

CHAPTER 3

PARK AND SWAP OPERATIONS

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(REP. BY 4100, 8-25-03)
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5-3-1: DEFINITIONS:

In this Chapter, unless the context otherwise requires, the following definitions shall apply:

POLICE CHIEF: The Chief of the Mesa Police Department.

PARK AND SWAP LOT: A building, structure, enclosure, lot, or other area into which persons are admitted to display, exchange, barter, buy, sell, or bargain for new and used merchandise, excluding those places normally engaged in the business of making sales at retail.

PARK AND SWAP MEET: The activity carried on at the park and swap lot and consists of the admitting of persons into a park and swap lot for the purpose of displaying, exchanging, bartering, buying, selling, or bargaining for new and used merchandise.

OWNER OR OPERATOR: The owner or operator of a park and swap lot or park and swap meet is the person or persons who control the admission, directly or through agents, of persons and merchandise into the trading area.

PARK AND SWAP MEET PARTICIPANT: Any person other than an owner or operator who brings goods, wares, and merchandise, both new and secondhand, to a park and swap meet for the purpose of displaying, exchanging, bartering, buying, selling, or bargaining these goods, wares, and merchandise.

5-3-2: LICENSES REQUIRED:

It shall be unlawful for any owner or operator to operate within the corporate limits of the City a park and swap lot without first having obtained a license as provided in this Chapter, together with a privilege license pursuant to Section 5-10-2, for reporting and paying monthly to the City all privilege license taxes due by reason of the operator's operations. (4100)

5-3-3: DISPLAY OF LICENSES; DURATION AND RENEWAL; TRANSFER:

- (A) All licenses issued under the provisions of this Chapter shall be displayed in a conspicuous place.
- (B) All licenses, unless specifically excepted, shall be issued for a period of one (1) 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 Chapter. Licenses issued under this Chapter shall not be transferable.

5-3-4: FEE SCHEDULE:

The following fees shall be charged for applications and licenses for the operation of a park and swap lot: (1050, 4982)

Application fee	As established in the current Schedule of Fees and Charges.
License Fee	Due annually, as established in the current Schedule of Fees and Charges

(1050, 4982)

5-3-5: APPLICATIONS; FORMS; REFUSAL TO ISSUE:

- (A) An application for a license under this Chapter shall be made on forms furnished by the City. Every application shall be accompanied by an application fee in the amount provided in Section 5-3-4. In the event a license is not issued, the application fee shall not be returned to the applicant but shall be applied to cover the cost of processing the application.
- (B) The Finance Director shall have the power to refuse to issue a license for any of the following causes:
 1. Fraud, misrepresentation, or a false statement made in the course of applying for the license.
 2. Conviction of any crime or misdemeanor involving moral turpitude within the last ten (10) years.
 3. Any previous violation of this Chapter. (1613)

5-3-6: REVOCATION OR SUSPENSION OF LICENSE; APPEAL:

Whenever the Finance Director has knowledge or it is brought to the attention of said Director that any person licensed under this Chapter has violated, or is violating, any of the provisions of this Chapter, such person shall be cited to appear before the Finance Director and such City officials as the Director may deem necessary 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 by an officer of the Police Department in the manner provided for personal service of civil summons. 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 Finance Director determines that there is a good and sufficient reason for the suspension or revocation of the cited person's license, the Finance Director 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 Finance Director, he may appeal to the City Manager within five (5) days, excluding weekends and legal holidays, after receipt of the decision of the Finance Director. The City Manager may designate a Hearing Officer to hear the appeal. (2383)

5-3-7: POLICE REPORTS REQUIRED:

(A) On each day of operation of a park and swap lot, the owner or operator shall, on forms provided by the City, obtain the following information on each park and swap meet participant:

1. Name and address.
2. Date and time of entry.
3. Vehicle description and license plate number, if any.
4. A general description of all property brought into the trading area. For any item of property with an initial asking price of twenty-five dollars (\$25.00) or more or which has or did have a serial number, a complete description shall be furnished including the name, make, and any identifying number.
5. Signature of park and swap meet participant.
6. Driver's license number and the state where issued, if any.
7. Social security number, if available.
8. Whether the person has a valid City of Mesa secondhand dealer's license and the number thereof.

These forms and admission records shall be available for police inspection during normal business hours and may be filled out by the park and swap meet participant and turned over to the owner, operator, or his designated employee. The owner or operator shall be responsible for forwarding these reports to the Police Chief at the close of each business day.

(B) Each park and swap meet participant shall submit daily to the owner, operator, or his designated employee a list giving the complete description of each item of property traded, bartered, or sold by him which had an initial asking price of twenty-five dollars (\$25.00) or more or a sale price of twenty-five dollars (\$25.00) or more or had or did have a serial number and the name and address of the person receiving said property. The owner or operator shall be responsible for forwarding these reports to the Police Chief at the close of each day's business. Forms for these reports will be provided to the owner or operator by the City of Mesa.

5-3-8: PRIVILEGE LICENSE REPORTS AND COLLECTION OF TAXES: (Repealed by 4100)**5-3-9: TRADING AREA; VISIBILITY OF MERCHANDISE:**

The swap meet activities shall be conducted only in a building, structure, or other area which is sufficiently enclosed to enable the owner or operator or his employees to control effectively all persons and merchandise and only in an area zoned for this type of activity. All merchandise, both new and secondhand, for which the park and swap participant asks, or intends to ask, an initial price of twenty-five dollars (\$25.00) or more shall at all times be visible to the general public and officials of the City.

5-3-10: EXEMPTION:

The provisions of this Chapter shall not be applied to any charitable organization having a valid solicitation's permit for this activity from the City. This Chapter 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. (1050)

CHAPTER 4

SALE OF JEWELRY AT PUBLIC AUCTION

(Repealed By 4313)

CHAPTER 5

GOING OUT OF BUSINESS SALES

(Repealed By 4314)