

NEW: _____

RENEWAL: _____

EXPIRATION: _____

**CITY OF ROCHESTER
CITY CLERK'S OFFICE
LICENSING UNIT
ROOM 100A, CITY HALL
ROCHESTER, NY 14614**

LICENSE NO. _____

LICENSE APPLICATION (Indicate with an "X")

____ **Adult Arcade** ____ **Adult Cabaret** ____ **Adult Movie Theater** ____ **Adult Retail Store**
Attach Certificate of Use, if applicable.

ALL LICENSE FEES ARE: NOT PRORATED, NON-REFUNDABLE AND NON-TRANSFERABLE

WARNING: The Chief of Police may deny a license to any person who makes a material misrepresentation on an application pursuant to §29-23A and §68-10A of the Code of the City of Rochester.

1

Business Information:

Name of Business

Email Address

Business Address

City, State

Zip

() _____
Business Phone

Business Activities

2

Business Owner: (PICTURE I.D. REQUIRED)

Full Name of Business Owner (Include Maiden Name if applicable)

Email Address

Date of Birth

Phone ()

Cell ()

Home Address (No P.O. Box)

City, State

Zip

Are you the sole owner of this business?

Yes _____ No _____ (Initial) _____ **If "NO", complete Box #4**

3

Daily Business Operator (if other than owner, PICTURE I.D. REQUIRED)

Full name _____

Date of Birth _____

() _____
Phone (Home or Cell)

Email Address _____

Residence (No P.O. Box) _____

City, State _____

Zip _____

4

NOTE: If the owner or operator is a partnership, corporation or other business association, D.B.A., include name, home address, and date of birth for all principals involved (e.g. partners, shareholders, officers, etc.).

CIRCLE ONE: Partnership/Corporation/ D.B.A. /Agent

Full Name

D.O.B.

Home Address

Phone Number

5

Have you ever, either in personal, corporate, or partnership capacity, applied for any other personal or sexually oriented business or employee license/permit under this chapter or other similar sexually oriented business chapters from another city or county? Yes _____ No _____

If yes, attach sheet listing names and locations of any such other licensed businesses and dates of operation. If the license/permit was denied, revoked or suspended, attach sheet stating name and location of business, date of denial, suspension or revocation and whether you had been a partner in a partnership or an officer or director of the corporation.

6

List all convictions of specified criminal activity as defined in Section 98-2 of the Code.

Date

Charge

Location (City & State) :

7

If alcoholic beverages are to be sold at your premises, provide the **NYS Liquor License Number** _____

8

Security

New York State regulates security agencies and guards under NYS General Business Law Article 7 and 7-A requiring that they are licensed.

Will you utilize security services at your premises? YES ____ NO ____ (Initial)_____

If yes, please provide the following information:

(1) Name of Licensed Security Agency: _____ include;

N.Y.S. WatchGuard/Private Investigator License # _____

(2) Proprietary Security Guard Employer # _____

ACKNOWLEDGMENTS

9

I understand that completion and submission of the application does not constitute a valid license/permit and that operation of my business is not permitted until my application has been approved and the license issued by the Chief of Police.

_____(Initial)

10

I understand that the license holder and/or their employees shall operate the business so that it is not a source of disruption or disorder in and around the area where the business is located and shall cooperate with any and all investigations relative to the business.

_____(Initial)

11

I understand that the applicant and/or operator shall maintain all licenses required for the operation of the business and shall notify the License Investigation Unit of the Rochester Police Department in writing of any change in status of said licenses.

_____(Initial)

12

I understand licenses are not transferrable and that prior to changing the name, type, location or ownership and/or management of the business, the applicant and/or operator shall notify the License Investigation Unit of the Rochester Police Department.

_____(Initial)

13

I understand that as the owner/operator of a licensed business, I shall not permit at any time a greater number of persons on the premises than the posted occupancy set forth for said license.

_____(Initial)

14

I understand that licenses issued by the Chief of Police are annual licenses. Sexually Oriented Business licenses automatically expire on **January 31** of each year. _____(Initial)

15 I understand that as the owner/operator of a licensed business, I shall not operate the business or permit any occupancy beyond the hours set forth by law and set forth for said license.
_____ (Initial)

16 I understand that I am responsible for knowing and obeying applicable laws and rules as contained in the Code of the City of Rochester and State and Federal Laws.
_____ (Initial)

17 I acknowledge that all the submitted information is correct and I understand that false statements made on this application may result in the denial or revocation of the License issued by the Chief of Police.

PRINT NAME _____ **SIGNATURE OF APPLICANT** _____
SUBSCRIBED AND SWORN TO BEFORE ME
THIS _____ **DAY OF** _____

Notary/Commissioner of Deeds _____ **Date of Expiration** _____

OFFICE USE ONLY

18 **ZONING STAFF:** _____ **NSC QUADRANT** _____
Date: _____ **CZC #** _____
Conditions: _____
Pending Permits? Yes _____ **No** _____ **Lawful hours of operation** _____

19 **BUILDINGS STAFF:** _____ **Date:** _____
Approved MAXIMUM Occupancy: _____ **Square footage** _____

ROCHESTER POLICE DEPARTMENT

Criminal Record Check: _____ PVB _____ MCVB _____ Alarm _____

20

Approved _____ Denied _____ Adm. Canceled _____ Conditionally Approved _____

Fire Approval ____

NSC Approval ____

Researcher Date

Chief of Police Date



Consent for criminal background review in connection with license application

Name of applicant: _____

Date of Birth: _____

Residence: _____

Home Phone: _____

Cell Phone: _____

Type of license applied for: _____

I have been informed that as part of my application for a City of Rochester license, the Municipal Code requires a review of my criminal background records. I hereby consent to such a review and authorize the City of Rochester to obtain such records from the New York State Division of Criminal Justice Services, the Federal Bureau of Investigation, or any other government agency.

I understand that under New York Correction Law Section Article 23-A a prior criminal conviction will not automatically exclude me from obtaining a license, but that in certain cases it may lead to a denial of a license. I have been given a copy of Correction Law Article 23-A with this consent form.

I have been informed that a procedure exists by which I can obtain a copy of my criminal background records from the New York State Division of Criminal Justice Services as provided in 9 NYCRR Part 6050, and the FBI if applicable, and to request that said agency correct any errors in those records.

Applicant Signature: _____

Date: _____

NY Correction Law ARTICLE 23-A
LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY
CONVICTED OF ONE OR MORE CRIMINAL OFFENSES

Section 750. Definitions.

751. Applicability.

752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.

753. Factors to be considered concerning a previous criminal conviction; presumption.

754. Written statement upon denial of license or employment.

755. Enforcement.

§ 750. Definitions. For the purposes of this article, the following terms shall have the following meanings:

(1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.

(2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.

(3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.

(4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.

(5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

§ 751. Applicability. The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

§ 752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited. No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless:

(1) there is a direct relationship between one or more of the previous

criminal offenses and the specific license or employment sought or held by the individual; or

(2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

§ 753. Factors to be considered concerning a previous criminal conviction; presumption. 1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:

(a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.

(b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.

(c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.

(d) The time which has elapsed since the occurrence of the criminal offense or offenses.

(e) The age of the person at the time of occurrence of the criminal offense or offenses.

(f) The seriousness of the offense or offenses.

(g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.

(h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

§ 754. Written statement upon denial of license or employment. At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

§ 755. Enforcement. 1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.

2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.

