

ORDINANCE NO. O2020-010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 70 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO BUSINESS REGULATIONS, PROVIDING FOR CHANGES TO THE TAX SCHEDULE AS IT RELATES TO SWAP MEETS AND UPDATING THE DEFINITION OF SWAP MEETS WITHIN THE CITY OF YUMA THEREOF

WHEREAS, Yuma merchants have expressed a desire to provide additional retail opportunities to Yuma area shoppers; and,

WHEREAS, the City Council of the City of Yuma desires to provide increased commercial opportunities for local entrepreneurs; and

WHEREAS, there is discord between the City of Yuma business regulations and the City of Yuma zoning ordinance as it relates to swap meet definitions; and,

WHEREAS, the City Council of the City of Yuma desires to amend the regulations related to swap meets in order to provide regulatory consistency.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: That the Yuma City Code, Title 7, Chapter 70, Article 5 Tax Schedule be amended to insert the following bolded and underlined text and delete the strikethrough text:

- (B) *Non-retail merchants*. Any person, not otherwise classified in division (A) above, shall pay the following occupational license tax as indicated:

| <i>Non-Retail Merchant</i> | <i>License Tax</i> |
|----------------------------|---|
| Swap meet | \$100 <u>2-25 stalls \$100 per year/\$25 per quarter</u> <u>26-50 stalls \$200 per year/\$50 per quarter</u> <u>51-99 stalls \$300 per year/\$75 per quarter</u> <u>100+ stalls \$400 per year/\$100 per quarter</u> |

SECTION 2: That the Yuma City Code, Title 7, Chapter 70, Article 21 Swap Meets, Fairgrounds, Farmers Markets, and Street Fairs be amended to insert the following bolded and underlined text and delete the strikethrough text:

- (A) As used in this subchapter, ***SWAP MEET*** means a place of commercial activity, popularly known as a swap meet or flea market, which is:

- (1) Open to the public for the purchase of merchandise on the premises;

- (2) Available to the public who contract with the swap meet proprietor to sell merchandise on the premises, whether such sellers or vendors are in the business of vending or are making casual sales or some combination thereof;
 - (3) Composed of ~~100~~ 2 or more stalls, stands or spaces allotted to vendors, at least one of whom does not occupy the same allotted space or spaces on an uninterrupted continuous daily basis.
- (B) It shall be the responsibility of the swap meet proprietor, and not individual vendors, to obtain the license required by this subchapter. Swap meet vendors are not required by this subchapter to obtain a city business license. A ***SWAP MEET PROPRIETOR*** is any person who rents, sells, donates, or otherwise makes available to swap meet vendors any space within premises owned or controlled by the proprietor for the purpose of a swap meet sale. The swap meet proprietor shall make available to the city, upon reasonable notice, records containing names, addresses, and Arizona transaction privilege numbers of all vendors.

SECTION 3: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of the ordinance. Unless otherwise specifically provided for in this chapter, any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which such violation of this ordinance occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this _____ day of _____, 2020.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney