

ORDINANCE NO. 22-2215

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADDING A NEW SECTION 4149 (UNLAWFUL POSSESSION OF A DETACHED CATALYTIC CONVERTER) TO CHAPTER 1 (PROHIBITED CONDUCT – OFFENSES) OF ARTICLE IV (PUBLIC PEACE) OF THE CARSON MUNICIPAL CODE ESTABLISHING REGULATIONS DEFINING AND PROHIBITING THE UNLAWFUL POSSESSION OF DETACHED CATALYTIC CONVERTERS IN THE CITY OF CARSON

WHEREAS, the citizens of the City of Carson (“City”) experienced 643 catalytic converter thefts from automobiles during the period of January 1, 2019 to May 31, 2022; and

WHEREAS, there is currently no state or federal statute or local ordinance applicable within the City to define and punish the possession of stolen catalytic converters absent an identifiable victim; and

WHEREAS, there is currently no state or federal statute or local ordinance applicable within the City requiring individuals who possess catalytic converters that are not attached to vehicles to provide proof to law enforcement as to how or where they obtained such detached catalytic converters, thus limiting law enforcement’s ability to: (1) protect the public by preventing catalytic converter thefts; and (2) seize suspected stolen catalytic converters when no victim is present or identifiable (e.g., when the thief is not caught in the act of detaching the catalytic converter from the victim’s vehicle); and

WHEREAS, catalytic converter thefts are occurring at a high rate because individuals are incentivized to commit catalytic converter thefts for multiple reasons including, but not limited to: (1) the ease of committing such thefts and the difficulty of detecting same, as such thefts can potentially be completed in a matter of seconds and through the use of common tools; (2) the valuable metals contained in catalytic converters, resulting in the ability to recycle them at scrap metal yards for high dollar returns ranging from \$200 to \$1,200 per catalytic converter; and (3) loopholes in current law protecting criminals from prosecution unless a victim can be identified; and

WHEREAS, identifying the victims of catalytic converter thefts is often nearly impossible due to the ease and speed of such thefts and the fact that stolen catalytic converters, once detached, are generally untraceable back to the vehicle from which they originated because catalytic converters typically have no identifying markers; and

WHEREAS, due to lack of statutes/ordinances addressing this issue, 95% of the catalytic converter theft cases in the City have gone unsolved; and

WHEREAS, individuals who are in possession of stolen catalytic converters thus are able to evade punishment and recycle the stolen catalytic converters for substantial profit while victims of these thefts suffer tremendous consequences in the form of costly repairs, inconvenience, and feelings of a lack of safety in the community; and

WHEREAS, the citizens of Carson and the Los Angeles County Sheriff's Department acting as the City's law enforcement agency ("LASD"), as well as the City's Public Safety/Code Enforcement Division, are in need of legislation in order to: (1) appropriately deter and punish catalytic converter thefts by defining and establishing zero-tolerance and sanctions for unlawful possession of catalytic converters; (2) prevent criminals from profiting from the sale and recycling of stolen catalytic converters; (3) provide indirect justice to the victims of catalytic converter thefts whose cases have gone or will go unsolved for the reasons discussed above; and (4) minimize the fiscal and personnel impact on the City and LASD by reducing the time required to deter and punish catalytic converter thefts; and

WHEREAS, this Ordinance is necessary to provide the City and LASD with clear legal authority to better protect the residents and guests of the City against catalytic converter thefts.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The forgoing recitals are true and correct and are incorporated herein by this reference as findings of fact.

SECTION 2. This Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines because there is no possibility that this Ordinance or its implementation would have a significant negative effect on the environment. (14 Cal. Code Regs. § 15061(b)(3)). City staff shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

SECTION 3. A new Section 4149 (Unlawful Possession of a Detached Catalytic Converter) is hereby added to Chapter 1 (Prohibited Conduct – Offenses) of Article IV (Public Peace) of the Carson Municipal Code, to read in its entirety as follows:

"4149 Unlawful Possession of a Detached Catalytic Converter.

4149.1 Unlawful Possession of a Detached Catalytic Converter – Definitions.

(a) For purposes of this Section 4149, "lawful possession" includes (1) being the lawful owner of the detached catalytic converter, or (2) being in possession of the detached catalytic converter with the lawful owner's written consent. In order to establish that possession of a detached catalytic converter is not a "lawful possession," it is not required to prove the catalytic converter was stolen.

(b) For purposes of this Section 4149, "valid proof" means written document(s) that clearly establish that the possessor has lawful possession based on the totality of the circumstances. Subject to the foregoing, "valid proof" may include, without limitation: (1) bill of sale from the original owner; (2) documentation from a licensed auto-body shop or similar business proving that the lawful owner relinquished possession of the catalytic converter to the business for the relevant time period; (3) verifiable written communication from the previous owner to the possessor identifying and relinquishing ownership of the catalytic converter; and/or (4) vehicle registration in the name of the possessor for the vehicle from which the catalytic converter originated, together with

the detached catalytic converter containing an etched license plate number or vehicle identification number corresponding to the vehicle.

4149.2 Unlawful Possession of a Detached Catalytic Converter.

It shall be unlawful to possess any catalytic converter that is not attached to a vehicle unless the possessor has valid proof of lawful possession of the catalytic converter.

4149.3 Violations.

Each and every detached catalytic converter possessed in violation of this Section 4149 is a separate violation of this Section, punishable in accordance with the Carson Municipal Code.”

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 5. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 6. The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

[signatures on the following page]

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this _____ day of _____, 2022.

MAYOR LULA DAVIS-HOLMES

ATTEST:

DR. KHALEAH K. BRADSHAW, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY SUNNY K. SOLTANI