

## CITY COUNCIL ORDINANCE NO. 21-13

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADDING SECTION 115 TO CHAPTER 1 OF DIVISION 14 OF TITLE 4 OF THE IRVINE MUNICIPAL CODE ESTABLISHING REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS IN THE CITY

WHEREAS, the citizens of Irvine have been plagued with hundreds of catalytic converter thefts from automobiles over the past several years; and

WHEREAS, catalytic converter thefts are the number one property crime in Irvine in terms of increase over last year, including a 541% increase from 2020 to 2021, bringing the total to over 500 since the beginning of 2020; and

WHEREAS, there is currently no City, State, or Federal legislation applicable within the City of Irvine to define and punish catalytic converter thefts absent an identifiable victim; and

WHEREAS, there is currently no City, State, or Federal legislation applicable within the City of Irvine to define and punish the recycling or sale of unlawfully obtained catalytic converters, thus incentivizing criminal enterprise of catalytic converter thefts; and

WHEREAS, there are currently no City, State, or Federal legislation applicable within the City of Irvine requiring individuals to provide proof to law enforcement as to how they obtained catalytic converters, thus limiting law enforcement's ability to protect the public by preventing catalytic converter thefts and preventing law enforcement from seizing suspected stolen catalytic converters when no victim present; and

WHEREAS, catalytic converter thefts are on the rise because individuals are incentivized to commit catalytic converter thefts for multiple reasons including, but not limited to: (1) the ease and undetectable nature of committing the thefts in a matter of seconds using common tools such as a reciprocating saw, (2) the ability to recycle catalytic converters at scrap metal yards for high dollar returns ranging from \$200 to \$1,200 per catalytic converter, and (3) loopholes in legislation protecting criminals from prosecution unless a victim can be identified; and

WHEREAS, finding a victim of these crimes is nearly impossible due to the undetectable nature of the catalytic converter thefts and catalytic converters being untraceable to link back to a victim (no identifying markers on the catalytic converters); and

WHEREAS, due to lack of legislation defining and prosecuting these thefts, 99% of all catalytic converter theft cases in the City of Irvine have gone unsolved, which is fundamentally unacceptable for the citizens of the City of Irvine; and

WHEREAS, the citizens of Irvine and the Irvine Police Department are in need of legislation for multiple reasons including, but not limited to: (1) deterrence by establishing zero-tolerance for catalytic converter thefts, (2) sanctions for possessing stolen catalytic converters, (3) preventing criminals from profiting from the sale and recycling of stolen catalytic converters, (4) providing indirect justice to the victims of catalytic converters whose cases will go unsolved, (5) reducing Part I crime statistics which have been substantially negatively impacted by catalytic converter thefts, and (6) minimizing the fiscal and personnel impact on the City of Irvine invested in deterring and investigating catalytic converter thefts; and

WHEREAS, individuals who are in possession of stolen catalytic converters recycle them for substantial profit while victims of these thefts suffer tremendous consequences of paying thousands of dollars in repairs, the inconvenience of repairing their vehicles, and feeling unsafe in the community; and

WHEREAS, this Ordinance is necessary to provide the City of Irvine Police Department clearly established legal authority to protect the public and deter this criminal activity.

NOW, THEREFORE, the City Council of the City of Irvine DOES HEREBY ORDAIN as follows:

SECTION 1. The above recitals are true and correct and incorporated herein.

SECTION 2. Section 115 of Chapter 1 of Division 14 of Title 4 of the Irvine Municipal Code is hereby added to read in its entirety as follows:

Section 115 of Chapter 1 of Division 14 of Title 4

UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER

Sec. 4-14-115. – Unlawful Possession of a Catalytic Converter.

- A. It shall be unlawful to possess any catalytic converter that is not attached to a vehicle unless the possessor has valid documentation or other proof to verify they are in lawful possession of the catalytic converter.
- B. For purposes of this section, “lawful possession” includes being the lawful owner of the catalytic converter or in possession of the catalytic converter with the lawful owner’s written consent. It is not required to prove the catalytic converter was stolen to establish the possession is not a “lawful possession.”
- C. For purposes of this section, “documentation or other proof” means written document(s) that clearly identify the vehicle from which the catalytic converter originated and includes but is not limited to the following document types: bill of sale from the original owner with photographs,



documentation from an auto-body shop proving the owner relinquished the catalytic converter to the auto-body shop, verifiable electronic communication from the previous owner to the possessor relinquishing ownership of the catalytic converter, photographs of the vehicle from which the catalytic converter originated, vehicle registration associated with the catalytic converter containing an etched associated license plate number or vehicle identification number. The validity of "documentation or other proof" is based on the totality of the circumstances.

- D. Each and every violation of this section shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Irvine Municipal Code. Each and every catalytic converter unlawfully possessed is a separate violation of this section.
- E. Each and every violation of this section may in the discretion of the District Attorney be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed \$500 or imprisonment in the county jail for a period of not more than 12 months, or by both such fine and imprisonment.
- F. The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law.

SECTION 3. 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 4. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

SECTION 5. The City Clerk shall certify to the passage of this Ordinance and this Ordinance shall be published as required by law and shall take effect as provided by law.

PASSED and ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 9th day of November, 2021.

  
MAYOR OF THE CITY OF IRVINE

ATTEST:  
  
CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA   )  
COUNTY OF ORANGE   )   SS  
CITY OF IRVINE         )

I, CARL PETERSEN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing ordinance was introduced for first reading on the 26<sup>th</sup> day of October, 2021 and duly adopted at a regular meeting of the City Council of the City of Irvine, held on the 9<sup>th</sup> day of November, 2021.

AYES:	5	COUNCILMEMBERS:	Agran, Carroll, Kim, Kuo, and Khan
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

  
CITY CLERK OF THE CITY OF IRVINE