

ORDINANCE NO. 557

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING THE TOWN OF APPLE VALLEY MUNICIPAL CODE TITLE 11, BY ADDING CHAPTER 11.120, SECTION 11.120.010 - UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS AND AMENDING SECTION 5.02.360 - DAILY REPORTS AND PURCHASE FORMS; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the theft of catalytic converters has been an increasing problem in the Town of Apple Valley in recent years; and

WHEREAS, catalytic converters contain expensive precious metals including platinum, palladium, and rhodium, which currently costs over \$11,000 per ounce; and

WHEREAS, in the Town of Apple Valley, there were 91 reports of catalytic converter thefts from August 2020 to May 2022; and

WHEREAS, the average cost of replacing a stolen catalytic converter and repairing the damage to the vehicle is generally over \$2,000 to the victim; and

WHEREAS, 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; 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, and (3) the challenges with prosecuting criminals for catalytic converter theft where a victim cannot be identified; and

WHEREAS, finding the victim of these crimes is nearly impossible due to 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; and

WHEREAS, the inability to identify the victims of catalytic converter thefts has stymied the ability to successfully prosecute individuals for the thefts; and

WHEREAS, there is currently no town, state, or federal legislation applicable within the Town of Apple Valley requiring individuals to provide proof to law enforcement showing how they obtained detached catalytic converters, thus limiting law enforcement's ability to protect the public by deterring catalytic converter thefts; and

WHEREAS, this Ordinance is necessary to provide the Town of Apple Valley Police Department a means to protect the public, deter this criminal activity and promote a more productive use of Town of Apple Valley resources by staff responsible for investigating catalytic converter thefts.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. A new Section 11.120.010 is hereby added to Chapter 11.120 of Title 11 of the Town of Apple Valley Municipal Code to read, in its entirety, as follows:

"11.120.010 Unlawful possession of a catalytic converter.

- (a) It is unlawful for any person, other than a Core Recycler as defined in California Business and Professions Code Section 21610, to possess any catalytic converter that is not attached to a vehicle unless the person has valid proof of ownership of the catalytic converter.
- (b) This section does not apply to a detached catalytic converter that has been tested, certified, and labeled or otherwise approved for reuse, and 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, from time to time, be amended.
- (c) For purposes of this section, "valid proof of ownership" shall contain all the following information:
 - 1. The license plate number and vehicle identification number of the vehicle from which the catalytic converter was removed.
 - 2. The name, address, and telephone number of the owner of the vehicle from which the catalytic converter was removed.
 - 3. The signature of the vehicle owner authorizing removal of the catalytic converter.
 - 4. The name, address, and telephone number of the current owner of the catalytic converter.
- (d) 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.
- (e) Each violation of this section constitutes a separate violation and is subject to all remedies and enforcement measures authorized by the Town of Apple Valley Municipal Code.
- (f) Any person who violates any provision of this section shall be guilty of a misdemeanor punishable by a fine not to exceed \$1,000, imprisonment in the county jail for a term not exceeding six months, or both."

SECTION 3. Section 5.02.360 of Chapter 5.02 of Title 5 of the Town of Apple Valley Municipal Code is hereby amended to read, in its entirety, as follows (A ~~strikethrough~~ in the municipal code text shows proposed deletions and **bold with**

italicized text shows proposed additions to the code sections):

"5.02.360 - Daily reports and purchase forms.

- (a) Junk dealers, pawnbrokers and secondhand dealers licensed under this Chapter shall report in writing to the Police Department, in a manner as approved by the Police Department, all personal property requiring reporting by this Chapter. The daily reports shall be accompanied by a purchase form for each individual transaction. The specific information required on the purchase form is as follows;
 - 1. Dealer's name, business, address and telephone number;
 - 2. Date of purchase;
 - 3. Seller's name, description, residence address, vehicle license number, driver's license or county business license number;
 - 4. Material category descriptions;
 - 5. Weight of material, amount paid and time of payment;
 - 6. Description and identification number of automobile and automobile bodies. Such information may be provided by submission of a vehicle report completed by the seller of any automobile or automobile body. The vehicle report forms will be made available by the Police Department.
- (b) The purchase forms and daily reports shall include a general description as to the composition of scrap or junk. Products such as castings, wire, tubing, pipe, or similar items may be commonly described. Nonferrous materials shall be reported and ferrous materials including fence material, pipe, chain, machinery parts, foundry castings, cable, automobiles, *aru:1- automobile bodies, and catalytic converters* shall be reported.
 - 1. ***A copy of valid proof of ownership shall accompany all purchase forms for each catalytic converter transaction in accordance with Section 11.120.010(c) of this Municipal Code.***
- (c) Transactions totaling \$5.00 or less need not be reported except for automobiles or automobile bodies, which may be reported in accordance with Subsection (a)(6). of this Section.
- (d) Pawnbrokers and secondhand dealers shall make their reports in compliance with the provisions of Business and Professions Code§ 21628 and Financial Code§ 21208, of the State of California.
- (e) Salvage collectors shall maintain purchase records.
- (f) The daily reports and purchase forms shall be written in the English language in a clear and legible manner. The records required by this Section shall be retained by the applicant for a period of three years and shall be available for inspection upon demand by any Law Enforcement Officer. The failure to complete, file and retain the records required pursuant to Section 5.02.360 is a violation of this Chapter and is unlawful."

SECTION 4. CEQA. The Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement

CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect of the environment, the activity is not subject to CEQA.

SECTION 5. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Town Council of the Town of Apple Valley hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 6. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

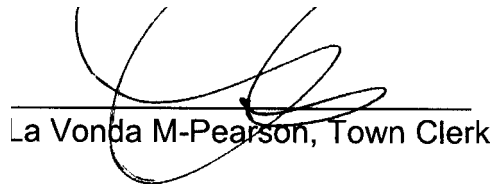
SECTION 7. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under section 36933 of the Government Code of the State of California.

APPROVED AND ADOPTED by the Town Council of the Town of Apple Valley, California, at a regular meeting held on the 12th day of July 2022 by the following vote:

A handwritten signature in black ink, appearing to read 'Kari', written over a horizontal line.

Kari Leon, Mayor

Attest:

A handwritten signature in black ink, appearing to read 'La Vonda M-Pearson', written over a horizontal line.

La Vonda M-Pearson, Town Clerk

Approved as to form:

A handwritten signature in black ink, appearing to read 'Thomas A. Rice', written over a horizontal line.

Thomas A. Rice, Town Attorney

Approved as to content:

A handwritten signature in black ink, appearing to read 'Douglas B. Robertson', written over a horizontal line.

Douglas B. Robertson, Town Manager

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF APPLE VALLEY

I, LA VONDA M-PEARSON, TOWN CLERK of the Town of Apple Valley, California, hereby certify that the foregoing Ordinance No. 557 was duly introduced on July 12, 2022 and adopted at the Town Council adjourned meeting on July 12, 2022, by the following vote:

AYES: Council Members, Cusack, Emick, Nassif, Mayor Leon.

NOES: None.

ABSENT: Mayor Pro Tern Bishop

ABSTAIN: None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Apple Valley, California, this 12nd day of July, 2022.

LA VONDA M-PEARSON, CMC
TOWN CLERK



by:

A handwritten signature in black ink, appearing to read "Hannah Raleigh".

Hannah Raleigh, Deputy Clerk

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF APPLE VALLEY

I, La Vonda M-Pearson, Town Clerk of the Town of Apple Valley, California, do hereby certify that the attached Ordinance No. 557 was adopted on July 12, 2022 by the Town Council of the Town of Apple Valley and has been published in a newspaper of general circulation, published and circulated in the Town in a manner permitted under Section 36933 of the Government Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Apple Valley, California, this 12nd day of July, 2022.

LA VONDA M-PEARSON, CMC
TOWN CLERK



A handwritten signature in black ink, appearing to read "Hannah Raleigh".

Hannah Raleigh, Deputy Clerk