

ORDINANCE NO. 22-09

AN ORDINANCE OF THE CITY OF WEBSTER AMENDING CHAPTER 58 – OFFENSES, OF THE CODE OF ORDINANCES OF THE CITY OF WEBSTER BY ADDING ARTICLE VIII, POSSESSION OF CATALYTIC CONVERTER; REPEALING INCONSISTENT ORDINANCES; CONTAINING A SAVINGS CLAUSE, PRESCRIBING A PENALTY, AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, due to the precious metals of rhodium, palladium, and platinum contained in catalytic converters, the National Insurance Crime Bureau has reported that claims of catalytic converter thefts rose nationally from 3,389 in 2019 to 14,433 in 2020;

WHEREAS, Webster had a total of 148 catalytic converter thefts in 2021 and as of August 23, 2022, has already reported 133 catalytic converter thefts; and

WHEREAS, on September 1, 2021, Texas H.B. 4110 was enacted to address this issue, however, the bill only addressed those trying to sell or purchase catalytic converters; and

WHEREAS, staff recommends adopting an ordinance focused on the possession of cut or unbolted catalytic converters, which are common methods to remove catalytic converters during theft.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, TEXAS:

SECTION 1. The findings set forth above are incorporated into the body of this ordinance as set forth herein.

SECTION 2. The Code of Ordinances shall be, and is hereby, amended by adding a new Article VIII to Chapter 58 of said code, such new Article to be read and numbered as follows:

Chapter 58 – Offenses

Article VIII – Possession of Catalytic Converters

SECTION 3. Definitions

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

Metal Recycling Entities means a business that is operated from a fixed location and is predominantly engaged in the practice as defined in the Occupations Code Title 12, Chapter 1956.

SECTION 4. It shall be unlawful for any person or entity other than a metal recycler to possess a used catalytic converter that was removed from a motor vehicle unless the individual or entity can:

- (1) Provide proof of ownership of the motor vehicle from which the catalytic converter was removed, and can reasonably link the catalytic converter to the vehicle: or
- (2) The person presents proof that the possession of the catalytic converter lawfully passed from the owner of the vehicle from which the converter was removed to the person in possession of the catalytic converter.

SECTION 5. Any person or entity who violates any provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in an amount not exceeding FIVE HUNDRED DOLLARS (\$500). Each day of offense shall constitute a separate offense.

SECTION 6. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

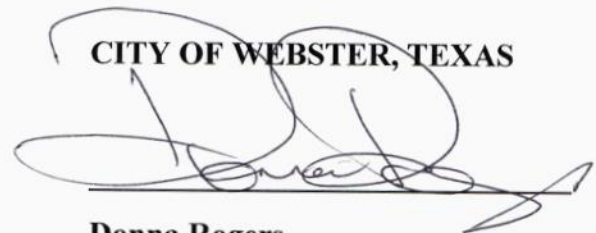
SECTION 7. If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void, or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

SECTION 8. This ordinance shall become effective after its approval and adoption upon second and final reading and its publication pursuant to law.

PASSED AND APPROVED on first reading this 6th day of September, 2022.

PASSED, APPROVED AND ADOPTED on second and final reading this 20th day of September, 2022.

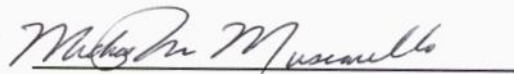
CITY OF WEBSTER, TEXAS



Donna Rogers
Mayor



ATTEST:



Michael Muscarello, TRMC
City Secretary