



CITY OF CARSON

Legislation Text

File #: 2022-620, Version: 1

Report to Mayor and City Council

Tuesday, July 19, 2022

Ordinance Second Reading

SUBJECT:

SECOND READING AND ADOPTION OF 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" (CITY COUNCIL)

I. SUMMARY

At its July 5, 2022, meeting the City Council voted unanimously to introduce Ordinance No. 22-2215 (Exhibit No.1) under Agenda item no. 36. This ordinance would make it unlawful in the City of Carson to possess a catalytic converter that is not attached to a vehicle, unless the possessor has valid proof of lawful possession of the catalytic converter. The ordinance is designed to help combat theft of catalytic converters from vehicles, and similar ordinances have been adopted by numerous cities for this purpose.

II. RECOMMENDATION

CONDUCT a Second Reading by title only and with further reading waived, and ADOPT 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."

III. ALTERNATIVES

TAKE any other action the Council deems appropriate, subject to compliance with applicable law.

IV. BACKGROUND

On July 5, 2022, the City Council introduced Ordinance No. 22-2215 (Exhibit No. 1 attached).

A catalytic converter is an exhaust emission control device that converts toxic gases and pollutants in exhaust gas from an internal combustion engine into less-toxic pollutants by catalyzing a redox reaction. Catalytic converters are usually used with internal combustion engines fueled by gasoline or diesel, including lean-burn engines. A catalytic converter is a valuable part of any non-electric manufactured automobile.

The citizens of Carson experienced 643 catalytic converter thefts from automobiles during the period of January 1, 2019 to May 31, 2022. Catalytic converter thefts are occurring at a high rate because individuals are incentivized to commit such 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.

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. Nor is there any applicable statute or ordinance 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 (i.e., when the thief is not caught in the act of detaching the catalytic converter from the victim's vehicle).

Due to lack of statutes/ordinances addressing this issue, 95% of the many catalytic converter theft cases in the City have gone unsolved. Individuals who steal catalytic converters thus are generally 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.

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.

The proposed ordinance would address these needs by adding a new Section 4149 to the Carson Municipal Code, providing that it shall be unlawful in the City 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. “Lawful possession” is defined in the proposed ordinance to include (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.

“Valid proof” is defined as 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.

Under the proposed ordinance, if a person is found in possession of a detached catalytic converter and is not able to produce “valid proof” that he or she is either the lawful owner of the catalytic converter or is in possession of the catalytic converter with the lawful owner’s consent, he or she could be charged with a misdemeanor or assessed an administrative citation fine in accordance with the Carson Municipal Code. Each and every detached catalytic converter possessed is considered a separate violation of this the Municipal Code. The proposed ordinance, or a similar ordinance, is necessary to provide the City and LASD with clear legal authority to better protect the public against catalytic converter thefts. Similar ordinances have been adopted by numerous other cities in California, including (without limitation) Artesia, Desert Hot Springs, and Carlsbad, for this purpose. LASD Captain Jones has reviewed and approves of the proposed ordinance.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Ordinance No. 22-2215 (pgs. 4 - 7)

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