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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

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✓ When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO. 1901

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2009, BY AMENDING TITLE 9, ZONING RELATING TO PAWNSHOPS, CHECK AND CASH AGENCIES, PERSONAL CREDIT INSTITUTIONS, AND DELAYED DEPOSIT SERVICES BUSINESSES

WHEREAS, the proliferation of pawnshops and check cashing, payday loan, personal credit institutions, and delayed deposit services businesses suggests that a commercial corridor and the adjoining neighborhoods are in economic and social decline, negatively impacting reinvestment, economic development efforts and property values along the corridor and the adjoining neighborhoods; and,

WHEREAS, these businesses do not create foot traffic for adjacent businesses and a proliferation of such businesses at particular locations can overwhelm a neighborhood and can be a disincentive for the location of other neighborhood businesses in close proximity; and,

WHEREAS, it is reasonable and appropriate to regulate the placement and location of pawnshops and check cashing, payday loan, personal credit institutions, and delayed deposit services businesses so as to avoid the clustering of such businesses, to protect the surrounding neighborhoods from distress and the appearance of commercial districts in decline, and to avoid the adverse effects upon the overall business atmosphere of the City which are likely to result from an over-concentration of such businesses within the commercial corridors.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

Section 1. Amendment. Title 9, *Zoning*; Chapter 2, *Zoning Rules and Definitions*; Section 2, *Definitions* is hereby amended by adding the following new definitions.

Delayed Deposit Services Business: A person or individual, group of individuals, partnership, association, corporation, or any other business unit or legal entity who for a fee does either of the following:

- a. Accepts a check, draft, share draft, or other instrument for the payment of money dated subsequent to the date it was written.
- b. Accepts a check, draft, share draft, or other instrument for the payment of money dated on the date it was written and holds it for a period of time prior to deposit or presentment pursuant to an agreement with, or any representation made to, the maker of the check, draft, or other instrument whether express or implied.

Pawnshop: A place of business of a Pawnbroker as defined in Section 3-8-1 of the West Des Moines City Code.

CITY OF WEST DES MOINES, IOWA
CERTIFIED COPY
 December 28 2010
 [Signature]
 Deputy CITY CLERK

Section 2. Amendment. Title 9, Zoning; Chapter 6, Commercial, Office, and Industrial Zoning District; Section 6, Commercial, Office, and Industrial Use Regulations; Table 6.1, Use Matrix is hereby amended by removing the language in strikethrough and inserting the following language in bold.

9-6-6: TABLE 6.1 – USE MATRIX

DIVISION G RETAIL TRADE

	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
593 Used Merchandise Stores (except used building material)	P	P				P	P	P							
--Used building materials (no outside storage)	P	P						P		P	P	P			
5932 Pawnshops	Pc	Pc				Pc									
5941 Sporting goods stores and bicycle shops	P	P	P	P		P	P	P							

DIVISION H _ FINANCE, INSURANCE, REAL ESTATE AND OTHER OFFICE USES NOT ELSEWHERE CLASSIFIED

	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
60 Depository Institutions (banks)	P	P	P	P	P	P	P	P	P				P	P	
--Freestanding ATM	Pc	Pc	Pc	Pc	Pc	Pc	Pc	Pc	Pc				Pc	Pc	
Check and Cash Agency	Pe	Pe	Pe			Pe	Pe								
609 Functions Closely Related to Banking	P	P	P	P	P	P	P	P	P	P	P		P	P	
Professional and semiprofessional office uses, not elsewhere classified, without attendant retail, manufacturing, assembly or warehousing	P	P	P		P	Pc	Pc	P	P				P	P	
61 Nondepository Credit Institutions	P	P	P		P	Pc	Pc	P	P	P			P	P	
6141 Personal Credit Institutions (including Check and Cash Agencies and Delayed Deposit Services Businesses)	Pc	Pc				Pc									

Section 3. Amendment. Title 9, *Zoning*; Chapter 10, *Performance Standards*; Section 6, *Specific Use Regulations*; Subsection G is hereby amending by adding a Sub-subjection 8 as follows.

8. Pawnshops and Check Cashing, Payday Loan, Personal Credit Institutions, and Delayed Deposit Services Businesses: The following shall apply to pawnshops and check cashing, payday loan, personal credit institutions, and delayed deposit services businesses:

- a. No person shall cause or permit the establishment of any pawnshops or check cashing, payday loan, personal credit institutions, and delayed deposit services businesses within 1/2 mile from any other such business.
- b. No person shall cause or permit the establishment of any pawnshops or check cashing, payday loan, personal credit institutions, and delayed deposit services businesses within 250 feet of any existing residential property or residentially zoned property or a portion of a PUD district restricted to residential use.
- c. For the purposes of this section, measurement of separation distances shall be taken on a direct line from the property line of such pawnshop or check cashing, payday loan, personal credit institution, and delayed deposit services business to the point on the property line of such other business, residential property or residentially zoned property, or portion of a PUD district restricted to residential use which is closest to the property line of such pawnshop or check cashing, payday loan, personal credit institution, and delayed deposit services business.
- d. The establishment of a pawnshop or check cashing, payday loan, pawnshops and check cashing, payday loan, personal credit institution, and delayed deposit services business shall include the opening of such business as a new business, the relocation of such business or the conversion of an existing business location to a pawnshop or check cashing, payday loan, pawnshops and check cashing, payday loan, personal credit institutions, and delayed deposit services business.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.


Section 5. Savings Clause. If any section, provision, sentences, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any provision, section, subsection, sentences, clause, phrase or part hereof not adjudged invalid or unconstitutional.

Section 6. Violations and Penalties. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

Section 7. Other Remedies. In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.


Section 8. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved by the City Council on the 27th day of December, 2010.



Steven K. Gaer
Mayor

ATTEST:



Jody E. Smith, CMFA, MMC
City Clerk

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