

STATE OF GEORGIA

COUNTY OF FULTON

First Reading: October 12, 2009

Second Reading: November 9, 2009

**ORDINANCE TO AMEND THE CITY OF ROSWELL ZONING ORDINANCE
REGARDING PAWN SHOPS AND CHECK CASHING ESTABLISHMENTS WITHIN
THE CITY OF ROSWELL**

WHEREAS, the City of Roswell now desires to amend and supplement specific provisions with regard to locations for pawnbrokers, pawnshop, and check cashing; and

WHEREAS, the Mayor and City Council have determined that the regulation of these individuals dealing in precious metals, gems, second hand goods and pawn brokering is needed to protect the residents of Roswell, and those transacting business in the City of Roswell:

NOW, THEREFORE, pursuant to their authority, the Mayor and Council adopt the following ordinance:

1.

Article 3, of the *City of Roswell Zoning Ordinance*, Section 3.2 *Definition*, is amended by adding new definitions to read as follows and deleting the existing definition of Pawnbroker:

Check Cashing Establishment: An establishment where an individual, partnership, association, or corporation engaged in cashing checks, money orders, or other drafts for a fee. Such fee may be payable in cash, in the form of exchange of value in excess of regular retail value, in the form of mandatory purchase of goods or services by patrons, or in the form of the purchase of catalog items or coupons or other items indicating the ability to receive goods, services, or catalog items.

Pawn: A pledge that means a bailment of personal property or title as security for any debt or engagement, redeemable upon certain terms and with the express or implied power of sale on default.

Pawnbroker: Any person engaged in whole or in part in the business of lending money on the security of pledged goods, or in the business of purchasing tangible personal property or title on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or within this form of business purchasing tangible personal property or title from persons or sources other than manufacturers or regulated dealers as a part of or in conjunction with the business activities described herein.

Pawnshop: An establishment engaged in a business involving in any part of the pledge, pawn, or exchange of any goods, wares, merchandise, or any kind of personal property or title as security for the repayment of money lent thereon.

2.

The Zoning Ordinance of the City of Roswell is further amended by adding as permitted uses to Table 6.1 "Pawn Shops and Check Cashing Establishment" to read as follows:

TABLE 6.1

USES PERMITTED IN OFFICE AND COMMERCIAL ZONING DISTRICTS

P = Permitted use C = Conditional use X = Not permitted

(*) = Specific use regulations apply

USE	Zoning District				
	O-P	C-1	C-2	C-3	I-1
Pawnshop* (see Article 10)	X	X	X	P	X
Check Cashing Establishment* (see Article 10)	X	X	X	P	X

3.

The Zoning Ordinance of the City of Roswell is further amended by adding a new Chapter 10.40 "Pawn Shops and Check Cashing Establishment" to Article 10, *Specific Use Requirements* to read as follows:

Chapter 10.40 Pawn Shops and Check Cashing Establishments

In zoning districts and on sites where permitted, a pawnshop and/or check cashing establishment shall be subject to the following distance restrictions:

- (a) No pawnshop and/or check cashing establishments shall be located within 5,000 feet of any other pawnshop and/or check cashing establishments.

4.

This Ordinance is enacted pursuant to the authority granted to municipal governing authorities in Chapter 35 of Title 36 of the O.C.G.A., known as the *Municipal Home Rule Act of 1965*.

5.

All ordinances, parts of ordinances and regulations in conflict here are repealed as of the effective date of this Ordinance.

6.

It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Zoning Ordinance, City of Roswell, Georgia and the sections of such text may be renumbered to accomplish such intention.

7.

This Ordinance shall take effect and be in force from and after the date of its adoption on November 9, 2009, the public welfare demanding it.

Attest:

Sue H. Creel
Sue H. Creel, City Clerk
(Seal)

Jere Wood
Jere Wood, Mayor

Jerry Orleans
Councilmember Jerry Orleans

Rebecca Wynn
Councilmember Rebecca Wynn

Kent Igleheart
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