

ORDINANCE NO. O-2006-0041

An Ordinance to Create Section 9.32 of the
West Allis Revised Municipal Code Relating to
Check Cashing Businesses.

BY Alderperson Rosalie Reinke

The Common Council of the City of West Allis do ordain as follows:

PART I. Findings and Declaration of Necessity.

CHECK CASHING BUSINESSES

The City of West Allis is experiencing a proliferation of check-cashing businesses making non-traditional, short-term consumer loans. Such businesses tailor their services to make them attractive to persons experiencing unfavorable economic circumstances, often aggravating those circumstances. Additionally, it has been found that through their business practices, check-cashing businesses are susceptible to attracting criminals seeking to commit robberies. Finally, when clustered in an area, such locational concentration creates an unwarranted negative impression regarding the economic vitality of a commercial district and the community at large, limiting the type and variety of businesses in these areas. Based on their proliferation, their susceptibility to crime and the negative effects of their proliferation, the Common Council finds that the health, safety and welfare of the residents of the City of West Allis should be protected by legislation limiting the geographic proliferation of check-cashing businesses.

PART II. Section 9.32 of the Revised Municipal Code of the City of West Allis is hereby created to read:

9.32 CHECK CASHING BUSINESSES.

(1) Definition. Check cashing businesses. A check cashing business, also referred to as a payday loan business, title for cash business, convenient-cash business or similar enterprise means any person licensed pursuant to Wis. Stat. Section 218.05, or a person licensed pursuant to Wis. Stat. Section 138.09, who accepts a check or title, holds the check or title for a period of time before negotiating or presenting the check or title for payment, and pays to the issuer an agreed-upon amount of cash, or who refinances or consolidates such a transaction.

(2) Hours of Operation. No check cashing business shall be open for business between the hours of 9:00 p.m. and 9:00 a.m.

(3) Penalty.

Any person violating the provisions of this subsection shall forfeit:

- (a) The sum of Two Thousand Five Hundred Dollars (\$2,500.00) upon the first conviction under this ordinance within a one-year period.
- (b) The sum of Five Thousand Dollars (\$5,000.00) upon the second conviction under this ordinance within a one-year period.
- (c) The sum of Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third and subsequent conviction under this ordinance within a one-year period.
- (d) For purposes of counting the one-year period, the date of violation shall be used.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED: October 17, 2006
/s/ Paul Ziehler, City Administrative Officer,
Clerk/Treasurer
APPROVED: October 19, 2006
/s/ Jeannette Bell, Mayor

Published: November 3, 2006