

**City of Sherman, Texas**  
**Application for Junk / Secondhand Dealers Permit**  
**Article 4.07 – Code of Ordinances**  
**Permit Valid for One (1) Year – Fee \$25.00**

Name of Applicant: \_\_\_\_\_  
(person or organization)

Permanent Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Telephone No: \_\_\_\_\_

Driver's License State and Number or State ID Card: \_\_\_\_\_  
(attach photo copy of license)

Date of Birth: \_\_\_\_\_ SSN: \_\_\_\_\_

Trade Name or Business: \_\_\_\_\_  
(if other than stated in No. 1)

List all persons that will be buying / selling under this permit:

1) Name: \_\_\_\_\_ Address: \_\_\_\_\_

Driver's License State and Number or State ID Card: \_\_\_\_\_  
(attach photo copy of license)

Date of Birth: \_\_\_\_\_ SSN: \_\_\_\_\_

2) Name: \_\_\_\_\_ Address: \_\_\_\_\_

Driver's License State and Number or State ID Card: \_\_\_\_\_  
(attach photo copy of license)

Date of Birth: \_\_\_\_\_ SSN: \_\_\_\_\_

3) Name: \_\_\_\_\_ Address: \_\_\_\_\_

Driver's License State and Number or State ID Card: \_\_\_\_\_  
(attach photo copy of license)

Date of Birth: \_\_\_\_\_ SSN: \_\_\_\_\_

4) Name: \_\_\_\_\_ Address: \_\_\_\_\_

Driver's License State and Number or State ID Card: \_\_\_\_\_  
(attach photo copy of license)

Date of Birth: \_\_\_\_\_ SSN: \_\_\_\_\_  
(use reverse side if more space is needed)

**Requirements:**

Application must be completed and returned to the City Clerk's Office

Permit will be granted (if approved) following a 24-hour period

Applicant must be at least 18 years of age

Junk Dealer / Secondhand Dealer Bond (\$1,000)

Junk Dealer Affidavit

- > \$25.00 Fee for Junk / Secondhand Dealers Permit
- > Permit good for one (1) year from date of issue, and shall remain in effect subject to the terms and provisions of Article 4.07 of the Code of Ordinances
- > Permit shall not be transferable
- > Renewal of Permit shall be treated as original application except when the same individuals are involved in a renewal application, the Chief of Police shall waive the filing of a new application form

Date of Application: \_\_\_\_\_

Date of Payment of \$25.00: \_\_\_\_\_

Receipt Number: \_\_\_\_\_

Application Approved By: \_\_\_\_\_  
Records Division – Sherman Police Department

Permit Approved By: \_\_\_\_\_  
City Clerk

Date Permit Issued: \_\_\_\_\_ Permit No: \_\_\_\_\_

STATE OF TEXAS           §  
  §  
COUNTY OF GRAYSON   §

**JUNK DEALER AFFIDAVIT**

BEFORE ME the undersigned authority, personally appeared \_\_\_\_\_,  
who, after being by me duly sworn, did depose as follows:

My name is \_\_\_\_\_, and I reside at \_\_\_\_\_.  
I am over eighteen years of age, have never been convicted of a felony or crime involving dishonesty or theft; I am competent and authorized to make this Affidavit; and I have personal knowledge of the matters set forth herein; and know that they are true and correct.

I have never been convicted of a felony that directly relates to duties and responsibilities of the licensed occupation.

I have never violated State laws, governing my previous activities in the same business or line of work.

I have never had a Junk or Secondhand Dealers Permit or similar permit in another City that has been revoked;

FURTHER AFFIANT SAYETH NOT.

\_\_\_\_\_

**ACKNOWLEDGMENT**

THE STATE OF TEXAS           §  
  §  
COUNTY OF GRAYSON   §

THIS INSTRUMENT was acknowledged before me, the undersigned authority, in and for the State of Texas, on this day by \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE  
OF TEXAS  
Expires: \_\_\_\_\_



**City of Sherman**  
 P.O. Box 1106  
 Sherman, Texas 75091  
 Phone: (903) 892-7204  
 Fax: (903) 892-7394

**JUNK / SECONDHAND DEALER BOND**

STATE OF TEXAS       '  
 COUNTY OF GRAYSON   '  
 CITY OF SHERMAN     '

**KNOW ALL MEN BY THESE PRESENTS:**

That, \_\_\_\_\_, as principal, and \_\_\_\_\_ and \_\_\_\_\_ as surety or sureties, are held and firmly bound unto the City of Sherman, in the penal sum of One Thousand Dollars (\$1,000), for the payment of which well and truly to be made, we jointly and severally bind ourselves, our heirs, executors, administrators, personal representatives, successors and assigns, firmly by these presents.

**THE CONDITION OF THIS OBLIGATION IS SUCH THAT,** whereas the above bounden principal has this day made application for permit to conduct business as a junk / secondhand dealer in the City of Sherman, for a period of one year ending \_\_\_\_\_, 20\_\_\_\_, and for additional renewal periods as granted.

**NOW THEREFORE,** in consideration of said permit being issued to principal, the said principal shall:

1. Indemnify and save harmless the City of Sherman, its officials and employees, and their successors from and on account of any and all judgments, claims, demands, losses, costs, expenses, or liabilities of any kind whatsoever which said City of any or all of the persons above enumerated may sustain or which may be recovered from it or them, from or by reason of the issuance of such permit or by reason of any act, neglect, or thing done under of by virtue of the authority given in such permit;
2. In all respects be bound hereby to any and all applicable requirements and provisions required to be in this bond by existing and hereafter existing ordinances, rules, and regulations of the City of Sherman and the other laws, the same as though such requirements and provisions were fully set forth in this bond, and by reference such requirements and provisions are made a part hereof;
3. Comply with and faithfully observe and obey all applicable rules and regulations and ordinances of the City of Sherman now or hereafter existing and all other applicable laws now or hereafter existing affecting or relating to junk / secondhand dealers;
4. Pay any penalties that may be imposed during and for the period of said permit;
5. Pay all damages occasioned to any person or persons by reason of any wrongful, fraudulent, or illegal conduct while conducting business activities in the city by principal or the principal's agents or employees.

**COMPLIANCE** withall and several of the above-enumerated items shall make this bond void; otherwise it shall remain in full force and effect for the duration of this permit, renewals thereof and for two years thereafter.

Signed and dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

PRINCIPAL SIGNATURE \_\_\_\_\_

SURETY \_\_\_\_\_

PRINCIPAL \_\_\_\_\_

AGENT \_\_\_\_\_

ADDRESS \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NO \_\_\_\_\_

PHONE NO \_\_\_\_\_

AGENT: PLEASE ATTACH POWER OF ATTORNEY TO BOND

**Sec. 4.06.002 Definition**

*Continuous sales.* Sales conducted by the owner or occupant of property in the apartment and residential districts in the city, where the public is invited by signs (signs are not permitted to be attached to a utility pole of any kind, to a tree or any other device, except in the permittee's yard), advertising or in any other manner to come for the purpose of purchasing goods, wares and merchandise not more than twice in any calendar year.

**Sec. 4.06.003 Occasional sale**

The owner or occupant of property within the districts herein enumerated may obtain a permit to conduct a bona fide occasional sale of surplus odds and ends owned and controlled by the occupant by applying for such permit and paying a permit fee of five dollars (\$5.00), and conditioned that the sales tax due and owing the state will be remitted as required by law, and that all laws and regulations will be complied with, and that the sale will not last more than five (5) consecutive days.

**Sec. 4.06.004 Penalty for violation**

Any person violating the provisions of this article shall be punished as provided in section 1.01.009.

(1991 Code, sec. 16-1)

**ARTICLE 4.07 DEALERS IN USED GOODS**

**Division 1. Generally**

**Sec. 4.07.001 Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Junk.* Includes rubber; rope; used bottles; old cotton; secondhand mechanical and garden tools and utensils; used or secondhand plumbing fixtures, appliances, fittings, pipes and supplies; used or secondhand electrical fixtures, fittings, appliances and supplies; used or secondhand gas fixtures, fittings, pipes, appliances and supplies; used or secondhand water heaters, fixtures, fittings, pipes and supplies; used or secondhand lawn hoses or harnesses; used or secondhand doors, window sashes or glass, mantels or parts thereof; used or secondhand automobiles and motorcycles purchased for the purpose of being dismantled; used or secondhand automobile, motorcycle and bicycle parts and accessories; used or secondhand bicycles; and used or secondhand automobile tires and tubes.

*Junk dealer.* Includes any person engaged in collecting, handling, buying and selling of any of the following: rubber; rope; used bottles; old cotton; secondhand mechanical and garden tools and utensils; used or secondhand plumbing fixtures, appliances, fittings, pipes and supplies; used or secondhand electrical fixtures, fittings, appliances, and supplies; used or secondhand gas fixtures, fittings, appliances and supplies; used or secondhand water heaters, fixtures, fittings, pipes and supplies; used or secondhand lawn hoses or harnesses; used or secondhand doors, window sashes or glass, mantels or parts thereof; used or secondhand automobiles and motorcycles purchased for

the purpose of being dismantled; used or secondhand automobile, motorcycle, and bicycle parts and accessories; used or secondhand bicycles; and used or secondhand tires and tubes.

*Junk dealer, dealer in junk, and secondhand dealer.* Are used synonymously, and unless otherwise expressly stated, shall include both junk and secondhand dealers.

*Secondhand dealer.* Includes any person engaged in: collecting, handling, buying, trading, selling or engaging in the sale or traffic of any of the following: used or secondhand wearing apparel consisting of hats, shoes, overcoats, raincoats, and any and all kinds of clothing; used or secondhand watches, jewelry, diamonds, precious metals and coins, luggage, musical instruments, appliances, shotguns, rifles, revolvers and all other kinds of firearms; and any and all kinds of used goods, wares and merchandise which are handled by pawnbrokers and secondhand dealers in the usual course of trade.

*Secondhand goods.* Used or secondhand wearing apparel consisting of hats, shoes, overcoats, raincoats and any and all kinds of clothing; used or secondhand watches, jewelry, diamonds, precious metals and coins, luggage, musical instruments, appliances, shotguns, rifles, revolvers and all other kinds of firearms; and any and all kinds of used goods, wares and merchandise which are handled by pawnbrokers and secondhand dealers in the usual course of trade.

(1991 Code, sec. 16-31)

**Sec. 4.07.002 Exemption**

This article shall not apply to junk or secondhand goods received as a pledge for the payment of money loaned by a licensed pawnbroker. (1991 Code, sec. 16-32)

**Sec. 4.07.003 Records required; identification of sellers**

(a) All junk dealers and all secondhand dealers doing business or offering to do business in the city shall at all times keep on hand books of report blanks in which shall be legibly written by the dealer, in duplicate, at the time any junk or secondhand article is purchased or deposited for any purpose other than a pawn transaction with such dealer, an accurate description in the English language of the articles purchased or deposited, including the make, model, manufacturer, serial number, color and size; the amount of money paid for same or loaned thereon; the time of purchase or deposit thereof; the name, age, sex, driver's license number, signature, residence, and race of the person selling or depositing such junk; the source and place from which such junk came or was obtained by the depositor, as reported by the depositor, together with the name of the state issuing the license and the number of the license of the automobile in which such junk shall be delivered to such dealer; the city license number of the depositor if he is a junk dealer or a secondhand dealer.

(b) He shall require every person selling any property to him to insert his name and address and place his thumbprint plainly and clearly in ink opposite his name on the report blank.

(c) The foregoing provision where it requires the taking of a thumbprint shall not be applicable to transactions wherein a junk dealer or secondhand dealer shall purchase junk or merchandise from a person having a valid license or permit to transact and engage in a lawful business or occupation, whether such license or permit be issued by the city, the state, or the United States of America, and in such transactions the identification of the seller of the junk or merchandise shall be deemed sufficient if the junk dealer or secondhand dealer shall make a notation of the type and

number of such license or permit. The requirement for the taking of a thumbprint by a junk dealer or secondhand dealer shall not be applicable in any transaction wherein the junk dealer or secondhand dealer purchases merchandise or material from a householder in the city when such householder sells or delivers the merchandise to the junk dealer or secondhand dealer at the residence of the householder, and in such cases, the identification required shall be sufficient if the junk dealer or secondhand dealer shall make a record showing the name and address of the householder and the address where the merchandise was purchased by the junk dealer or secondhand dealer. The report blanks shall be in book form and printed, numbered, executed and signed by such dealer and by the party selling or depositing such article. Such report shall at all times be open to the inspection of the chief of police or any member of the police force of the city and shall be kept for a period of two (2) years.

(1991 Code, sec. 16-33)

**Sec. 4.07.004 Identification of container or article by serial number of report**

Each lot, sack, barrel, box or other container of junk purchased by or deposited with dealers shall be kept intact and have written or stamped in a conspicuous place either on the container thereof, or, if no container, on one (1) of the articles, the serial number of the report made as set out in section 4.07.003, which number shall at all times be kept plain and legible. Each article purchased by or deposited with a secondhand dealer shall be kept intact and have attached thereto on the container thereof, or, if no container, on the individual article, the serial number of the report made as set out in section 4.07.003 which number shall at all times be kept plain and legible. Such number shall be affixed to every secondhand article by means of a tag on which is legibly printed the corresponding serial number of the report of sale and purchase required by section 4.07.003. (1991 Code, sec. 16-34)

**Sec. 4.07.005 Time of holding articles before resale**

Each lot of junk and each secondhand article, except scrap metal, tinfoil, bones, rags and bottles, purchased by or deposited with junk dealers and secondhand dealers shall be retained by them in its original form, shape and condition for a period of ten (10) days after such purchase or deposit, during which time no part of such junk shall be sold or permitted to be redeemed or removed from the place of business of such dealer. (1991 Code, sec. 16-35)

**Sec. 4.07.006 Inspection of purchased items**

Each article purchased by or deposited with any junk dealer or secondhand dealer shall at all reasonable times be open to inspection by the chief of police or any member of the police force of the city. (1991 Code, sec. 16-36)

**Sec. 4.07.007 Purchases from minors**

No junk dealer or secondhand dealer or operator of a junk wagon shall purchase or receive in pledge or on deposit for any purpose any article from any minor or which may be owned or claimed by or in possession or control of any minor unless the parent or guardian of such minor shall state in writing that such transaction took place with such parent's or guardian's full knowledge and consent, which written statement shall be signed by such parent or guardian and have thereon the address and telephone number, if any, of such parent or guardian. (1991 Code, sec. 16-37)

**Sec. 4.07.008 Purchases by dealers from dealers**

No junk dealer or secondhand dealer shall buy or receive for deposit any junk or secondhand goods from any other junk or secondhand dealer unless the latter shall at the time exhibit to the dealer his license for the current year issued by the city, authorizing him to engage in the business of a junk or secondhand dealer. (1991 Code, sec. 16-38)

**Secs. 4.07.009–4.07.040 Reserved**

**Division 2. License**

**Sec. 4.07.041 Required**

No junk dealer or secondhand dealer shall transact or engage in business within the city unless and until he shall have obtained an annual license therefor. (1991 Code, sec. 16-56)

**Sec. 4.07.042 Application**

Any person intending to engage in business as a junk dealer or secondhand goods dealer business in the city shall file with the chief of police a written application, duly signed and verified, as follows:

- (1) If the applicant is a person, the application shall be signed and verified by such person, and if the applicant is a partnership, the application shall be signed by each partner, and if the applicant is a corporation, the application shall be signed by the chief executive officer of the corporation.
- (2) The application shall state the full name, age, and residence of the applicant; and shall specify the trade name and the address or location from which the business or agency will operate and for which the license certificate is desired, and such further facts as may be required by the chief of police to show the good character, competency, and integrity of each person so signing the application.

(1991 Code, sec. 16-57)

**Sec. 4.07.043 Term; vested rights**

No license granted under the terms of this article shall extend for a period in excess of one (1) year. No such license shall be deemed to grant a vested or property right, but such license shall remain subject to the terms and provisions of this article and subject to such future regulations as shall be promulgated by the city council by ordinance, and any investment made by a licensee shall be made subject to this article. (1991 Code, sec. 16-58)

**Sec. 4.07.044 Standards for denial**

(a) Mandatory denial. An application shall be denied if:

- (1) The application contains false or misleading statements of a material nature;
- (2) The applicant is not at least eighteen (18) years of age;

- (3) The applicant has been convicted of a felony that directly relates to duties and responsibilities of the licensed occupation.
- (b) Criteria for review. In considering whether to grant or deny an application, the chief of police shall consider the following:
- (1) Whether the applicant is of good moral character and has a reputation for being a peaceful law-abiding citizen.
  - (2) Whether the applicant was a junk or secondhand goods dealer in another city or town, and had his or its permit revoked for cause.
  - (3) Whether the applicant has violated state laws, if any, governing his previous activities in the same business or line of work.
  - (4) Such other lawful matters as he considers pertinent and proper in arriving at a fair and lawful conclusion with respect to the information required.

(1991 Code, sec. 16-59)

**Sec. 4.07.045 Appeal from denial**

(a) If the chief of police denies an application for a license under this division, the applicant may, within ten (10) days after the earlier of either mailing notice of such denial to the current business address given by the applicant on the application or notification in person to the applicant of such denial at the police station, appeal to the city council. The city council shall within thirty (30) days thereafter accord to the applicant a hearing as to whether or not such application should be granted or denied. Both the applicant and the chief of police or his designated representative shall be present and may be heard at the hearing.

(b) A denial of such application by the city council shall be final but shall not prejudice the right of the applicant to file a new application after a six-month waiting period; provided that such application may be summarily denied by the chief of police unless there is attached thereto a sworn statement detailing such new information as the applicant believes would cause such application to be accepted.

(1991 Code, sec. 16-60)

**Sec. 4.07.046 Fee; issuance**

The fee for any license granted to a junk dealer or secondhand goods dealer shall be as established by ordinance, which fee shall be paid upon the granting of such license by the chief of police. It shall be the duty of the applicant to present the approved application to the director of finance and upon the payment of the proper license fee the director of finance shall accordingly issue the proper license certificate furnished by the city clerk. (1991 Code, sec. 16-61)

**Sec. 4.07.047 Nontransferable**

A license certificate issued under this division is not transferable. (1991 Code, sec. 16-62)

**Sec. 4.07.048 Surrender upon expiration or revocation**

Every license certificate under this division shall be surrendered to the chief of police within seventy-two (72) hours after its terms have expired or such license has been revoked. (1991 Code, sec. 16-63)

**Sec. 4.07.049 Renewal**

Any license issued by the city under this division shall be good for a period of one (1) year. If the same individuals are involved in any application, the chief of police shall have the authority to waive the filing of a new application form. Aside from the above, the application for renewal shall be treated as if it were an original application except that in deciding whether to grant or deny such request the chief of police or, if appealed, the city council, in addition to the criteria laid down in section 4.07.044, shall also consider the previous conduct of the holder while licensed in the city, particularly the violations of city ordinances or the lack of same, the amount of police supervision required, if any, and whether the applicant has had his previous city license revoked. (1991 Code, sec. 16-64)

**Sec. 4.07.050 Bond required**

(a) No junk dealer or secondhand dealer shall engage in business within the city or be granted a license therefor unless and until such junk dealer or secondhand dealer shall have made and executed a bond in the sum of one thousand dollars (\$1,000.00), executed by the applicant as principal and a surety company authorized to do business in the state; such bond shall be approved by the chief of police, shall be made payable to the city, and filed with the chief of police after approval of the application for license.

(b) Such bond shall be conditioned that such dealer will strictly and faithfully keep and observe the provisions of this article and other like ordinances regulating the trade of junk dealers and secondhand dealers that may be passed by the city council. Such bond may be used by the city or any person aggrieved in any court of competent jurisdiction; provided, however, that where such action is maintained by some person other than the city, the city shall not be responsible for the court cost or any other matter therein involved.

(1991 Code, sec. 16-65)

**Sec. 4.07.051 Availability for inspection**

Every junk dealer and secondhand dealer, while engaged in the prosecution of his business, shall have available for inspection at all times his license to engage in such business. (1991 Code, sec. 16-66)

**Sec. 4.07.052 Use by others**

No junk dealer or secondhand dealer shall assign or knowingly permit his license to be used by another, and no person shall use the license of any junk dealer, except his own, in disposing of junk, as enumerated in this article. (1991 Code, sec. 16-67)

**Sec. 4.07.053 Suspension for termination of bond**

Any license issued under the provisions of this division shall be automatically suspended when the surety terminates its liability on the licensee and bond, and such license shall be reinstated only upon the filing with the chief of police of a new bond meeting the requirements of section 4.07.050. During any such period of suspension, it shall be unlawful for the holder to engage in any of the activities named in section 4.07.001. (1991 Code, sec. 16-68)

**Sec. 4.07.054 Revocation; appeal**

(a) If a junk or secondhand dealer licensed under the provisions of this division is not conducting his trade in accordance with the laws of the state or this article or the holder of the license has been finally convicted of a felony or an investigation reveals that the licensee falsified his application, the chief of police may at any time give notice in writing to the operator, licensee, manager or other person in control of the operation and maintenance of such junk or secondhand goods business that the permit or license issued for the operation of such junk or secondhand goods dealer has been revoked and cancelled. The licensed junk or secondhand dealer shall be responsible for the acts and conduct of his employees as to compliance with the requirements of this article.

(b) The notice of revocation and cancellation shall become a final revocation and cancellation after the expiration of ten (10) days from the date of the service of same upon the operator, licensee, manager, or other person in charge, unless on or before the expiration of such ten (10) days the licensee, operator, manager, or other person in charge shall file with the city council a written appeal addressed to the city council in which it is requested that the council grant him a hearing upon the question whether or not the permit or license shall be cancelled and revoked. Such appeal, if made and filed as prescribed in this section, shall operate as a stay or postponement of the revocation and cancellation of the permit issued, until such time as the city council shall grant a hearing and make a final adjudication. Such hearing shall be held within the thirty (30) days after the date of the filing of such appeal, and such action and judgment of the council, after hearing all the evidence and facts, shall be final and conclusive as to all parties.

(1991 Code, sec. 16-69)

**ARTICLE 4.08 PEDDLERS, SOLICITORS, AND ITINERANT MERCHANTS\***

**Division 1. Generally**

**Sec. 4.08.001 Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

---

\* **State law reference**—Authority of municipality to license, tax, suppress, prevent, or otherwise regulate peddlers, hawkers and pawnbrokers, V.T.C.A., Local Government Code, sec. 215.031; cancellation of certain consumer transactions, V.T.C.A., Business and Commerce Code, ch. 39; persons regarded as retailers under sales tax law, V.T.C.A., Tax Code, sec. 151.024.