

Chapter 5
Swap Meets and Flea Markets
(Title 11, Chapter 5 adopted by ordinance 2014-21 effective October 7, 2014)

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Section 11-5-1. Swap Meets and Flea Markets Defined.

For the purposes of this chapter:

- A. Flea Market: means and shall be considered a swap meet.
- B. One month swap meet seller: shall mean a seller who has written permission from a swap meet licensee to barter, exchange or sell goods on swap meet licensee's property and who has been issued a one calendar month swap meet license by the City.
- C. Swap Meet: means property where the owner or lessee rents, lends or leases the premises to persons for use as a market place to barter, exchange or sell goods. Yard sales and garage sales are not swap meets. The term "swap meet" does not include any events that area organized for the exclusive benefit of any community chest, fund, foundation, association, or corporation organized and operated exclusively for religious, educational, or charitable purposes or an event at which all of the personal property offered for sale or displayed is new and unused property, and all persons selling, exchanging, offering, or displaying the personal property are manufacturer's or distributor's representatives.
- D. Swap Meet License: means any person who rents, lends or leases his premises to temporary sellers for use as a marketplace to barter, exchange or sell goods.

Section 11-5-2. License Required.

It is unlawful for a swap meet licensee to hold a swap meet or flea market without having first obtained a City business license therefore and obtaining any zoning approvals as may be required by this Code or by the Land Use Management and Development Code of the City. The City Recorder may issue multiple one calendar month swap meet licenses upon application and payments of the applicable fees.

Section 11-5-3. One Month Swap Meet License and License Fee.

Persons desiring to barter, exchange or sell goods at a City licensed swap meet, shall first obtain at least a one calendar month swap meet license from the City Recorder. A calendar month fee

for a swap meet license is \$5.00. The application shall include the following information and it shall be signed under oath by applicant:

- A. Name of applicant;
- B. A copy of picture identification;
- C. Permanent address and telephone number of applicant;
- D. Local address and telephone number of applicant;
- E. Applicant's date of birth and age;
- F. Applicant's social security number or federal employer's identification number;
- G. Type of merchandise offered for sale and itemized list of goods including serial or identification numbers if applicable. For used merchandise with no ID marks, where the value of the goods is under \$50.00, the licensee may simply note that the seller is selling the following types of items: clothing, books, dishes, art work, bedding, toys, produce, bottles, or other types of household items.
- H. Where items to be sold were purchased or acquired.
- I. Place where business is to be conducted and written approval from the property owner of such location.
- J. Day or dates to be in business and total number of days to be in business.
- K. Hours in which the business will be conducted;
- L. List of cities where business has been conducted by the applicant within the past twelve (12) months.
- M. Statement as to whether or not applicant has been convicted of a felony or the offenses of theft or receiving stolen property within the past ten (10) years and the details of any such conviction including the date and location of the offense. No applicant for a one month swap meet license shall be issued a license if he or she has been convicted of a felony or an offense of theft or receiving stolen property within the past ten years.

Section 11-5-4. Pawn Broker and Secondhand Dealer Restrictions.

No swap meet licensee or one month swap meet licensee shall conduct the business of a pawn broker under these licenses.

Section 11-5-5. Items not allowed to be sold or exchanged at swap meet.

- A. Unless a person is a manufacturer's or distributor's representative, he or she may not sell or offer for sale or exchange at a swap meet any food product which is manufactured and packaged specifically for consumption by a child under two years of age, nonprescription or over-the-counter drug or medication other than herbal products, dietary supplements, botanical extracts, or vitamins or cosmetic or personal care product which has an expiration date.
- B. No sales of firearms, pyrotechnics, ammunition, explosives or alcoholic beverages or medicines shall be made at a swap meet.

Section 11-5-6. License Revocation.

In addition to other penalties provided by law, any swap meet licensee violating the provisions of this Chapter or of Title 11 of the City Code may have his or her license revoked or suspended.

Section 11-5-7. Receipts and transaction records.

- A. Every swap meet licensee shall maintain receipts or a permanent record book for the acquisition of new and unused property which shall contain:
1. The date of the transaction on which the property was acquired;
 2. The name and address of the person from whom the property was acquired;
 3. An identification and description of the property acquired;
 4. The price paid for such property; and
 5. The signatures of the person selling the property and the vendor.
 6. The receipt or record for each transaction required by Subsection (A) shall be maintained by the licensee for a period of not less than one year following the date of transaction.

Section 11-5-8. Sanitation and cleanliness.

Every swap meet licensee shall provide and maintain adequate toilet facilities for the one month swap meet licensees and the patrons of the swap meet. The swap meet licensee shall also ensure that garbage is cleaned up from the premises at the end of each business day and that weeds on the premises are not more than six inches in height.

Section 11-5-9. Liability of Principal.

The holder of a swap meet license is liable for any and all acts of his employees, and for any violation by them of the provisions of this chapter.

Section 11-5-10. Lists of lost or stolen property

The police department shall circulate a list of reported lost and stolen property to all swap meet licensees.

Section 11-5-11. Report of suspected lost or stolen goods.

It shall be the duty of every swap meet licensee to report to the police department any article he or she has reason to believe was stolen, or lost and found by the person attempting to sell it.

Section 11-5-12. Business License to be kept and displayed at swap meet location.

The holder of a swap meet license shall keep a copy of their license available for inspection at the swap meet site at all times when they are at the swap meet premises and shall display the license to any patron, city agent or employee, immediately upon request.

Section 11-5-13. Violation and Penalties.

In addition to any other penalties provided by law, any person violating the provisions of this Chapter shall be guilty of a Class C Misdemeanor.