

ORDINANCE # 2010 - 04

AN ORDINANCE TO AMEND CHAPTER 21, THE WALTERBORO ZONING ORDINANCE AND LAND DEVELOPMENT REGULATIONS, SECTION 1.6, DEFINITIONS AND RULES OF CONSTRUCTION, TO ADD DEFINITIONS FOR "ALTERNATIVE FINANCIAL SERVICES INSTITUTIONS," "CHECK-CASHING SERVICES," "DEFERRED-PRESENTMENT SERVICES," AND "TITLE-LENDING SERVICES"; AND TO CREATE A NEW ARTICLE XI, "ALTERNATIVE FINANCIAL SERVICE INSTITUTIONS," TO SET FORTH REGULATIONS REGARDING LOCATIONS OF SUCH BUSINESSES WITHIN THE CITY OF WALTERBORO.

WHEREAS, the City of Walterboro adopted a comprehensive Zoning Ordinance on November 25, 2003; and

WHEREAS, that Ordinance has been amended from time to time, but "Alternative Financial Services Institutions" have not been addressed specifically; and

WHEREAS, City Council finds that establishing reasonable and uniform regulations to prevent the deleterious location and concentration of such businesses is in the best interest of the citizens of the City of Walterboro; and

WHEREAS, Council desires to amend the Zoning Ordinance to formalize standards for locations of businesses engaging in alternative financial services, including check cashing, deferred presentment, and title lending.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Walterboro, in Council Assembled, that the following amendments to the Zoning Ordinance will become effective upon passage of this ordinance:

Article I, Section 1.6, Definitions and Rules of Construction, Subsection N is hereby amended to include the following language:

Alternative Financial Service Institution. The term "alternative financial service institution" means a business, other than a bank, credit union, savings bank or other depository institution, that provides one or more of the following services:

- (a) Check cashing;
- (b) Deferred presentment; or
- (c) Title lending.

Check-cashing services. The term “check-cashing services” means services that involve cashing checks, drafts, and money orders for a fee, service charge, or other consideration that are regulated pursuant to the provisions of Chapter 41 of Title 34 of the S.C. Code of Laws

Deferred-presentment services. The term “deferred-presentment services” means services that involve either (a) accepting a check from a borrower drawn on the borrower's bank account to be presented for payment at a later date for a fee or (b) authorization to debit borrower's bank account at a later date. This practice is sometimes known as “payday lending.”

Title-lending services. The term “title-lending services” means services that involve short-term secured loans that are secured by the title to a motor vehicle and are regulated by S C Code Ann. § 37-3-413.

Article XI, Alternative Financial Services Institutions, is hereby created with the following language in that section:

Section 11.1 Purpose of the Article.

It is the purpose of this Article to regulate alternative financial services institutions to promote the health, safety, and welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of such businesses within the City.

Section 11.2 Location of Alternative Financial Services Institutions.

An alternative financial services institution shall comply with the following standards regarding location of the business:

1. The business shall be located no closer than 3,000 feet, measured lot line to lot line, from the nearest alternative financial services institution; and
2. The business institution must be located either:
 - (a) within a group nonresidential development, shopping center, or the like with all structures constituting a minimum of 30,000 heated square feet; or
 - (b) wholly within the confines of a grocery store or general merchandise retail establishment having a minimum of 30,000 heated square feet with no separate access to the exterior of the building

Section 11.3 Vacancy, Abandonment, or Discontinuance of Business.

An alternative financial services institution that does not comply with the standards set forth in this Article shall not be reestablished after vacancy, abandonment, or discontinuance for

any consecutive 90-day period. An alternative financial services institution shall not be relocated without compliance with the standards set forth in this Article.

Section 11.4 Rules of Interpretation.

In case of a conflict between the standards set by this Article XI and any other provision in the Zoning Ordinance, the stricter standard shall apply.

This Ordinance shall be deemed effective upon Second Reading

DONE, this ____ day of _____, 2010.

William T. Young, Jr.,
Mayor

ATTEST:

Betty J. Hudson
City Clerk

First Reading: _____
Second Reading: _____
Public Hearing: _____