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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, ADDING CHAPTER 9.29 TO THE RIVERSIDE MUNICIPAL CODE REGARDING UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS.

The City Council of the City of Riverside does ordain as follows:

Section 1. Chapter 9.29 of the Riverside Municipal Code, entitled “Unlawful Possession of Catalytic Converters” is hereby added as shown in Exhibit “A” attached hereto and incorporated herein by reference.

Section 2. The City Council has reviewed the matter and, by based upon the facts and information contained in the staff reports, administrative record, and written and oral testimony, hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change.

Section 3. The City Clerk shall certify to the adoption of this ordinance and cause publication once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

ADOPTED by the City Council this _____ day of _____, 2024.

PATRICIA LOCK DAWSON
Mayor of the City of Riverside

Attest:

DONESIA GAUSE
City Clerk of the City of Riverside

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1 I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
3 _____ day of _____, 2024, and that thereafter the said ordinance was duly and
4 regularly adopted at a meeting of the City Council on the _____ day of _____, 2024,
5 by the following vote, to wit:

6 Ayes:

7 Noes:

8 Absent:

9 Abstain:

10 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
11 City of Riverside, California, this _____ day of _____, 2024.
12

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14 _____
15 DONESIA GAUSE
16 City Clerk of the City of Riverside
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EXHIBIT "A"

CHAPTER 9.29 – UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS

Section 9.29.010 Purpose.

- A. The City Council finds that theft of catalytic converters has been an increasing problem in Riverside in recent years. In the City, hundreds of reports of catalytic converter thefts occur annually impacting many victims. 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.
- B. 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. This ordinance is necessary to provide the City a means to protect the public, deter this criminal activity, and promote a more productive use of City of Riverside resources.
- C. In accordance with the California Constitution, Article XI, Section 7, a city may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.
- D. 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.

9.29.020 Definitions.

As used in this chapter, the following terms shall have the following meanings:

“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, and shall also mean ‘catalytic converter’ as that term is used in California Vehicle Code Section 10852.5.

“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. Signed bill of sale from the original owner authorizing removal of the catalytic converter, including the vehicle owner’s name, address, and telephone number.
2. Verifiable documentation from an auto-body shop proving the owner relinquished the catalytic converter to the auto-body shop or similar business.
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 clearly showing the vehicle's license plate number and vehicle identification number.

5. Vehicle registration associated with the catalytic converter together with photographs showing an etched associated license plate number or vehicle identification number or driver's license number of registered vehicle owner claimed to have conveyed the catalytic converter to the person now in possession.

"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 not a lawful possession.

"Enforcement officer" means a sworn officer of the police department, sworn federal task force officer, building official, code enforcement official, city attorney, or district attorney, and their designees.

9.29.030 Unlawful possession of a 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 properly installed in a vehicle unless the person has a documentation or other proof verifying they are in lawful possession of the catalytic converter.
- B. This section does not apply to a detached catalytic converter, otherwise lawfully possessed, 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 (i) the federal Clean Air Act (42 U.S.C. § 7401 et seq.) and regulations under the Clean Air Act; or (ii) or applicable regulations of the California Air Resources Board, 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 any documentation or other proof intended to show valid proof of ownership or possession of a catalytic converter.
- 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.

9.29.040 Enforcement.

- A. Violations of this Chapter may be prosecuted as misdemeanors or infractions subject to Section 1.01.110.
- B. Unless otherwise specified herein, all administrative citations issued for violations of this chapter shall be subject to the provisions set forth in Chapter 1.17 of this Code, including but not limited to, the administrative hearing and appeal process and the City's authority to use any civil remedy available to collect any unpaid administrative fines

- 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. Administrative Civil Penalty. In addition to any other penalties provided by law, whenever an enforcement officer determines a violation of this chapter has occurred, the enforcement officer shall have the authority to issue an administrative citation with an administrative civil penalty to any person responsible for the violation, in accordance with and subject to the provisions of chapter 1.17 of this code.
- E. If any part or provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the Chapter, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.