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ORDINANCE NO. 11871
(New Series)

JUL 28 1976

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 32, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.3200 THROUGH 33.3206; AND ADDING SECTION 33.3207; AND AMENDING CHAPTER III, ARTICLE 1, DIVISION 3, BY ADDING SECTION 31.0391 RELATING TO SWAP MEETS AND SWAP LOTS.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter III, Article 3, Division 32, of the San Diego Municipal Code be and it is hereby amended by amending Sections 33.3200 through 33.3206 and adding Section 33.3207 to read as follows:

SEC. 33.3200 DEFINITIONS

For the purpose of this Division, the following terms are defined:

(a) "Swap Lot" is a building, structure, enclosure, lot or other area into which members of the public at large are invited or allowed to offer for sale, sell, exchange, display, barter or bargain for new or used merchandise.

(b) "Swap Meet" is the activity carried on in a swap lot.

(c) "Owner" or "Operator" of a swap lot or swap meet is the person, persons, association, partnership, corporation, or licensee who controls the admission, directly or through agents, of persons and merchandise

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*Yes - 1, 2, 4, 6, 7.
Absent - 3, 5, 8, M.*

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into the swap lot.

(d) "Seller" shall mean a member of the public at large who enters a swap lot to offer for sale, sell, exchange, display, barter or bargain his merchandise therein.

SEC. 33.3201 REPORTS REQUIRED BY SELLER

Every seller entering a swap lot with merchandise shall submit to the swap lot owner or operator, prior to entry, the following information, on forms prescribed by the Police Department:

- (a) Complete name and address of seller(s).
- (b) Date and time of entry.
- (c) Vehicle description and license number of seller.
- (d) Date of birth and social security number of seller.
- (e) Complete description, including the color, brand name, model, make, serial numbers or other identifying marks, of the following types of property brought into the swap lot:
 - (1) All used property to be sold or selling for ten dollars (\$10) or more.
 - (2) All new or used property with serial numbers, personalized initials, inscription, or other identifying marks.
 - (3) All new or used jewelry to be sold or

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selling for ten dollars (\$10) or more, which description shall include, when possible, stone type, points, weight and carats.

(f) Signature of seller.

(g) Booth, stall or other location within swap lot where seller will be selling his merchandise.

SEC. 33.3202 REPORTS REQUIRED BY OWNER OR OPERATOR

The owner or operator of a swap lot shall collect the prescribed forms submitted by sellers at the time of entry of the sellers into swap lot and shall take reasonable steps to verify the accuracy of the information contained on such forms. The forms shall be available for police inspection during normal business hours.

The prescribed forms shall be submitted daily to the Chief of Police.

The owner or operator shall also submit daily, to the Chief of Police, the forms required under Section 33.3203.

SEC. 33.3203 REPORT OF SALE

Every seller shall report on forms prescribed by the Police Department, the sale of all property described in Section 33.3201(e) including the name and address of purchaser. A description of such property sold which satisfies the requirements of Section 33.3201(e) shall be contained on the prescribed form.

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Every seller shall retain the prescribed forms at his respective space/stall until leaving the swap lot at which time the prescribed forms shall be submitted to the swap meet owner or operator. The prescribed forms shall be made available to any peace officer upon request.

SEC. 33.3204 TRADING AREA - REGULATION

All swap meets shall be conducted only in a building, structure, or in an area enclosed by a fence which is sufficient to enable the owner or operator to control effectively the ingress and egress of persons and merchandise.

SEC. 33.3205 INSPECTION BY PUBLIC SAFETY OFFICERS

All merchandise, booths and trading areas shall be arranged so that fire, police, health, and other public officials may have access for inspection at all times during hours of operation.

SEC. 33.3206 HOURS OF OPERATION

The business defined in this Division shall be conducted only during daylight hours between one hour after sunrise and one hour before sunset. Such businesses shall not be conducted on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

SEC. 33.3207 FALSE INFORMATION - PENALTY

The furnishing of false information by anyone,

where information is required by the provisions of this Division, shall constitute a violation of this Division.

Section 2. That Chapter III, Article 1, Division 3, of the San Diego Municipal Code be and it is hereby amended by adding Section 31.0391 to read as follows:

SEC. 31.0391 LICENSE FEE - SWAP MEET/SWAP LOT

Every person who operates a swap meet or swap lot as defined in Section 33.3200 of this Code shall pay daily a license fee of one hundred dollars (\$100) and a daily license fee of one dollar (\$) for each seller in excess of one hundred sellers in attendance.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Eugene P. Gordon
Eugene P. Gordon
Deputy City Attorney

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Orig. Dept.: Police