

ORDINANCE NO. 1357

AN ORDINANCE OF THE CITY OF DEL CITY, OKLAHOMA MAKING CERTAIN FINDINGS WITH REGARD TO CHECK CASHING AND PAYDAY LOAN ESTABLISHMENTS; AMENDING THE DEL CITY PLANNING AND ZONING ORDINANCE TO CREATE A USE UNIT CLASSIFICATION FOR CHECK CASHING AND PAYDAY LOAN ESTABLISHMENTS; SETTING FORTH THE ZONING DISTRICTS IN WHICH THIS USE IS PERMITTED; DECLARING REPEALER; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DEL CITY, OKLAHOMA:

Section 1: The City Council of the City of Del City hereby finds that establishments engaging in check cashing, payday loan making, and other similar services, even while operating lawfully and in a manner consistent with state and federal regulations, do not constitute a use that is consistent with the continued growth and revitalization of the City's arterial commercial districts, highway corridors, or neighborhood commercial areas. The City Council, upon recommendation of the Planning Commission and having held a public hearing regarding this subject, further finds that implementation of zoning regulations permitting these establishments to operate only in the General Commercial zoning district is in the best interests of the health, safety, welfare and continued positive development of this community.

Section 2: The Del City Planning and Zoning Ordinance (Appendix A of the Municipal Code of the City of Del City) is hereby amended by adding the following use unit classification to the commercial use unit classifications portion of Section A-304 at the appropriate location and renumbering accordingly:

Check Cashing and Payday Loan Establishments

Establishments or places of business other than banks, thrifts and other regulated depository institutions that are primarily engaged in cashing checks, bank drafts or similar instruments for a fee and/or that are primarily engaged in making unsecured, post-dated check, and/or short-term loans. Typical uses are check cashing businesses and payday loan businesses. Retail stores providing check cashing services to customers are excluded provided that the services are accessory in nature to the merchant's primary business function.

Section 3: The Del City Planning and Zoning Ordinance (Appendix A of the Municipal Code of the City of Del City) is hereby amended by adding the use

unit classification of Check Cashing and Payday Loan Establishments to the list of uses permitted on review (requiring a special use permit) within the G-C General Commercial zoning district, as set forth in Section A-426.1.2, and renumbering accordingly.

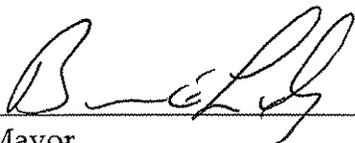
Section 4: The use unit classification of Check Cashing and Payday Loan Establishments shall not be a permitted use, whether by right or on review, in any other zoning district within the City.

Section 5: REPEALER. All former Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 6: SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 7: EMERGENCY. It being immediately necessary for the preservation of public health, peace and safety of the City of Del City and the inhabitants thereof, and emergency is hereby declared to exist by reason whereof, this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

PASSED AND APPROVED and the emergency clause voted upon separately and passed and approved, this 17th day of JANUARY, 2012.



Mayor

ATTEST:

Carol Noble
City Clerk

Approved as to form this 17 of January, 2012.

Jason Kneid
City Attorney