

20) **Unlawful Possession of a Catalytic Converter**

1. Introduce by title only and waive further reading of AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADDING CHAPTER 9.60 TO TITLE 9 OF THE LAKE ELSINORE MUNICIPAL CODE (LEMC) REGARDING UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER; and
2. Authorize the City Council to sign letters of support for proposed legislation that deters catalytic converter theft, including AB1519 (Bains) and AB641 (Fong).



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Jason Simpson, City Manager

Prepared by: Shannon Buckley, Assistant City Manager

Date: April 23, 2024

Subject: Unlawful Possession of a Catalytic Converter

Recommendation

1. Introduce by title only and waive further reading of AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADDING CHAPTER 9.60 TO TITLE 9 OF THE LAKE ELSINORE MUNICIPAL CODE (LEMC) REGARDING UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER; and
2. Authorize the City Council to sign letters of support for proposed legislation that deters catalytic converter theft, including AB1519 (Bains) and AB641 (Fong).

Background

Catalytic converter theft has been one of the fastest-growing crimes in the Country, with State Farm Insurance reporting a 400% increase nationwide since 2019. Catalytic converter thefts are on the rise because of the increasing value of the precious metals contained within and the ease with which criminals can remove the devices from the vehicles of unsuspecting residents. Catalytic converters can be sold for as much as \$1,200 each. Currently, law enforcement cannot seize a catalytic converter found to be removed from a vehicle and in someone's possession unless a victim can be identified. Unfortunately, locating the victim without identifying information on the catalytic converter is often impossible. Victims of catalytic converter thefts can pay thousands of dollars to replace them, and repairs can take months due to various supply chain issues. While there have been legislative attempts in Sacramento to crack down on catalytic converter thefts, local agencies in California have begun to pass ordinances to assist law enforcement in holding these thieves accountable for their crimes. Some of those agencies include the County of San Bernardino and the cities of Los Angeles, Upland, and Eastvale.

Catalytic Converter Ordinance

Lake Elsinore residents have and continue to experience catalytic converter thefts over the past several years. Currently, the City of Lake Elsinore does not have a law to define and punish catalytic converter thefts absent an identifiable victim. Further, no law in Lake Elsinore requires individuals to prove to law enforcement how they obtained a detached catalytic converter.

The residents of Lake Elsinore and the Riverside County Sheriff's Department need legislation criminalizing mere possession of catalytic converters absent proof of ownership or lawful possession, for multiple reasons including, but not limited to (1) achieving deterrence by establishing zero tolerance for catalytic converter thefts; (2) establishing sanctions for possessing stolen catalytic converters; (3) preventing criminals from profiting from the sale and recycling of stolen catalytic converters; (4) providing indirect justice to the victims of catalytic converter theft; and (5) minimizing the fiscal and personnel impact on the City of Lake Elsinore and the Riverside County Sheriff's Department by reducing the time invested in deterring and investigating catalytic converter thefts.

Because the Ordinance does not have the potential to cause direct or reasonably foreseeable indirect physical changes in the environment, it is not a project under the California Environmental Quality Act ("CEQA"). (See Pub. Res. Code, § 21065; State CEQA Guidelines, § 15378.)

Discussion

Catalytic converter theft is very costly to victims of this crime, both in dollars and in the time and inconvenience of repairs, and has affected individuals, businesses, and government agencies. Passage of a local ordinance could help hold thieves accountable and discourage theft in unincorporated areas of Riverside County.

Since 2020, the City has experienced a significant increase in the theft of catalytic converters. In 2020, a total of 10 catalytic converter thefts were reported. That number rose to 48 in 2021 and 99 in 2022. The Sheriff's Department has implemented public education efforts to address these thefts. However, due to the lack of legislation defining and prosecuting illegal possession of catalytic converters, many catalytic converter thefts in the City of Lake Elsinore have gone unsolved.

The proposed Ordinance provides the City with a means to protect the public and deter this type of criminal activity. By establishing sanctions for the unlawful possession of a catalytic converter, even without an identifiable victim, the City will enable the Sheriff's Department to prevent criminals from profiting from selling and recycling stolen catalytic converters. This will also provide indirect justice to the victims whose cases go unsolved and help reduce Part I crime statistics, which catalytic converter thefts have negatively impacted. In addition, this will help decrease the fiscal and personnel impact on the City of Lake Elsinore related to investigating catalytic converter thefts.

Other cities across Southern California have adopted, or are in the process of adopting, similar ordinances to protect their communities. While these ordinances are too new to provide relevant data to measure their success, adopting an ordinance in the City of Lake Elsinore will deter the criminals forced out of those municipalities and look for new communities to victimize.

Fiscal Impact

None.

Attachments

Attachment 1 - Ordinance



ORDINANCE NO. 2024 – _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADDING CHAPTER 9.60 TO TITLE 9 OF THE LAKE ELSINORE MUNICIPAL CODE (LEMC) REGARDING UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER

Whereas, Catalytic converter theft is an increasing problem within the City of Lake Elsinore and causes significant financial damage to the victims. The purpose and intent of this ordinance is to curb the theft of catalytic converters throughout the City and to provide the City with reasonable means to address the impact on the community and the victims posed by increasing catalytic converter thefts; and

Whereas, the City of Lake Elsinore desires to amend the Lake Elsinore Municipal Code to add a new chapter relating to the unlawful possession of a catalytic converter.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 9.60 of the Lake Elsinore Municipal Code is hereby adopted to read as follows:

Chapter 9.60

UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER

9.60.010 Purpose.

The purpose of this chapter is to curb the theft of catalytic converters throughout the City and to provide the City with reasonable means to address the impact on the community and the victims posed by increasing catalytic converter thefts.

9.60.020 Definitions.

As used in this chapter, the following terms shall have the meanings set forth herein:

“City” means the City of Lake Elsinore.

“Catalytic converter” means any exhaust emission control device, or portion thereof, that converts toxic gases and pollutants in exhaust gas from an internal combustion engine into less-toxic pollutants.

“Documentation or other proof” means written document(s) clearly identifying the vehicle from which the catalytic converter originated based on the totality of the circumstances, which includes, but is not limited to, the following types of documents:

1. Bill of sale from the original owner with photographs.
2. Verifiable documentation from an auto-body shop proving the owner relinquished the catalytic converter to the auto-body shop.
3. Verifiable electronic communication from the previous owner to the possessor relinquishing ownership of the catalytic converter.

4. Photographs of the vehicle from which the catalytic converter originated.
5. Vehicle registration associated with the catalytic converter containing an etched associated license plate number or vehicle identification number or driver's license number of registered vehicle owner.

“Lawful Possession” means: (1) being the lawful owner of the catalytic converter; or (2) being in possession of the catalytic converter with the lawful owner's verifiable written consent. It is not required to prove the catalytic converter was stolen to establish the possession is an unlawful possession.

9.60.030 Unlawful Possession of Catalytic Converter.

A. Barring any provision of state law permitting the same, it is unlawful for any person to possess any catalytic converter which is not attached to a vehicle unless the person has documentation or other proof of lawful possession.

B. This section does not apply to a detached catalytic converter that has been verifiably tested, certified, and labeled or otherwise approved for reuse, and is being bought or sold for purposes of reuse in accordance with the federal Clean Air Act (42 U.S.C. § 7401 et seq.) and regulations under the Clean Air Act, as they may be amended from time to time.

C. It is unlawful for any person to knowingly falsify or cause to be falsified any information in a record intended to show documentation of other proof of lawful possession.

D. Evidence of unlawful possession may be presumed by the number of detached catalytic converters within one's possession and/or by the condition of the dismantled catalytic converter(s), including but not limited to, the manner a catalytic converter has been detached or cut from a vehicle.

9.60.040 Violation/Penalties

A. Any violation of any provisions of this chapter, at the discretion of the City Attorney or City Prosecutor, is punishable as a misdemeanor or an infraction in accordance with Chapter 1.16 LEMC, or is subject to administrative citation, at the discretion of the City, in accordance with Chapter 1.20 LEMC. Notwithstanding Chapter 1.16 LEMC, a violation of this chapter that is an infraction, and which poses a threat to public health and safety, is punishable by the following:

1. A fine not exceeding \$1,000 for a first violation.
2. A fine not exceeding \$2,000 for a second violation within three years.
3. A fine not exceeding \$5,000 for each additional violation within three years of the first violation.

B. The remedies described in this section are not mutually exclusive. Pursuit of any one remedy shall not preclude City from availing itself of any or all available administrative, civil, or criminal remedies, at law or equity.

Section 2. CEQA. This Ordinance is exempt from the California Environmental Quality Act in accordance with Section 15061(b) (3) there is no possibility that the activity in question may have a significant effect on the environment.

Section 3. Severability. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

Section 4. Effective Date. This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption.

Section 5. Certification. The City Clerk shall certify to the passage of this Ordinance and shall cause a synopsis of the same to be published according to law.

Passed, Approved , and Adopted at a regular meeting of the City Council of the City of Lake Elsinore, California, on this _____ day of _____ , 2024.

Steve Manos
Mayor

Attest:

Candice Alvarez, MMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Ordinance No. 2024-_____ was introduced by the City Council of the City of Lake Elsinore, California, at the Regular meeting of April ____, 2024 and adopted at the Regular meeting of _____ ____, 2024 and that the same was adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Candice Alvarez, MMC
City Clerk