

6) **Second Reading of an Ordinance Adding Chapter 9.60 to Title 9 of the Lake Elsinore Municipal Code (LEMC) Regarding Unlawful Possession of a Catalytic Converter**

Adopt 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.



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Jason Simpson, City Manager

Prepared by: Candice Alvarez, MMC, City Clerk

Date: May 14, 2024

Subject: Second Reading of an Ordinance Adding Chapter 9.60 to Title 9 of the Lake Elsinore Municipal Code (LEMC) Regarding Unlawful Possession of a Catalytic Converter

Recommendation

Adopt 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.

Background/Discussion

At its Regular meeting on April 23, 2024, the City Council introduced by title only and waived further reading of the Ordinance.

Attachments

Attachment 1 – Ordinance

ORDINANCE NO. 2024-1498

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 14th day of May 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. 2024-1498 was introduced by the City Council of the City of Lake Elsinore, California, at its Regular meeting of April 23, 2024 and adopted at its Regular meeting of May 14, 2024 and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Candice Alvarez, MMC
City Clerk