <input type="checkbox"/> Adult Novelty Store | <input type="checkbox"/> Escort Agency                  |
| <input type="checkbox"/> Adult Video Store   | <input type="checkbox"/> Massage Parlor                 |
| <input type="checkbox"/> Adult Cabaret       | <input type="checkbox"/> Nude Model Studio              |
| <input type="checkbox"/> Adult Motel         | <input type="checkbox"/> Sexual Encounter Establishment |

Following is a list of other information that must be provided with this Application:

1. A recent photograph of the applicant(s) or its manager, partner, member or president.
2. A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business must be provided. 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.
3. 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 Ordinance 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 4-16-3(C) of the City Code are excepted from this requirement.
4. 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.
5. Applicants for a permit under this section shall have a continuing duty to promptly supplement application information required by this section in the event that 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.

Prior to obtaining any permit or license to operate any Sexually Oriented Business defined in the Sexually Oriented Business Ordinance, and as part of any application for a permit under this section, the applicant shall obtain from the City Director of Community Development Services or his or her designee, a certification that the proposed location of such business complies with the location requirements of Sections 4-16-5 and 4-16-6 of the City Code.

If the applicant wishes to exhibit films, videos, DVD's, or CD-Roms of Specified Sexual Activities or Specified Anatomical Areas, then the applicant must comply with the requirements of Idaho Falls City Code 4-16-20(A)(1).

Please list the names of any and all employees who are required to be licensed pursuant to Section 4-16-19 of the City Code. This shall be a continuing requirement even after a permit is granted or renewed.

---

---

---

---

---

I hereby authorize the City of Idaho Falls, its Agents and Employees, to seek information and conduct an investigation into the truth of the statements set forth in this application.

I hereby authorize any investigator, special agent, or other duly appointed representative of the authorized Federal agency conducting my background investigation to receive any criminal history record information pertaining to me, which may be in the files of any Federal, State, or Local Criminal Justice Agency. I understand my fingerprint form may be provided to other Federal, State, or Local Agencies in conjunction with the application process, and I consent to such disclosure.

**THIS RECORD IS SUBJECT TO THE FOLLOWING USE AND DISSEMINATION RESTRICTIONS:**

Under provisions set forth in Title 28, Code of Federal Regulations (CFR), Section 50.12, both governmental and non-governmental entities authorized to submit fingerprints and receive FBI Identification Records must notify the individuals fingerprinted that the fingerprints will be used to check the criminal history records of the FBI. Identification records obtained from the FBI may be used solely for the purpose requested and may not be disseminated outside the receiving department, related agency, or other authorized entity. If the information on the record is used to disqualify an applicant, the official making the determination of suitability for licensing or employment shall provide the applicant the opportunity to complete, or challenge the accuracy of, the information contained in the FBI Identification Record. The deciding official should not deny the license or employment based on the information in the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so. An individual should be presumed not guilty of any charge/arrest for which there is no final disposition stated on the record or otherwise determined. If the applicant wishes to correct the record as it appears on the FBI's CJIS Division Records System, the applicant should be advised that the procedures to change, correct or update the record are set forth in Title 28, CFR, Section 16.34.

**PRIVACY ACT STATEMENT:**

*The Privacy Act of 1974, 5 U.S.C. § 552a, Public Law No. 93-579, (Dec. 31, 1974) establishes a Code of Fair Information Practice that governs the collection, maintenance, use, and dissemination of personally identifiable information about individuals that is maintained in systems of records by federal agencies. A system of records is a group of records under the control of an agency from which information is retrieved by the name of the individual or by some identifier assigned to the individual. The Privacy Act requires that agencies give the public notice of their systems of records by publication in the Federal Register. The Privacy Act prohibits the disclosure of information from a system of records absent the written consent of the subject individual, unless the disclosure is pursuant to one of twelve statutory exceptions. The Act also provides individuals with a means by which to seek access to and amendment of their records, and sets forth various agency record-keeping requirements.*

**STATEMENT OF OATH**

I swear and affirm, under penalty of perjury pursuant to Title 18, Chapter 54, Idaho Code, that the statements contained in the above application for a Sexually Oriented Business License are true and correct to the best of my knowledge.

\_\_\_\_\_  
Signature of Applicant  
Social Security Number: \_\_\_\_\_

\_\_\_\_\_  
Date  
Date of Birth: \_\_\_\_\_

STATE OF IDAHO            )  
  : ss.  
County of Bonneville    )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me the undersigned, a Notary Public, personally appeared \_\_\_\_\_ known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same.

\_\_\_\_\_  
Notary Public for the State of Idaho  
Residing at \_\_\_\_\_, Idaho  
My Commission Expires: \_\_\_\_\_

(SEAL)