

CITY OF BELLEVUE, KENTUCKY

ORDINANCE 2012-06-02

**ORDINANCE REQUIRING
ALL GASOLINE AND DIESEL FILLING STATIONS TO RECEIVE
PREPAYMENT FOR FUEL PURCHASES**

WHEREAS, a significant number of motorists purchasing fuel in the City of Bellevue have been documented to drive off from retail gasoline and/or diesel fuel stores without paying for the fuel obtained;

WHEREAS, the City of Bellevue Police Department reports a steady increase in the number of reported fuel drive-offs in the City, with 68 reported in calendar year 2011, and a year to date 19 already reported; and

WHEREAS, the City's fuel retailers have reported an average loss of \$58.37 per incident equating to approximately \$8,500 in losses in 2011 and expected in 2012; and

WHEREAS, the City of Bellevue Police Department records indicate that police officers must spend an average of one hour and fifteen minutes for each reported drive-off incident, causing an approximate loss of 85 officer working hours in 2011, and with a similar expected consumption in police resources expected in 2012; and

WHEREAS, fuel drive-offs accounted for not less than twenty-three (23%) of the entire 2011 City wide theft reports in the City; and

WHEREAS, fuel drive-offs frequently create safety and liability issues for businesses and the police by creating dangerous situations, conflicts, potential injuries and risking death during escapes; and

WHEREAS, fuel drive-offs consume a demonstrable and unreasonable amount of city resources and pose a risk of misidentification of innocent vehicle owners; and

WHEREAS, these crimes and risks can readily be remedied in their entirety by requiring mandatory prepayment for gasoline and diesel fuel; and

WHEREAS, it is in the best interests of the City of Bellevue to adopt such an Ordinance so as to mandate gasoline filling stations to require prepayment for gasoline and diesel fuel.

NOW, THEREFORE, BE IT ORDAINED by the City of Bellevue, Kentucky, as follows:

SECTION 1 - FINDINGS

The City Council of the City of Bellevue finds that illegal fuel drive-offs are a preventable crime that has caused an unreasonable consumption of City resources over multiple calendar years and, if unchecked, will continue to do so in the future. The costs and safety risks resulting to City businesses and City residents necessitates regulation, remedial action and prohibition.

SECTION 2 - PROHIBITIONS

All businesses that sell gasoline or diesel fuel shall require payment in advance of actual fuel distribution and prior to activation or authorization of any fuel dispensing unit or fuel pumping device. Pre-payment may be made by cash, credit card, debit card or any other legal means. The provisions of this Ordinance shall not apply to a full service fuel station where an attendant pumps the fuel into the customer's motor vehicle or receptacle.

SECTION 3 - PENALTY

Any person or business violating any of the provisions of this Subchapter shall be guilty of a misdemeanor and the penalty for violation thereof shall be a fine of not less than one hundred (\$100) dollars and no more than five hundred (\$500) dollars, and/or imprisonment of

not more than twelve (12) months or both. Each day of any violation shall constitute a separate offense.

SECTION 4 – REGULATORY ACTION ON OCCUPATIONAL LICENSE

The occupation license of any business in violation of this Ordinance may be suspended or revoked after proper notice and a hearing before the City’s Administrative Officer.

SECTION 5

The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

SECTION 6

All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

SECTION 7

This Ordinance shall take effect upon its passage, approval and publication. This Ordinance may be published in summary.

By: _____
Edward Riehl, Mayor

Mary H. Scott, City Clerk

1st Reading: 6/13/2012

2nd Reading: 6/20/2012

Publication: 6/28/2012