

ORDINANCE NO. 15-1029

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO AMEND ORDINANCE NO. 15-1020, THE ZONING ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, CODIFIED AT RED BANK CITY CODE TITLE 14, CHAPTERS 2 AND 4 THEREOF IN ORDER TO PROMULGATE AND CLARIFY CERTAIN RULES AND REGULATIONS GOVERNING NON-BANKING FINANCIAL INSTITUTIONS AND REGULATING PAWN BROKERS, TITLE PLEDGE LENDERS, DEFERRED PRESENTMENT SERVICES, CHECK CASHERS, AND OTHER SIMILAR USES WHICH ARE CONSIDERED NON-BANKING INSTITUTIONS

WHEREAS, pursuant to the provisions of Title 45 of the Tennessee Code Annotated, certain rules and regulations governing financial institutions have been established which authorize further municipal regulation and placement of pawn brokers, title pledge lenders, deferred presentment services, check cashers, and other similar uses which are considered non-banking institutions; and

WHEREAS, the Red Bank Planning Commission and the Red Bank City Commission and its professional planning agency, i.e. the Southeast Tennessee Development District, have reviewed and studied alternative financial services and their current and potential impact(s) on the City of Red Bank and, in particular, as the same relates to recently promulgated rules, regulations and ordinances in adjoining jurisdictions; and

WHEREAS, the City Commission, the Planning Commission, and as aided by the Southeast Tennessee Development District, wishes to promote economic revitalization through diversification of land uses in certain areas and by the reasonable and orderly regulation of Alternative Financial Services; and

WHEREAS, it is the determination of the Red Bank City Commission that “Alternative Financial Services” should be subject to distance separation requirements in allowed zones and to minimum set back and distance separation requirements from R-1 and R-2 zoned properties, and that the same should be prohibited in certain other zones.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee, as follows:

SECTION 1. That Title 14 of the Red Bank City Code, Section 14, Chapter 2, Section 14-202, Definitions, shall be amended by adding an additional subsection defining “alternative financial services” as follows:

“Alternative Financial Service” means financial service and lending businesses and establishments that are:

- (a) not licensed by an appropriate state or federal agency as a bank, savings and loan association, or credit union, industrial loan and thrift offices, insurance premium finance companies, or mortgage companies;
- (b) regulated by the Tennessee Department of Financial Institutions; and
- (c) categorized for purposes of this Ordinance as:
 - 1) “Pawnbrokers” as defined at T.C.A. Section 45-6-203; or
 - 2) “Title Pledge Lenders” as defined at T.C.A. Section 45-15-103; or
 - 3) “Deferred Presentment Services” as defined at T.C.A. Section 45-17-102; or
 - 4) “Check Cashers” as defined at T.C.A. Section 45-18-102 except that Check Cashers do not include Check Cashers exempt from state regulation pursuant to T.C.A. Section 45-18-103, or

- 5) Any combination of Alternative Financial Services which include, but are not limited to, "Pawnbrokers", "Title Pledge Lenders", "Deferred Presentment Services" and/or "Check Cashers" as defined herein.

SECTION 2. That Title 14 of the Red Bank City Code, Section 14, Chapter 4. Section 14-401 thereof, shall be amended to provide, under the category of Prohibited Uses, a new subsection 14-401.06, Prohibited Uses:

- (1) Uses permitted in other zones except as expressly permitted in this zone.
- (2) Alternative Financial Services.
- (3) In general, uses which are not in keeping with the intent of this zone.

SECTION 3. That Title 14 of the Red Bank City Code, Section 14, Chapter 4, Section 14-402.02 thereof shall be amended to delete subsection (S) "Title Pawn, Check Cashing and similar uses"

SECTION 4. That Title 14 of the Red Bank City Code, Section 14, Chapter 4, Section 14-402.03 thereof shall be amended to provide under the category of Uses Permitted Subject to Issuance of a Special Exceptions Permit a new subsection 14-402.03 (O), as follows: Alternative Financial Services; provided further that no Alternative Financial Services establishment shall be located within 1,320 feet of any other Alternative Financial Services establishment nor within fifty (50) feet of any residential zone, with the interval distances to be measured from property line to property line and the burden of establishing such to be on the applicant.

SECTION 5. That Title 14 of the Red Bank City Code, Section 14, Chapter 4. Section 14-404.03 thereof, shall be amended to delete "Title Pawn, Check Cashing and similar uses" from subsection (J) and replace it with "Alternative Financial Services".

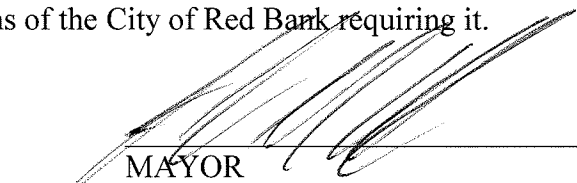
SECTION 6. That Title 14 of the Red Bank City Code, Section 14, Chapter 4. Section 14-405.06 thereof, shall be amended to delete "Title Pawn, Check Cashing and similar uses", from subsection (I) and replace it with "Alternative Financial Services".

SECTION 7. Every section, sentence, clause, and phrase of this Ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not effect or impair any other section, sentence, clause, or phrase.

SECTION 8. This Ordinance shall take effect upon the date of its passage upon second and final reading, the welfare of the citizens of the City of Red Bank requiring it.



CITY RECORDER



MAYOR

June 16, 2015

PASSED ON FIRST READING

July 7, 2015

PASSED ON SECOND AND FINAL READING

APPROVED AS TO FORM:



CITY ATTORNEY