

Handbook and Guide for  
*Doing Business in Davis  
County*



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## **General Provisions**

### ***Purpose.***

A Business License is designed for the purpose of promoting the safety, health, and well being of Davis County residents, protecting property, and regulating business activities in the unincorporated areas of Davis County. (Ord. 4-2000 Art. III(part)) Section 5.04.050 (modified)

### ***License and payment of fee required.***

It is unlawful for any person to engage in any business in the unincorporated areas of Davis County without first applying for and obtaining an appropriate business license, and paying, in advance, the full amount of the required license fee. (Ord. 4-2000 Art. III(A)) Section 5.04.060

### ***Nontransferable terms of license.***

No license shall in any manner be transferable or authorize any person other than the licensee, or authorize any business other than the business stated on the license, to participate in business activities other than is authorized by the issued business license. If an existing business is to relocate to another definite location in the County, any persons involved in the business shall file an application with the License Director, after which the application can be investigated by the Deputies, and the Director shall grant or deny the transfer. (Ord. 4-2000 Art. III(B)) Section 5.04.070

### ***Types of businesses allowed.***

There are a number of business types allowed in Davis County unincorporated areas. These businesses are, or are closely related to, the following types of businesses:

- A. Specialty shops and stores;
- B. Construction companies;
- C. Gasoline stations and convenience stores;
- D. Rental agencies;
- E. Restaurants;
- F. Hotels/motels;
- G. Greenhouses (retail only) and public stables;
- H. General retail businesses;
- I. Professional services;
- J. Amusement businesses;
- K. Storage facilities;
- L. Sexually oriented businesses;
- M. Solicitors. A solicitor is any person soliciting the sale of, or offering for sale or selling from house to house or place to place, any wares or merchandise whatsoever, including but not limited to any kind of publication, magazines, tickets, coupons or receipts representing value or which are redeemable in for any kind of consideration. The Registration Certificate for solicitors shall include the following: The name and home address of the person, the name and home address of the firm or corporation which the person represents; a photograph of the person attached to the Registration Certificate, and the certification of the License Director, over his or her signature, that the person has duly registered. Newspaper carriers and nonprofit organizations are excluded from the above requirements;
- N. Junk/Garbage Collectors. A junk collector is a person not having a fixed place of business in the County who goes from house to house or place to place gathering, collecting, buying,

selling, or otherwise dealing in old rags, glass, sacks, bottles, cans, papers, metal, rubber or other articles commonly known as “junk”;

O. Refinery/ Gasoline Dealers. Any person carrying on the business of buying and selling, at wholesale, oils, gasoline and naphtha or other motor fuels or lubricants in total quantity of ten (10) gallons or more and who does not offer the same for sale to the general public;

P. Home occupations. (Ord. 4-2000 Art. VIII(A)) Section 5.04.310

### ***General requirements and miscellaneous provisions.***

Home Occupations. Home occupations shall meet the following conditions:

1. The home occupation must be clearly incidental to the use of the dwelling for dwelling purposes and shall not change the character or appearance of the dwelling or neighborhood. Furthermore, it shall not unreasonably disturb the neighborhood by reason of color, design, materials, construction, odors, lighting, sounds, noises, or vibrations.

2. Employment shall be limited to those persons residing in the dwelling unit.

3. No home occupation shall occupy more than twenty (20) percent of the gross floor area to a maximum of four hundred (400) square feet.

4. No sign or advertising shall be displayed on the premises.

5. The home occupation shall generate no greater vehicular traffic than commonly associated with the neighborhood in which it is located i.e., heavy trucks, delivery or similar vehicles, etc.

6. There shall be complete conformity with fire, building, plumbing, electrical and health codes and to all state and County ordinances.

7. The home occupation shall not create a hazard by using flammable, explosive or other dangerous materials or by keeping, raising, or storing animals which are capable of inflicting harm or discomfort or endangering the health and safety of any person or property.

8. The home occupation shall not create a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.

9. The home occupation shall not involve the installation of any equipment, fixtures, plumbing or electrical wiring which is incompatible with a residential area by reason of excessive noise, excessive utility usage, excessive waste production or broadcast interruption. (Ord. 1-1985 § 7-5) Section 15.20.150E

### ***Combination licenses.***

When two or more types of licensed businesses are conducted in a single establishment, by the same person, a combination license may be acquired by the persons involved. (Combination licenses do not include licensing for beer.) The annual fee for the combination license shall be based on the regular fee for the highest rated business plus one-half of the regular rates for all other businesses on the combination license. Only one application is necessary for a combination license, upon which the types of businesses shall be enumerated on the combination license. (Ord. 4-2000 Art. III(C)) Section 5.04.080

## **Fees**

### ***Fee schedule.***

The County Commission shall establish a fee schedule outlining specific license fees for each business type, which shall be separate from this chapter. (Ord. 4-2000 Art. VIII(B)) Section 5.04.320

***Contact Davis County Planning Department for the current fees.***

### ***Payment of fees.***

All business license renewals are payable in advance of the thirty-first day of January, on an annual basis, unless the license is revoked. The Director may grant business licenses throughout the year. If a business license is applied for between January 1st and September 30th, the full fee shall be paid. If a business license is applied for between October 1st and December 31st, the fee will be half of the normal license fee. After the initial license is issued, it shall be renewed each successive year by January 31st. All fees shall be paid by the licensee at the Planning Department Office. (Ord. 4-2000 Art. IV(J)) Section 5.04.180

### ***Nonrefundable clause.***

No license fee or any part thereof shall be refunded for any reason once the license has been granted or issued by the County Commission. (Ord. 4-2000 Art. IV(K)) Section 5.04.190

## **Beer Licensing/Alcoholic Beverages**

### ***License required to sell beer.***

It is unlawful for any person to engage in the business of the sale of beer at retail, in bottles, cans, or in original containers, or draft, within the unincorporated areas of Davis County without first having procured a license therefor from the County which is separate from a business license. A separate license shall be required for each place of sale and the license shall at all times be conspicuously displayed in the place to which it shall refer and for which it shall be issued. On-premise beer retailers shall also be licensed by the State of Utah Alcoholic Beverage Control Commission (ABCC). All licenses shall comply with Utah law and the regulations of the ABCC, the laws and ordinances of Davis County, and all rules and regulations of the Davis County Health Department relating to health matters. (Ord. 4-2000 Art. IX(A)) Section 5.04.330

### ***Classification of licenses.***

Retail licenses issued by the County shall be of the following classes and carry the following privileges:

A. Off-premise beer retailer licenses shall entitle the licensee to sell beer on the licensed premises in the original container for the consumption off the premises.

B. On-premise beer retailer licenses shall entitle the licensee to sell beer on the licensed premises for consumption on the premises and to all of the privileges granted to the holder of an off-premise beer retailer license. (Ord. 4-2000 Art. IX(B)) Section 5.04.340

### ***License application.***

All applications for licenses authorized by this section shall be verified and filed with the License Director of Davis County. Applications shall state the applicant's name in full and that the applicant has complied with the requirements and possesses the qualifications specified in the Utah Alcoholic Beverage Control Act. If the applicant is a copartner, the names and addresses of all partners must be shown on the application. If a corporation or limited liability company the names and addresses of all officers and directors of the corporation or members of the limited liability company must be shown on the application. Licenses may not be granted to sell beer within six hundred (600) feet of any church or school. A minor may not be granted a beer retailer license. (Ord. 4-2000 Art. IX(C)) Section 5.04.350

## ***Restrictions.***

The following are restrictions for beer licenses:

A. It is unlawful to advertise the sale of beer except under such regulations as are made by the Utah (ABCC); provided, that a simple designation that beer is sold may be placed in or upon the window or front of the license premises, as per (ABCC) regulations.

B. No licensee shall violate the terms of the license issued, or sell beer for consumption on the premises or permit any beer to be consumed on the premises unless so licensed. It is unlawful to keep or maintain a nuisance as defined by this section.

C. A beer retailer may not purchase, acquire, possess for the purpose of resale or sell any beer except that which has been lawfully purchased from a wholesaler licensed under the Alcoholic Beverage Control Act or from a small brewer. All purchases made of beer by any beer retailer from a licensed wholesaler shall be from that wholesaler who is authorized by the commission to sell to the beer retailer.

D. Beer may not be sold, provided or possessed for off-premise consumption except under the supervision of an employee twenty-one (21) years of age or older who is on the premises.

E. If malt beverage coolers or malt liquor is sold by an off-premise beer retailer, the off-premise beer retailer shall display a sign at the location on the premises where malt beverages or malt liquor is sold stating: "Many malt beverages contain alcohol. Please read the label."

F. On-premise beer retailers shall comply with all the State of Utah Beer Retailer Licenses provisions. (32A-10-101 through 32A-10-206, Utah Code.) (Ord. 4-2000 Art. IX(D)) Section 5.04.360

## ***Sexually Oriented Businesses***

***Notice:*** If you are applying for and/or operating a Sexually Oriented Business, you may obtain a complete copy of the Sexually Oriented Business Licensing Ordinance from the Davis County Planning Department office.

### ***Short title.***

The provisions codified in this article shall be known and may be referred to as the "Sexually Oriented Business and Employee Licensing Ordinance." (Ord. 4-2000 Art. X(A)) Section 5.04.370

### ***Purpose.***

It is the purpose and object of this article that the County establish reasonable and uniform regulations governing the time, place and manner of operation of sexually oriented businesses and employees of those businesses in the County. This article shall be construed to protect the governmental interests recognized by this article in a manner consistent with constitutional protections provided by the United States and Utah Constitutions. (Ord. 4-2000 Art. X(B)) Section 5.04.380

### ***Applicability.***

This article imposes regulatory standards and license requirements on certain business activities which are characterized as sexually oriented businesses and certain employees of those businesses characterized as sexually oriented business employees. Except where the context or specific provisions require, this article does not supersede or nullify any other related ordinances included, but not limited to, those codified in this article. (Ord. 4-2000 Art. X(C)) Section 5.04.390

## **Issuance of License**

### ***Applications for licenses.***

All applications for licenses shall be made in writing and submitted to the License Department upon a County form, which may be obtained from the License Department. All forms must be signed by the person owning the business and notarized. (Ord. 4-2000 Art. IV(A)) Section 5.04.090

### ***Contents of application.***

Each application shall contain the following:

- A. Name and address of the person applying for the license. If there is more than one person applying for the license (co-partnership), the names and addresses of all persons shall be listed. (If the applicant is a corporation, the application shall include the names and titles of all officers and directors.);
- B. Type of license being applied for. State the business and activities that will take place;
- C. Class of license desired, if such licenses are divided into classes;
- D. Place where the business is to take place, including the address if the business will be in a building or enclosed area;
- E. Period of time for which the license is needed;
- F. State tax Identification number, if required. (Ord. 4-2000 Art. IV(B)) Section 5.04.100

### ***Filing application and fee.***

Each application for a license shall be filed by the applicant with the Planning Department. The license fee is due in full at the time of application submittal. The fee shall be paid in the form of cash or check made payable to Davis County. Applications received by the License Director shall be numbered in the order they are received and shall be filed in numerical sequence in the Planning Department. (Ord. 4-2000 Art. IV(C)) Section 5.04.110

### ***Application referral.***

Upon receiving an application for licensing, the License Director may refer the application to other departments or agencies for further investigation concerning the person or persons applying and/or the business being applied for. (Ord. 4-2000 Art. IV(D)) Section 5.04.120

### ***Investigation.***

At the discretion of the License Director, the application for a license may be referred to one or more License Deputies. The purpose of an investigation is to inspect the reputation of the person applying for the business and/or the nature of the business itself to determine if the business would likely be conducted in a lawful, quiet, orderly, and safe manner. Any facts or information the License Director should be made aware of prior to acting upon the application should be submitted in a report to the License Director. (Ord. 4-2000 Art. IV(E)) Section 5.04.130

### ***Report of investigation.***

Upon receiving the application, the License Director and/or License Deputies shall have a reasonable time to conduct an investigation, complete a report, and review it or submit it to the License Director for review. The report shall include recommendations as to whether the license should be granted or denied. (Ord. 4-2000 Art. IV(F)) Section 5.04.140

### ***License Director's decision.***

After receiving the report and recommendation from the investigation, together with the completed application, the License Director shall act upon the application by granting or denying the application. Otherwise, the Director may order further investigation concerning the business and/or applicant before granting or denying the application. (Ord. 4-2000 Art. IV(G)) Section 5.04.150

### ***Approval of application.***

In the event the application is approved by the Director, the approval shall be endorsed on the application and signed by the Director or Deputy. After the application has been signed by the Director or Deputy, the license shall be submitted to the County Commission to be signed by the Chairperson. (Ord. 4-2000 Art. IV(H)) Section 5.04.160

### ***Denial of application.***

In the event that the application is denied by the Director, the reason for doing so shall be endorsed on the application. The License Director shall issue a notice informing the applicant that the applicant may request that the application be referred to the Commission and that the applicant be allowed to appear before the Commission to present information in support of the application. If the person adequately justifies the business, the Commission may remove the rescind and grant an approval of the application. (Ord. 4-2000 Art. IV(I)) Section 5.04.170

## **Business License Requirements**

### ***Posting certificates.***

Every Certificate of License shall be posted in the business in a conspicuous place, so that it can be easily seen. Once the Certificate of License has expired, it shall be removed from its posting and replaced with a renewed License Certificate. No Certificate of License that is not in force shall be permitted to remain posted after the license has expired or been revoked. (Ord. 4-2000 Art. V(B)) Section 5.04.220

### ***Requirements of the License Certificate.***

Every Certificate of License shall include the following upon its face:

- A. Name of the licensee or the person or persons to whom the Certificate is issued;
- B. Amount paid for such license;
- C. Kind and class of the license;
- D. Term of the license, with both the commencement and expiration dates;
- E. Place or address where the business will take place;
- F. Signature of the Chairperson of the Commission, attested by the County Clerk. (Ord. 4-2000 Art. V(A)) Section 5.04.210

### ***Officials right to view license.***

It shall be the duty of every person to whom a license is issued to show that same license at any time requested to do so by the License Director or any other License Deputy. (Ord. 4-2000 Art. V(C)) Section 5.04.230

### ***Refusal of business inspection.***

It is unlawful for any person licensed under the provisions of this chapter to refuse an inspector of the County to enter a licensed premise and inspect the business during reasonable business hours for health, building and zoning code conformance. Inspections may be conducted without notification to the business, and the inspector may request to view the business License Certificate, which should be posted visibly on the premises at all times. (Ord. 4-2000 Art. IV(L)) Section 5.04.200

### ***Misuse of license.***

It is unlawful to counterfeit, deface or mutilate a License Certificate while it is in force and posted in a place of business. It shall also be unlawful to remove, or attempt to remove, a posted License of Certificate while it is in force. It is unlawful to use or permit the use of a License Certificate or to place, or permit the placement or use of a License Certificate in any other business other than the business the license was issued to. (Ord. 4-2000 Art. V(D)) Section 5.04.240

## **Penalties of License Abuse**

### ***Civil penalty for failure to pay assessment fees.***

All business license renewals are due by the thirty-first day of January each year. If any person shall neglect, fail to, or refuse to pay the amount of assessment when due, on any license provided by this chapter, that person shall pay a license fee that is double the amount of the standard license fee.

If any person is found operating without a license in the unincorporated Davis County, a license fee which is double the amount of the standard fee will be required of that person. The payment of fees shall be enforced by the License Director in the manner provided in this chapter. (Amended during 2001 codification; Ord. 4-2000 Art. VI(A)) Section 5.04.250

### ***Civil action.***

In all cases wherein the assessment fee is not paid by the licensee within the time stated in this chapter, a civil action may be brought against the licensee in the name of Davis County in any court of this state having the jurisdiction of such action to recover the amount of the license and any penalty payments that are due. If there are several license fees that have not been paid by the licensee in accordance with any County ordinances, separate causes of action may be combined into the same civil action lawsuit. It shall be the duty of the County Attorney to prepare, bring and prosecute civil actions at the written request of the County Commission. (Amended during 2001 codification; Ord. 4-2000 Art. VI(B)) Section 5.04.260

### ***Enforcement of penalties.***

Nothing in this article shall be construed to prevent or in any manner interfere with the enforcement of any penalty provisions contained in this chapter. (Ord. 4-2000 Art. VI(C)) Section 5.04.270



## **Revocation of License**

### ***Notice and hearing.***

Any license issued by this chapter may be revoked after notification and a hearing is conducted for the licensee by the County Commission, unless otherwise specifically provided for herein or in any other ordinance of the County. At such hearing the license holder shall be allowed to appear and present evidence as to why the business license should not be revoked. After notification and the hearing for the revocation of the license, the Director may revoke the license for any violation of this chapter or any other County ordinances or law, or for any other reason the Director deems good and sufficient. (Ord. 4-2000 Art. VII(A)) Section 5.04.280

### ***Revocation effective date.***

If at any time a license provided for by this chapter is denied or revoked, it shall thereafter be unlawful for any persons to engage in, operate, use or permit the operation or use of any property of the business to which the license was revoked or denied until the Director grants another license. (Ord. 4-2000 Art. VII(B)) Section 5.04.290

### ***Waiting period after revocation to renew license.***

There shall be a six-month waiting period for any persons who have been denied a license or had a license revoked under the provisions of this chapter, before reapplying for a license for the same business purpose will be considered. There shall also be a six-month waiting period for any persons directly professionally associated with a person or business for which a license has been denied or revoked before consideration will be given to an application for the same business. However, the Director may, in his or her discretion, waive the six-month waiting period against persons associated or connected with an individual who has been denied a license. (Ord. 4-2000 Art. VII(C)) Section 5.04.300

## **Personnel and Duties**

### ***License department.***

The Davis County License Department shall function directly under and be responsible to the License Director who may appoint License Deputies. (Amended during 2001 codification; Ord. 4-2000 Art. II (part)) Section 5.04.020

### ***License Director--Duties.***

The License Director shall assess each applicant for a business license in accordance with this chapter and the Statutes of the state of Utah, when applicable. The director shall also collect all license fees authorized by this chapter, which shall be payable on an annual basis before the thirty-first day of January of each year. The renewed license will expire on the thirty-first day of December of the year in which it is issued. The director shall keep an index listing the names of licensees and the names of each class of license. The license roll shall contain the names and addresses of all persons, firms, corporations or associations subject to a business license according to the terms listed in this chapter. The license roll shall also indicate the amount each licensee has been assessed and information indicating that a notice of assessment has been mailed to each licensee, including the date the notice was mailed. All license notices shall be mailed before the thirty-first day of December. (Failure of the License Director to mail

notification of license assessment to licensees in the County, shall not impact the validity of this chapter.) (Ord. 4-2000 Art. II(A)) Section 5.04.030

### ***License Deputies--Duties.***

License Deputies are appointed by the License Director and may include, but are not limited to, the following: the Building Inspector or other employees of Davis County Community and Economic Development Department, Sheriff and Deputy Sheriffs, the Director of Environmental Health, Chief Sanitarian, Chief Health Inspector, Consulting Sanitarian of the Board of Health. The License Deputies are authorized to examine all places of business required to have a license, to see that such businesses are in accordance with this chapter, and any other applicable ordinance. Upon examination, the Deputies shall report to the License Director any persons conducting business without an appropriate license and any licensed person conducting business beyond the limitations of his or her business license. Deputies shall make periodic inspections of businesses, which may be without prior notification to the business. (Ord. 4-2000 Art. II(B)) Section 5.04.040

### **Definitions.**

For the purposes of this chapter, the following terms will be defined as follows.

1. "Business" means all kinds of vocations, occupations, professions, enterprises, establishments, and all other kinds of commercial activities for private profit or benefit, either directly or indirectly, on any premises in the County or anywhere else within its jurisdiction.
2. "Commission" means the Davis County Commission.
3. "County" means the unincorporated areas of Davis County.
4. "License" means the right to conduct business in accordance with this chapter, including connotations of the word "permit" and including the special privilege granted anyone for the purpose or length of time pursuant to this chapter; also the printed evidence of such right.
5. "License Director" means the Director of the Office of Davis County Planning Department.
6. "Minor" means any person under twenty-one (21) years of age for matters involving beer or alcoholic beverages -- under eighteen (18) for all other purposes.
7. "Nonprofit enterprise" means any organized undertaking, project, occupation or activity, whether permanent or temporary, which is operated without private profit and for a public charitable, educational, fraternal, religious, or other philanthropic purpose.
8. "Nuisance" means any room, house, building, structure, place or licensed premise in which:
  - a. Alcoholic beverages are manufactured, sold, kept, bartered, stored, given away or used, or where persons resort for drinking alcoholic beverages contrary to the Utah Alcoholic Beverage Control Act or contrary to the provisions of this chapter;
  - b. Intoxicated persons are permitted to loiter about, use profane, indecent, immoral, loud or boisterous language, or immoral or lewd conduct is permitted, or carried on;
  - c. Minors are permitted to purchase or drink beer or enter upon or loiter about licensed premises or are employed therein;
  - d. Laws or ordinances are violated by licensee or his or her agents, or patrons who tend to affect the public health, peace, or morals are permitted upon such premises with the consent or knowledge of the licensee;
  - e. A nuisance or public nuisance, as defined by state law, exists.
9. "Person" means any natural person, partnership, joint venture, society, association, club, trustee, trust or corporation, or any officer, agent, employee, factor, or other personal representative of any thereof, in any capacity, acting either for himself or herself or for any other natural person under

either personal appointment or pursuant to law.

10. "Premises" means any land, structure, place, item of equipment or appurtenance connected or used therewith in any business, and also, any personal property which is either affixed to or is otherwise used in connection with the operation of any business. (Amended during 2001 codification; Ord. 4-2000 Art. I) Section 5.04.010

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