

City of Houston, Texas, Ordinance No. 2022-341

AN ORDINANCE AMENDING CHAPTER 7, ARTICLE III AND ARTICLE VI OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO METAL RECYCLERS AND SECONDHAND RESELLERS; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING A PENALTY THEREFOR; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, the National Insurance Crime Bureau has reported that the claims of catalytic converter thefts rose nationwide from 3,389 in 2019 to 14,433 in 2020; and,

WHEREAS, the COVID-19 pandemic and resulting global supply chain issues have drastically increased the price of the precious metals in catalytic converters, including, for example, rhodium which was selling for \$2,300 an ounce in January 2019 and by April 2022 was selling for over \$17,500 an ounce; and

WHEREAS, in the first three months of 2022, the Houston Police Department recorded 3188 thefts of catalytic converters in the City of Houston, a 123% increase over the same period in previous year; and

WHEREAS, catalytic converter thefts sometimes are associated with violent crimes, with 34 aggravated assaults and aggravated robberies associated with catalytic converter theft in 2021 and 15 in the first three months of 2022; and

WHEREAS, the City of Houston, Texas, is a home-rule municipality pursuant to section 5, article 11 of the Texas Constitution and as such, is vested with the power of local self-government; and

WHEREAS, section 54.004 of the Texas Local Government Code authorizes home-rule municipalities to enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and

WHEREAS, on February 2, 2022, Mayor Sylvester Turner announced and committed substantial City resources to the implementation of *One Safe Houston*, a comprehensive violence reduction initiative focused on:

- (1) Violence Reduction and Crime Prevention;
- (2) Crisis Intervention, Response and Recovery;
- (3) Youth Outreach Opportunities; and
- (4) Key Community Partnerships; and

WHEREAS, as a component of *One Safe Houston*, the Administration requested that the City of Houston Legal Department, in consultation with HPD, craft an ordinance

to outlaw the possession of severed catalytic converters without appropriate documentation and requiring documentation for all sales of catalytic converters to metal recyclers. **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. That Section 7-51 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new definition to read as follows:

"Catalytic converter means an exhaust emission control device that reduces toxic gases and pollutants from internal combustion; this includes any material removed from a catalytic converter."

Section 3. That Division 1 of Article III of Chapter 7 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 7-63.1 that reads as follows:

"Sec. 7-63.1 Purchase of catalytic converters.

(a) It shall be unlawful for any metal recycler or his agents or employees acting on his behalf to purchase or receive catalytic converters from any person offering such property for sale unless, in addition to the requirements set forth in section 7-58 of this Code:

(1) For automotive repair facilities:

a. The person selling the catalytic converter presents either their City of Houston Auto Dealers Detail license or a verifiable receipt from the repair facility with:

[1] The name of the business;

[2] The address of the business;

[3] The phone number for the business that repaired the vehicle that the catalytic converter offered for sale came from; and

- [4] The year, make, model, and vehicle identification number of the vehicle or vehicles repaired.
 - b. The metal recycler either verifies that the repair facility is an actual business and that the automotive repair facility or muffler repair facility is open to the general public for business, or the repair facility provides a copy of their applicable City of Houston Auto Dealers Detail license.
 - c. A seller with a valid used automotive parts recycler license issued by the Texas Department of License and Regulation (TDLR) under the Texas Occupations Code Chapter 2309 may offer for sale catalytic converters to a metal recycler without a verifiable receipt from a repair facility. The metal recycler must obtain a copy of the valid license issued by TDLR and upload it pursuant to section 7-63.1(b)(2) of this Code.
- (2) For individual sellers: The person attempting to sell a catalytic converter provides to the metal recycler:
- a. The year, make, model, and vehicle identification number for the vehicle from which the catalytic converter was removed;
 - b. a copy of the certificate of title or other documentation indicating that the person has an ownership interest in the vehicle from which the catalytic converter was removed; and
 - c. any other information required by Chapter 1956 of the Texas Occupations Code.
- (b) Once the metal recycler has purchased the catalytic converter, the metal recycler shall:
- (1) Take a photograph of:
 - a. All sides of the catalytic converter, and if round, both halves;
 - b. the serial number and
 - c. any owner applied number, such as an etched serial number, VIN, etc.

- (2) The metal recycler must upload into the police department's selected law enforcement online investigation system the photographs and all information required pursuant to subsection (a) of this section.
- (c) It shall be unlawful for any individual or entity other than a metal recycler to possess a used catalytic converter that was cut from its original vehicle, rather than unbolted, unless the individual or entity provides the applicable information under subsection (a) of this section. Each catalytic converter in an individual or entity's possession shall constitute a separate offense."

Section 4. That Section 7-125 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Subsection (c) that reads as follows:

- "(c) A secondhand reseller shall be required to keep and upload records of any catalytic converter purchased or otherwise received as detailed in sections 7-63.1(a) and (b) of this Code."

Section 5. That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the "Code") to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

Section 6. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or

invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 7. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on the forty-fifth day next following the date of its passage and approval by the Mayor.

PASSED AND ADOPTED this 4th day of May, 2022.

APPROVED this 4th day of May, 2022.

Sylvester Turner
Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

Prepared by Legal Dept. _____
JGH:RAW:jmb:asw 5/11/2022 Assistant City Attorney
Requested by Troy Finner, Chief, Houston Police Department
L.D. File No. 0622200105001