

**ORDINANCE NO. O-09-04
CITY OF DELANO
COUNTY OF WRIGHT
STATE OF MINNESOTA**

AN INTERIM ORDINANCE, ADOPTED PURSUANT TO MINN. STAT. §462.355, SUBD. 4, TEMPORARILY PROHIBITING PAWNSHOPS WITHIN THE CITY OF DELANO.

THE CITY OF DELANO, MINNESOTA, ORDAINS:

Section 1. Purpose.

- A. Minn. Stat. §462.355, Subd. 4 provides that, if a municipality is conducting studies or has authorized a study to be conducted, the City Council may adopt an interim ordinance for the purpose of protecting the planning process and the health, safety and welfare of its citizens. An interim ordinance may regulate, restrict or prohibit any use within the City for a period not to exceed one year from the effective date of the interim ordinance.
- B. The City Council believes that regulation of pawnshops is appropriate because of the potential for the presence of stolen goods and transactions involving stolen goods, as well as concerns about the potential for questionable lending practices. In addition, the Minnesota Court Appeals has determined that pawnshops have the potential to develop into nuisance properties, can create law enforcement problems, and are historically linked to stolen property.
- C. The City Council believes that authorizing staff to study and gather information regarding pawnshops is necessary in order to evaluate various options for regulation, including maintaining current regulations, enacting additional regulations, or prohibiting pawnshops within the City.
- D. The City Council believes a temporary prohibition on pawnshops within the City is necessary and prudent in order to complete the staff study, to give the Council sufficient time to evaluate various options for pawnshop regulation, and to protect the planning process and the health, safety and welfare of its citizens.

Section 2. Study. The City Council has authorized, pursuant to Resolution No. 2009-_____, City staff to conduct a study of issues relating to potential City regulation of pawnshops and pawn transactions, including but not limited to a review of the following:

- A. Public health, safety and welfare issues relating to pawnshops, with specific emphasis on risks associated with stolen goods and other criminal activity, demands placed on law enforcement, risks to vulnerable individuals, inappropriate or predatory lending activities, consumer protection issues, and the effect of pawnshops on small communities.

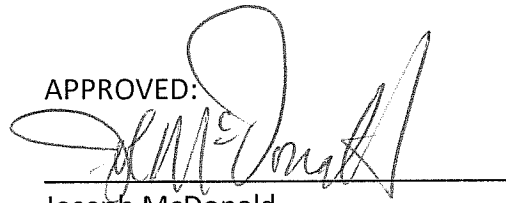
- B. Whether it would be appropriate to restrict pawnshops to areas of the City that are not in close proximity to schools, day cares, houses of worship, and other locations.
- C. Whether Delano's current licensing ordinance is adequate, whether increased regulation is appropriate or necessary, and whether land use restrictions should be included in Delano's pawnshop regulations.
- D. Whether a prohibition of pawnshops within Delano would be appropriate.
- E. The experience of other cities that regulate pawnshops in a manner similar to Delano, or that have used different regulatory approaches, including cities that currently have a pawnshop located within their borders.
- F. The experience and preference of law enforcement personnel regarding pawnshops, including input from the Wright County Sheriff's Department.

Section 3. Interim Ordinance. Any pawnshop is hereby prohibited within the City of Delano, and no land use approval, site plan, permit or other approval for a pawnshop shall be granted by the City for a period of time commencing on the effective date of this ordinance and terminating on the earlier of the following two dates: (a) one year from the date of the effective date of this ordinance, or (b) the date upon which Delano reaffirms, amends or repeals its ordinances and official controls relating to pawnshops.

Section 4. Effective Date. This ordinance shall take effect upon passage and upon publication in the City's official newspaper.

PASSED BY THE CITY COUNCIL OF THE CITY OF DELANO, MINNESOTA, THIS 31ST DAY OF MARCH, 2009.

APPROVED:



Joseph McDonald
MAYOR

ATTESTED:



Marlene Kittock
CITY CLERK

Motion By: Larry Bartels
Seconded By: Betsy Stolfa
McDonald: Absent
Schrupp: Aye
Hotchkiss: Nay
Bartels: Aye
Stolfa: Aye