



SWAP MEETS

<u>License</u>	<u>Application Fee</u>	<u>Permit Fee 1st Year License</u>	<u>Annual Renewal</u>	<u>Approval Required</u>
Swap Meet	\$130.00	\$175.00	\$175.00	Police & Planning

Application fees are not refundable and cannot be applied to license fees. (Ordinance G-2197, 5/19/81)

For your convenience, we suggest that you make an appointment prior to visiting License Services. Call (602) 262-4638 between 8 a.m. and 5 p.m. Monday - Friday. The approval process takes approximately 90 days.

ARTICLE V. SWAP MEET OPERATIONS

Sec. 10-33. Definitions.

Chief of Police: The Chief of the City of Phoenix Police Department.

City Clerk: The City Clerk of the City Clerk Department of the City of Phoenix or her designee.

Open to the public: The business occupying the space leased or licensed is making its goods or services available for sale to the public.

Owner, operator: The person or persons who control, either directly or through agents, the admission of persons or merchandise into the trading area of a swap meet lot.

Swap meet: The activity carried on at the swap meet lot, and consisting of the admitting of persons into a swap meet lot for the purpose of displaying, exchanging, bartering, buying, selling or bargaining for new or secondhand merchandise.

Swap meet lot: A building, structure, enclosure, lot or other area into which persons are admitted to display, exchange, barter, buy, sell or bargain for new or secondhand merchandise.

Swap meet participant: Any person, other than an owner or operator, who brings goods, wares and merchandise, either new or secondhand, to a swap meet lot for the purpose of displaying, exchanging, bartering, buying, selling or bargaining those goods, wares and merchandise.

Sec. 10-34. License required.

It shall be unlawful for any owner or operator to operate within the corporate limits of the City a swap meet lot without first having obtained a license as provided in this article.

Sec. 10-35. Display of license; duration and renewal; transfer; proration of fee.

- (a) A license issued under the provisions of this article shall be displayed in a conspicuous place.
- (b) All licenses, unless specifically excepted, shall be issued for a period of one year and shall run from January 1 in each calendar year to December 31 next following when they may be renewed, provided that no license shall be renewed unless the licensee conforms with the provisions of this article. Licenses issued under this article shall not be transferable.
- (c) All licenses issued pursuant to this article during a license year may have the license fee prorated to the next month except that the license fee shall not be less than the application fee for said license.

Sec. 10-36. Fee schedule.

The following fees shall be charged for applications and licenses for the operation of a swap meet lot:

Application fee: One hundred thirty dollars.

License fee: One hundred seventy-five dollars, annually.

Sec. 10-37. Application--Forms; fees; issuance.

- A. An application for a license under this Article shall be made on forms furnished by the City.
- B. Every application shall be accompanied by a nonrefundable application fee in the amount provided in Section 10-36.
- C. The application shall be granted unless the applicant is not in compliance with any provision of this Article or the Zoning Ordinance.

Sec. 10-37.01. Application; additional requirements.

- A. No license shall be issued to an individual if the individual does not present any of the following documents to the City Clerk indicating that the individual's presence in the United States is authorized under Federal Law:
 - 1. An Arizona driver license issued after 1996 or an Arizona nonoperating identification license.
 - 2. A driver license issued by a state that verifies lawful presence in the United States.
 - 3. A birth certificate or delayed birth certificate issued in any state, territory or possession of the United States.
 - 4. A United States certificate of birth abroad.
 - 5. A United States passport.
 - 6. A foreign passport with a United States Visa.
 - 7. An I-94 Form with a photograph.
 - 8. A United States citizenship and immigration services employment authorization document or refugee travel document.
 - 9. A United States certificate of naturalization.
 - 10. A United States certificate of citizenship.
 - 11. A tribal certificate of Indian blood
 - 12. A tribal or Bureau of Indian Affairs Affidavit of Birth.
- B. This section does not apply to an individual, if all of the following apply:
 - 1. The individual is a citizen of a foreign country or, if at the time of application, the individual resides in a foreign country.
 - 2. The benefits that are related to the license do not require the individual to be present in the United States in order to receive those benefits.

Sec. 10-38. Processing by City departments.

Every application filed pursuant to this article shall be processed promptly by such City departments as shall be designated through administrative order.

Sec. 10-39. Revocation or suspension of license; appeal.

The City Clerk, whenever she has knowledge or it is brought to her attention that any person licensed under this article has violated, or is violating, any of the provisions of this article, shall cite such person to appear before her on a day certain to show cause why his license should not be suspended or revoked. Such citation shall state the duty of the person cited to appear personally at the time and place and shall be served in the manner prescribed by law. It shall be the duty of the person cited to appear personally at the time and place named in the citation. He shall have the right at such hearing to be represented by counsel, to introduce witnesses on his behalf and, at his own expense, to have the testimony given at such hearing transcribed. If, after such hearing, the City Clerk determines that there is a good and sufficient reason for the suspension or revocation of the cited person's license, she shall enter an order effective immediately to such effect and so notify the cited person by registered mail. If the person cited is dissatisfied with the order of the City Clerk, he may appeal to the License Appeal Board. The method and procedure of such appeal and duties of the Board are outlined in article II, chapter 19 of this Code.

Sec. 10-40. Owner or operator duties; records inspection and retention.

- A. The owner or operator of a swap meet shall:
1. Deliver the forms identified by Section 10-41 of this article to each swap meet participant prior to the swap meet participant's entry into the swap meet lot.
 2. Note on the form identified by Section 10-41(A) of this article the time of entry of each swap meet participant into the swap meet lot.
 3. Require each swap meet participant to complete the forms required by, and in compliance with, Section 10-41 of this article.
 4. Require each swap meet participant to deliver the original of the reports required by Section 10-41 to the swap meet owner or operator in compliance with that section.
 5. Prohibit a swap meet participant from operating on its swap meet lot who has not completed the reports as required by Section 10-41 of this article and delivered them to the owner or operator as required by that section.
- B. The reports and records identified by Sections 10-40(J) and 10-41 of this article, all leases, licenses or other agreements entered into by the owner or operator with a swap meet participant to operate at the swap meet lot, and any owner or operator admission records shall be made available for reasonable inspection by any City of Phoenix license inspector or peace officer of this State when the business premises are lawfully occupied and during normal business hours. The reports and records required by this section, and any leases, licenses or other agreements identified by this section, shall be retained on the business premises of the owner or operator for a period of twelve months, provided that an owner or operator may deliver the reports required by Section 10-41(A) of this article to the Phoenix Police Department at any time ninety days after the form has been completed as required by that subsection.
- C. The owner or operator shall verify the information required pursuant to subsections 10-41(A) and (B) of this article within two hours after the swap meet participant has entered the swap meet lot.
- D. Verification of the full name and date of birth of the swap meet participant shall be from an unexpired driver's license or unexpired identification license issued by any state, provided that the license includes a photograph of the licensee; an armed forces identification card; a valid unexpired government-issued passport which contains a photograph of the person and the date of birth; or an identification card issued by the Immigration and Naturalization Service of the United States Department of Justice which contains a photograph of the person and date of birth.
- E. Verification of the date of entry, general description of merchandise, and signature shall be by physical observation.
- F. Verification of an unexpired privilege tax account number, if provided by the swap meet participant on the form required by Section 10-41 of this article, shall be from the original or a copy of an unexpired City of Phoenix issued license in the name of the swap meet participant.
- G. The person making the physical observations required by this section shall sign his name to the form, including his printed name and the date of the observations.
- H. No owner or operator shall permit a swap meet participant to remain on the swap meet lot who has failed to either complete or deliver the forms as required by Section 10-41 of this article.
- I. Subsections A, and C through H, of this section do not apply to any swap meet participant who sells exclusively new merchandise or who has a valid, unexpired regulatory license issued by the City of Phoenix for the location of the swap meet pursuant to chapter 19 of this Code.
- J. The owner or operator of the swap meet shall record the name, privilege tax account number, most recent date of entry, and space occupied, of each swap meet participant permitted on the swap meet lot who sells exclusively new merchandise, and the name, regulatory license number, most recent date of entry, and space occupied, of each swap meet participant permitted on the swap meet lot who has a valid, unexpired regulatory license issued by the City of Phoenix for the location of the swap meet pursuant to chapter 19 of this Code.

Sec. 10-41. Report of swap meet participants; swap meet participant duties.

- A. Each swap meet participant shall record, for each day or portion of a day that the swap meet participant is on a swap meet lot, on the form provided by the owner or operator for this purpose, the following information:
1. Full name.
 2. Date of birth.
 3. Current home address.
 4. Current business address and telephone number.
 5. Date of entry.
 6. A description of each vehicle brought into the swap meet lot, together with its license plate number and state of issuance.
 7. A general description of all merchandise brought into the swap meet lot which is intended to be displayed, exchanged, traded, bartered, sold, or offered for sale.
 8. Original signature of swap meet participant.
 9. Identifying number from an unexpired driver's license or unexpired identification license issued by any state, provided such license includes a photograph of the licensee, an armed forces identification card, a valid unexpired government-issued passport which contains a photograph of the person and the date of birth, or an identification card issued by the Immigration and Naturalization Service of the United States Department of Justice which contains a photograph of the person and date of birth.
 10. City of Phoenix privilege tax account number, if any.
- B. Notwithstanding any other provision of this article, a swap meet participant covered by this section who does not have in the swap meet participant's name a City of Phoenix privilege tax account number shall place the word "none" in the proper space on the form.
- C. Each swap meet participant shall record, for each day or portion of a day that the swap meet participant is on a swap meet lot, on the form provided by the owner or operator for this purpose, a complete description of each item of property traded, bartered or sold by him which had a sale price of one hundred dollars or more or had or did have a serial number and the name and address of the person receiving said property.
- D. The owner or operator shall be responsible for forwarding the report required by subsection (C) of this section to the Police Department at the close of each day's business.
- E. Forms for the reports required by this section will be provided to the owner or operator by the City of Phoenix.
- F. The swap meet participant shall sign and certify as correct the form required by subsection (A) of this section in the presence of the owner or operator.
- G. The swap meet participant shall complete all blanks on the forms required by this section. If the response to a particular section or request is "not applicable," then that shall be so designated.
- H. The swap meet participant shall deliver the report required by subsection (A) of this section to the owner or operator upon demand.
- I. Prior to leaving the swap meet lot, the swap meet participant shall deliver the report required by subsection (C) of this section to the owner or operator, irrespective of whether the report contains any qualifying items.
- J. A swap meet participant shall make the forms required by this section, while in the swap meet participant's possession, available for reasonable inspection by any City of Phoenix license inspector or peace officer of this State during the normal business hours of the swap meet.
- K. This section does not apply to any swap meet participant who sells exclusively new merchandise or who has a valid, unexpired regulatory license issued by the City of Phoenix for the location of the swap meet lot pursuant to chapter 19 of this Code.

Sec. 10-41.1. Failure to provide information by swap meet participant; consequences.

No person may remain on a swap meet lot as a swap meet participant who has failed to either:

- a. Provide the owner or operator of a swap meet lot with the identification or information required by subsections (D) and (J) of Section 10-40 of this article, as applicable; or
- b. Deliver the form required by, and in the form required by, subsection (A) of Section 10-41 of this article to the swap meet lot owner or operator upon demand.

Sec. 10-42. Trading area.

The swap meet activities shall be conducted only within a building or structure, or other area which is enclosed by a fence or wall, no less than four feet in height.

Sec. 10-43. Exemptions.

- A. The provisions of this article shall not be applied to any charitable organization having a valid solicitations permit for this activity from the City. This article shall not apply to activities carried on by charitable organizations established and operated exclusively for a religious or charitable purpose if conducted solely among its members and guests by other members serving without remuneration or if such activities are conducted at the assemblies or services of the organization.
- B. The provisions of this article shall further not be applicable to the owner or operator of any retail business premises wherein seventy-five percent or more of the space available for lease or license is open to the public for a total period of at least six hours a day for at least four of the five days, Monday through Friday.

For purposes of this subsection, "space available for lease or license" shall mean the maximum space available for lease or license for that calendar week, Sunday through Saturday.

Provided as a service of the
CITY OF PHOENIX
CITY CLERK DEPARTMENT
LICENSE SERVICES SECTION

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This publication can be provided in an alternate format by contacting the City Clerk Department,
(602) 262-6811/ V; (602) 534-2737/TTY; or (602) 495-5847/FAX.

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