

[TITLE 2 LICENSES, BUSINESS REGULATIONS AND BUSINESS TAXES*](#)

[DIVISION 1. BUSINESS REGULATIONS*](#)

[CHAPTER 13. SWAP MEETS*](#)

CHAPTER 13. SWAP MEETS*

*Note--Added by Ord. No. 3450 (N.S.), effective 1-21-70.

SEC. 21.1301. PURPOSE.

Business and Professions Code sections 21660 et seq. impose reporting requirements on swap meet operators and vendors, designed to assist law enforcement agencies in tracing and recovering stolen property. State law, however, recognizes that land use and zoning issues created by swap meets are matters of local concern. This chapter provides for licensing of swap meets and adopts reasonable regulations necessary to limit impacts on surrounding properties and residents and to protect the health and safety of swap meet attendees.

(Amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1302. DEFINITIONS.

For the purposes of this chapter the following definitions shall apply:

- (a) "Explosives" has the same meaning as the term "explosives" in Health and Safety Code section 12000.
- (b) "Nonprofit organization" means a nonprofit organization that is exempt from taxation pursuant to sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, 23701t, or 23701w of the Revenue and Taxation Code.
- (c) "Operator" has the same meaning as the term "operator" in Business and Professions Code section 21661(d).
- (d) "Sale" includes barter, trade, exchange or sale.
- (e) "Swap meet" has the same meaning as the term "swap meet" in Business and Professions Code section 21661(a), (b) and (c).

the term "swap meet" includes a flea market or an open-air market and means an event at which two or more persons offer merchandise for sale or exchange and that meets one of the following conditions:

(1) A fee is charged for the privilege of offering or displaying merchandise for sale or exchange.

(2) A fee is charged to prospective buyers for parking or for admission to the area where merchandise is offered or displayed for sale or exchange.

(3) The event is held more than six times in any 12-month period.

(b) Notwithstanding subdivision (a), the term “swap meet,” as used in this article, includes a flea market or an open-air market and means an event, regardless of the number of persons offering or displaying personal property or the absence of fees, at which used personal property is offered or displayed for sale or exchange if the event is held more than six times in any 12-month period.

(c) The term “swap meet,” as used in this article, is interchangeable and applicable to “flea markets,” “indoor swap meets,” “open-air markets,” or other similar terms, regardless of whether these events are held either inside a building or outside in the open. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular course of business.

(f) “Vendor” has the same meaning as the term “vendor” in Business and Professions Code section 21661(e).

“Vendor,” as used in this article, means any person, partnership, organization or corporation who exchanges, sells, or offers for sale or exchange any merchandise at a swap meet. A swap meet vendor shall be classified according to the following categories:

(1) A “casual swap meet vendor” means a vendor who participates in a swap meet two times or less per year.

(2) A “regular swap meet vendor” means a vendor who participates in a swap meet three or more times per year.

(Amended by Ord. No. 5515 (N.S.), effective 6-21-79; amended by Ord. No. 9155 (N.S.), effective 7-13-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

Cross reference(s)--Definitions, § [12.101](#) et seq.

SEC. 21.1303. LICENSE REQUIRED.

(a) Except as provided in subsection (b) below, no person shall operate a swap meet in the unincorporated area of the County without an operator's license issued by the Issuing Officer. The Sheriff is the Issuing Officer for any license required by this chapter. An operator's license is governed by sections [21.101](#)- [21.117](#) and any additional conditions in this chapter.

(b) An operator's license is not required for the following:

(1) An event conducted by a nonprofit organization solely for fundraising purposes where the proceeds are not shared with or paid to any other person and the nonprofit organization does not conduct more than one swap meet in a 12 month period, or

(2) An event where the only items offered for sale are (A) motor vehicles, (B) trailers or (C) vehicle accessories or vehicle parts usable for a motor vehicle eligible for vehicle registration under Vehicle Code section 5004 and items of memorabilia or history, or both, related to these vehicles.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1304. ADDITIONAL REASONS FOR DENIAL OF LICENSE AND LIMITATIONS ON LICENSE.

(a) In addition to the grounds for denying a new license under section [21.108](#) or a renewal license under section [21.109](#) the Issuing Officer may deny a license under this chapter if the Issuing Officer determines the operation of the swap meet:

(1) Will cause an increase in the amount of pedestrian and/or vehicular traffic that will likely present a threat to public health or safety to event attendees, participants, area residents or others in the vicinity where the event is proposed to occur, or

(2) Will require diverting a significant number of law enforcement personnel from their normal duties that will likely prevent reasonable law enforcement protection to the community in the area where the swap meet is proposed.

(b) The Issuing Officer may also deny a license if the applicant violated this code or State law while operating a swap meet previously and is unable to demonstrate to the satisfaction of the Issuing Officer that the applicant would not violate this code or State law if the Issuing Officer issued a license for the swap meet.

(c) The Issuing Officer may grant the license but limit the days and/or hours of operation of the swap meet to protect residents of surrounding properties from unreasonable impacts.

(Amended by Ord. No. 4684 (N.S.), effective 4-22-76; amended by Ord. No. 5200 (N.S.), effective 8-10-78; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1305. TRADING AREA.

Swap meet activities shall only be conducted in a building, structure, or other area enclosed by a permanent fence sufficient to enable the operator to control ingress and egress of persons and merchandise.

(Amended by Ord. No. 7309 (N.S.), effective 7-2-87; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1306. INSPECTION BY ENFORCEMENT OFFICIALS.

All items offered for sale at any swap meet, including an event that does not require an operator's license as provided by section [21.1303\(b\)](#) shall be arranged so that any peace officer, Sheriff's license specialist, building inspector, fire official, health and safety inspector or other enforcement official may have access to inspect the items during the hours the swap meet is operating.

(Amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1307. HOURS AND DAYS OF OPERATION.

A swap meet shall not be open for business before 6:00 a.m. or after 6:00 p.m. and no swap meet attendee shall be admitted to a swap meet later than one hour before closing time. No swap meet shall be conducted on December 25, Labor Day, Thanksgiving Day, and on other times prohibited under the terms of the license.

(Amended by Ord. No. 5149 (N.S.), effective 6-1-78; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1308. PROHIBITED TRANSACTIONS AND NOTICE.

It shall be unlawful for any person to sell firearms, ammunition or explosives at a swap meet. The operator of a swap meet shall post a notice in letters at least 1/16th of an inch high, in a conspicuous place, near each entrance to the swap meet stating the following in the English language: "NOTICE. It is illegal to exchange, barter, trade or sell firearms, ammunition or any explosives at a swap meet."

(Added by Ord. No. 9889 (N.S.), effective 10-26-07)

Disclaimer:

This Code of Ordinances and/or any other documents that appear on this site may not reflect the most current legislation adopted by the Municipality. American Legal Publishing Corporation provides these documents for informational purposes only. These documents should not be relied upon as the definitive authority for local legislation. Additionally, the formatting and pagination of the posted documents varies from the formatting and pagination of the official copy. The official printed copy of a Code of Ordinances should be consulted prior to any action being taken.

For further information regarding the official version of any of this Code of Ordinances or other documents posted on this site, please contact the Municipality directly or contact American Legal Publishing toll-free at 800-445-5588.