

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA ADDING CHAPTER 9.90, UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER, TO THE TEMECULA MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 9.90, Unlawful Possession of a Catalytic Converter, is hereby added to the Temecula Municipal Code to read as follows:

9.90.010 Findings. The City Council hereby finds, determines and declares that:

A. The theft of catalytic converters has been an increasing problem in Riverside County and the City in recent years. The external location of catalytic converters and the use of valuable precious metals, including rhodium, palladium and platinum, in catalytic converters makes these devices a target for thieves. 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. Finding the victim of these crimes is extremely difficult due to the manner in which the catalytic converter thefts occur and lack of identifying markers on catalytic converters to link a stolen catalytic converter to the victim. The inability to identify the victims of catalytic converter thefts can inhibit the ability to successfully prosecute individuals for the thefts.

B. This Chapter is necessary to provide the City a means to protect the public, deter this criminal activity and promote a more productive use of City resources.

C. The purpose and intent 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.

D. This Chapter promotes the health, safety and general welfare of people in the City.

9.90.020 Definitions. As used in this Chapter, the following terms shall have the following meanings:

A. "Council" means the City Council of the City of Temecula.

B. "City" means the City of Temecula.

C. "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.

D. "Enforcement Officer" means: (1) members of the Riverside County sheriff's department or such other police agency under contract to provide police services to the city; (2) persons employed by the city whose job descriptions require the person to enforce the provisions of this code, including, but not limited to, code enforcement officers, or park rangers; and (3) such other employees of the city as may be designated by resolution of the city council.

E. "Lawful Possession" includes: (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.

F. "Proof of Ownership" 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.

9.90.030. Unlawful Possession of a Catalytic Converter. 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 a verifiable, valid proof of ownership of the catalytic converter.

A. 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.

B. 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.

C. 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.

9.90.040 Violations And Enforcement.

A. *Misdemeanor Penalty.* Any person who violates any provision of this Chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail for a term not exceeding one year, or by both. Upon any second or subsequent conviction of the offense, the person shall be punished by the penalties of a fine of one thousand dollars (\$1,000) and by imprisonment in the County jail for one year.

B. *Administrative Citations.* Violations of this Chapter are subject to administrative citations and penalties pursuant to Chapter 1.21 of the Temecula Municipal Code. The fine for such violations shall be one thousand dollars (\$1,000) or such other amount as provided by resolution of the City Council or applicable law.

C. *State Penalties Apply.* Nothing in this Chapter shall be intended to limit any of the penalties provided for under California law, including but not limited to the Penal Code, with regard to the sale, use, possession, delivery, and/or receipt of catalytic converters.

D. *Separate Offenses.* Acts, omissions, or conditions in violation of this Chapter that continue, exist, or occur on more than one day constitute separate violations on each day. Acts, omissions, or conditions in violation of this Chapter constitute separate violations for each and every catalytic converter in the person's possession that is not attached to a vehicle unless the person has a valid proof of ownership of the catalytic converter as required by this Chapter. A person is guilty of a separate offense for each and every day or portion thereof during which he or she commits, continues, or permits a violation of this Chapter. A person is deemed guilty of a separate offense for each and every violation of this Chapter, or any portion thereof. Likewise, a person shall be deemed guilty of a separate offense for each and every catalytic converter in the person's possession that is not attached to a vehicle unless the person has a valid proof of ownership of the catalytic converter as required by this Chapter.

Section 2. If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

Section 3. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

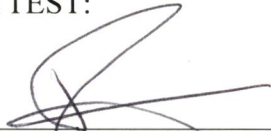
Section 4. This Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula
this 26th day of March, 2024.



James Stewart, Mayor

ATTEST:



Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Ordinance No. 2024-01 was duly introduced and placed upon its first reading at a meeting of the City Council of the City of Temecula on the 12th day of March, 2024, and that thereafter, said Ordinance was duly adopted by the City Council of the City of Temecula at a meeting thereof held on the 26th day of March, 2024, by the following vote:

AYES: 4 COUNCIL MEMBERS: Alexander, Kalfus, Schwank, Stewart

NOES: 0 COUNCIL MEMBERS: None

ABSTAIN: 0 COUNCIL MEMBERS: None

ABSENT: 0 COUNCIL MEMBERS: None



Randi Johl, City Clerk