

## **ORDINANCE NO. 2379**

### **AN ORDINANCE CREATING SECTION 12.37 OF THE CITY OF CUDAHY MUNICIPAL CODE REQUIRING PREPAYMENT FOR ALL FUEL AT AUTOMOBILE SERVICE STATIONS**

**NOW, THEREFORE**, the Common Council of the City of Cudahy do hereby ordain as follows:

**Section 1.**      **Section 12.37** of the City of Cudahy Municipal Code is hereby created to read as follows:

#### **12.37 PREPAYMENT FOR FUEL**

- (1)      **PURPOSE.** The purpose of this section is to lower the number of drive-off fuel thefts in the City of Cudahy and reduce the burden of investigating these crimes on the Police Department.
- (2)      **DEFINITIONS.** For the purpose of this section, the following definitions apply:
  - (a)      “Fuel” means gasoline, diesel fuel, ethanol or any combination thereof.
  - (b)      “Automobile service station” refers to the definition found in § 17.1402 of this Municipal Code.
  - (c)      “Pre-payment” means payment in advance for any quantity of fuel sold at any time by cash, credit card, debit card, check, or any other legal means. Using a valid credit or debit card that is authorized at the pump or by an employee of the Automobile service station immediately prior to the time of fuel purchase shall be considered a valid pre-payment.
  - (d)      “Pre-approval” means the Automobile service station has issued an identification card to the purchaser that verifies and records the purchaser's driver's license information.
- (3)      **PROHIBITED CONDUCT.** No Automobile service station owner, manager, supervisor, or employee shall:
  - (a)      Activate any gasoline or diesel fuel pumping device prior to receiving pre-payment in full for the fuel or granting pre-approval for the sale; or,
  - (b)      Allow or permit any person to dispense fuel from a pumping device at an Automobile service station unless the person has first made pre-payment in full or received pre-approval from the Automobile service station.
- (4)      **PENALTY.** Failure or refusal to comply with this section may be the basis for non-renewal of a business license. The Cudahy Police Department will not investigate any theft involving fuel where prepayment was not required unless force, threat of force, or fraud was involved.

**Section 2.**      All ordinances or parts of ordinance contravening the provisions of this ordinance are hereby repealed.

**Section 3.**      If any part or parts of this ordinance are invalid, it shall not invalidate the entire ordinance.

**Section 4.** This Ordinance shall take effect upon passage and publication as provided by law, and the City Clerk shall so amend the Code of Ordinances of the City of Cudahy, and shall indicate the date and number of this amending ordinance therein.

Introduced by the Rules, Laws and Licensing Committee.

**PASSED AND ADOPTED** by the Common Council of the City of Cudahy on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
**ANTHONY DAY**, Mayor

Attest:

\_\_\_\_\_  
**DENNIS P. BRODERICK**, City Clerk

ADOPTED: \_\_\_\_\_  
APPROVED: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_

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