

**ORDINANCE NO. 2018-02-4457**

**AN ORDINANCE MODIFYING MUNICIPAL CODE PART II, CHAPTER 18, TO REQUIRE FUEL RETAILERS TO REQUIRE PREPAYMENT PRIOR TO DISPENSING GASOLINE AND/OR DIESEL FUEL.**

**WHEREAS**, in the first 14 days of 2018, Arkansas City Police Department took reports on 7 thefts of gasoline; and

**WHEREAS**, this is a marked increase from prior years; and

**WHEREAS**, investigating and prosecuting such thefts require officer, police department staff, municipal court staff, and prosecutor time; and

**WHEREAS**, these thefts are preventable by requiring purchasers to pre-pay for gasoline; and

**WHEREAS**, retailers within Arkansas City do not object to an ordinance requiring pre-payment of gasoline; and

**WHEREAS**, the Governing Body of the City of Arkansas City, Kansas, desires to amend Arkansas City Municipal Code to require such pre-payment.

**NOW, THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:**

**SECTION ONE: AMENDMENT TO MUNICIPAL CODE**

The Governing Body of the City of Arkansas City, Kansas, hereby creates Chapter 18 Article XIV titled "Gasoline Retailers", Section 18-410 of the Arkansas City Municipal Code to read as follows:

**Sec. 18-410. – Gasoline and Diesel Retailers**

(a) All gasoline and/or diesel retailers shall require full payment in advance for all gasoline or diesel fuel sold.

(b) Exceptions. This section shall not apply to:

1. Charge account purchases, when the purchaser has an agreement directly with the retailer to charge all gasoline and/or diesel fuel purchases;
2. Bulk or wholesale delivery of gasoline and/or diesel fuel; or
3. Commercial vehicles, including semi-trucks or commercial vehicles with large-capacity fuel tanks.

(c) A retailer's report of a violation of Uniform Public Offense Code Section 6.1(a)(5)(theft of gasoline) shall be prima facie evidence of a violation of this Section.

**SECTION TWO:** The Governing Body of the City of Arkansas City, Kansas, hereby authorizes the Mayor and/or City Manager of the City of Arkansas City, Kansas, to take such further and other necessary actions that are required to effectuate the intent and purposes of this Legislative Enactment.

**SECTION THREE: PUBLICATION; EFFECTIVE DATE.** This ordinance, or a summary thereof, shall be published one time in the official City newspaper, and shall take effect and be in force from and after the date of said publication.

**PASSED AND ORDAINED** by the Governing Body of the City of Arkansas City, Kansas, on this 20th day of February, 2018.

Dan Jurkovich, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Tamara L. Niles, City Attorney