

## ORDINANCE NO. 1756

### AN ORDINANCE TO IMPOSE A MORATORIUM ON THE LICENSING OF TITLE PAWNS AND PAY ADVANCE BUSINESSES IN THE CITY OF TALLADEGA, ALABAMA

WHEREAS, the City of Talladega has the authority to regulate title pawn and pay advance businesses, as defined herein, including the licensing thereof in order to protect the health, safety, and welfare of its citizens; and

WHEREAS, it is the desire of the City of Talladega to promote the general welfare of the community and to protect the value of building(s) and property(ies), the image and character of the community, and to preserve and enhance property values; and

WHEREAS, the City of Talladega is undertaking a comprehensive review of its zoning and land use classifications and regulations, with particular attention to its commercial districts; and

WHEREAS, the City Council has determined that it is in the best interests of the City of Talladega to adopt an Ordinance that establishes a moratorium on the issuance of a new business license to any title pawn or pay advance business as defined herein that is not already licensed as such pending further study and revision of its land use policies and regulations.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Talladega, Alabama, while in regular session on the 9th day of September, 2013, as follows:

**SECTION 1: Moratorium:** No business license shall be issued by the City of Talladega, Alabama, to any "title pawn or pay advance business" as defined herein until the expiration of the earlier of a one hundred eighty (180) day period commencing on the effective date hereof, or the effective date of any future ordinance terminating the moratorium established herein. For purposes of this ordinance, a "title pawn or pay advance business" is defined to be or include any person, organization, or business entity who or which either as principal or agent: (i) loans money secured by title to personal property, under agreement whereby the borrower or seller is granted the right or option to redeem or repurchase said property; or (ii) engages in the business of payday loan services, or payday advance services.

The moratorium hereby established shall not be applied to prevent the renewal of an existing business license, provided that the nature, location, and ownership of the applicant's business activities remain materially unchanged.

**SECTION 2: Appeal:** Any business or business owner who has been denied a business license under authority of this ordinance shall have the right to appeal such denial by submitting a written request to be heard by the City Council with the City Clerk not less than fourteen (14) days from the date of such denial.

**SECTION 3: Repealer:** All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Talladega, Alabama which are inconsistent with the provisions of this Ordinance are hereby expressly repealed.

**SECTION 4: Severability:** If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

**SECTION 5: Effective Date:** This Ordinance shall become effective immediately upon adoption and publication as provided by law.

**ADOPTED AND APPROVED** this 9<sup>th</sup> day of September, 2013.

Council President Horace Patterson

Councilman Jarvis Elston

Councilman Joe Ballow

Councilman Donnie Miller

Councilman Rick Simpson

City Manager Brian Muenger

Attested to by Elizabeth Cheeks, City Clerk