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ORDINANCE NO. 0-05- 81

AN ORDINANCE REQUIRING PREPAYMENT FOR GASOLINE AND/OR DIESEL PRIOR TO DISPENSING INTO VEHICLE OR PORTABLE CONTAINERS.

WHEREAS, the City of Conway, Arkansas has determined that that problem exists within the City of Conway concerning theft of gasoline and/or diesel primarily through gas drive offs and

WHEREAS, for the year of 2004, the theft of gasoline and/or diesel fuels by means of gas drive offs accounted for approximately 37% of all thefts and approximately 27% of all reported Part I UCR Offenses

WHEREAS, the stated level of crime adversely impacts the City of Conway's Uniform Crime reporting Statistics and the negative fallout there from

WHEREAS, individuals committing gas drive offs are a danger to the general public because of excessive speeds and reckless driving in their attempt to leave undetected

WHEREAS, the stated level of crime results in significant man-hours expended by Conway Police Officers and Detectives that could be directed to proactive policing and investigation of more serious crimes

WHEREAS, the theft of gasoline and/or diesel by means of gas drive offs is a crime that is totally preventable through a ZERO Tolerance policy requiring for Prepayment

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

SECTION ONE: PREPAYMENT REQUIRED

- (a) All business establishments with retail, self service, gasoline and/or diesel fuel pumps located thereon must require full payment in advance for any quantity of gasoline or diesel fuel sold at anytime.
- (b) Payment includes purchase by any legal means: cash, credit card, debit card, check, established charge accounts or otherwise.
- (c) Payment may be made at the cashier or at the pump if an automated payment system is available.

SECTION TWO: EXCLUSIONS

- (a) Bulk or wholesale delivery of gasoline and/or diesel
- (b) Commercial vehicles such as semi-trucks or commercial vehicles within large capacity fuel tanks.

SECTION THREE: EFFECTIVE DATE

To allow business ample time to post signs, install prepay technology, train employees and educate the consumers this ordinance will go into effect 90 days after it's adoption.

SECTION TWO: PENALTY

- (a) The report of a theft by gas drive off will be prima fascia evidence of a violation of this ordinance.
- (b) Any person or business establishment who violates any provision of this chapter shall be Guilty of a violation. The penalty for this violation shall be a fine of \$100.00 for each occurrence. If the citation is not paid on or before the court appearance date or is contested in District Court, a violator is subject to court costs of \$25.00 in addition to the fine pursuant to Arkansas Code Annotated 16-10-305(a)(5).

PASSED this 28th day of June, 2005.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer