

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