

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
ADDING SECTION 3 TO ARTICLE 27, CHAPTER 9 OF THE
FRESNO MUNICIPAL CODE PROHIBITING THE
UNLAWFUL POSSESSION OF DETACHED CATALYTIC
CONVERTERS.

WHEREAS, theft of catalytic converters from automobiles has been an increasing problem within the City in recent years;

WHEREAS, catalytic converters contain expensive precious metals including platinum, palladium, and rhodium, which costs more than \$11,000 per ounce;

WHEREAS, the average cost of replacing a stolen catalytic converter and repairing the damage to the vehicle is typically more than \$2,000 to the victim;

WHEREAS, individuals in possession of stolen catalytic converters often recycle them for substantial profit while victims of these thefts suffer the consequences of paying thousands of dollars in repairs, the inconvenience of repairing their vehicles, and feeling unsafe in the community;

WHEREAS, there is no City, State, or Federal legislation applicable within the City to define and punish catalytic converter thefts absent an identifiable victim;

WHEREAS, catalytic converter thefts are on the rise because individuals are incentivized to commit catalytic converter thefts for multiple reasons including, but not limited to: the ease and undetectable nature of committing the thefts in a matter of seconds using common tools such as a reciprocating saw, the ability to recycle catalytic

converters at scrap metal yards for high dollar returns, and the challenges with prosecuting criminals for catalytic converter theft where a victim cannot be identified;

WHEREAS, finding the victims of these crimes is nearly impossible due to the manner in which catalytic converter thefts occur and the lack of identifying markers on catalytic converters linking stolen catalytic converters to the respective victims;

WHEREAS, due to lack of legislation defining and prosecuting illegal possession of catalytic converters, many catalytic converter theft cases in the City have gone unsolved;

WHEREAS, there is currently no City, State, or Federal legislation applicable within the City requiring individuals to provide proof to law enforcement as to how they obtained detached catalytic converters, thus limiting law enforcement's ability to protect the public by deterring catalytic converter thefts;

WHEREAS, this Ordinance is necessary to provide the City of Fresno Police Department a means to protect the public, deter this criminal activity and promote a more productive use of City of Fresno resources by staff responsible for investigating catalytic converter thefts.

THEREFORE, the City hereby enacts this ordinance requiring a person in possession of a detached catalytic converter to show proof of valid ownership to law enforcement upon request.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 3 is added to Article 27, Chapter 9 of the Fresno Municipal Code to read:

Section 9-2703

UNLAWFUL POSSESSION OF DETACHED CATALYTIC CONVERTER

(a) It is unlawful for any person, other than a Core Recycler as defined in California Business and Professions Code section 21610, to possess any catalytic converter that is not attached to a vehicle unless the person has valid proof of ownership of the catalytic converter.

(b) This section does not apply to a detached catalytic converter that has been tested, certified, and labeled or otherwise approved for reuse, and 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, from time to time, be amended.

(c) For purposes of this section, "valid proof of ownership" means written document(s) that clearly identify the vehicle from which the catalytic converter originated based on the totality of the circumstances, and includes, but is not limited to, the following types of documents:

1. Bill of sale from the original owner with photographs or similar visual representation.
2. Documentation from an auto-body shop proving that 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 or similar visual representation of the vehicle from which the catalytic converter originated.

(d) It is unlawful for any person to knowingly falsify or cause to be falsified any information in a record intended to show valid proof of ownership.

(e) Each violation of this section constitutes a separate violation, including but not limited to: possession of multiple catalytic converters during a single contact by law enforcement, or the locating of catalytic converter(s) at other locations discovered as a result of the initial contact by law enforcement, or any other circumstance connecting the potential violator to the unlawful possession of catalytic converter(s), and is subject to all remedies and enforcement measures authorized by the Fresno Municipal Code.

(f) Any person who violates any provision of this section shall be guilty of a misdemeanor punishable by a fine not to exceed \$1,000, imprisonment in the county jail for a term not to exceed 12 months, or both.

(g) If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

(h) Compliance with Business & Professions Code § 21610 and Vehicle Code § 10852.5 is legally required.

(i) A core recycler, as defined in Business and Professions Code § 21610, operating under a permit granted by the City of Fresno who is found to be in violation of any

applicable law shall have revocation proceedings initiated in accordance with Section 15-5016, Revocation of Permits.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2023.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2023
Mayor Approval/No Return: _____, 2023
Mayor Veto: _____, 2023
Council Override Vote: _____, 2023

TODD STERMER, CMC
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

BY: _____
Pauline Brickey Date
Deputy City Attorney