



STAFF REPORT
9/11/2024

TO: Honorable Mayor and City Council Members

FROM: Lt. Randy Vasquez, Sheriff's Department
Dr. Gabriel Martin, City Manager

SUBJECT: Ordinance No. 1212 - An Ordinance Adding Chapter 9.28 to Title 9 of the Coachella Municipal Code Establishing Regulations Prohibiting the Unlawful Possession of Catalytic Converters in the City (Second Reading)

STAFF RECOMMENDATION:

Staff recommends that the City Council conduct a second reading, by title only, of Ordinance No. 1212, Adding Chapter 9.28 to Title 9 of the Coachella Municipal Code Establishing Regulations Prohibiting the Unlawful Possession of Catalytic Converters in the City (Second Reading).

BACKGROUND:

Catalytic converters are an external component of a vehicle, accessible from the underside of a parked car. They convert most of a vehicle's emissions into less harmful forms, improving air quality and vehicle performance. As part of their construction, catalytic converters contain valuable materials such as platinum and palladium, rare metals that command ever-increasing prices on the recyclables market.

Catalytic converter thefts are on the rise because individuals are incentivized to commit catalytic converter thefts for multiple reasons. These reasons include: (1) the ease and undetectable nature of committing such thefts, potentially in a matter of seconds and through the use of 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. On July 24, 2024, the City Council approved the first reading of Ordinance No. 1212.

DISCUSSION/ANALYSIS:

There is currently no City legislation applicable within the City of Coachella to directly define and punish catalytic converter thefts absent an identifiable victim. Additionally, there is currently no City, State, or Federal legislation applicable within the City of Coachella requiring individuals to provide proof to law enforcement as to how they obtained catalytic converters in their possession. This limits law enforcement's ability to (1) protect the public by preventing catalytic converter

thefts and (2) seize suspected stolen catalytic converters when there is no identifiable victim present. As a result, preventing and punishing these crimes at present is nearly impossible due to the ease and speed with which catalytic converter thefts can be committed and the difficulty of tracing a particular catalytic converter back to its prior owner (the victim), because catalytic converters typically have no identifying markers.

The Legislature has enacted, and the Governor has signed into law, Senate Bill (SB) 1087 and Assembly Bill (AB) 1740, which generally prohibit (1) individuals from purchasing a used catalytic converter from anyone other than certain specified sellers, including automobile dismantlers, automotive repair dealers, or an individual possessing documentation, as specified, that they are the lawful owner of the catalytic converter; and (2) requires core recyclers to keep a detailed written record, including the year, make, and model of the car from which a catalytic converter was removed, as well as a copy of the vehicle's title, prior to purchasing a catalytic converter from a seller.

The Legislature has not expressed its intent, whether explicitly or impliedly, to occupy the field of catalytic converter theft legislation. Pursuant to Article XI, Section 7 of the California Constitution, the City has broad discretionary power to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

Individuals in possession of stolen catalytic converters are able to recycle them for substantial profit at relatively low risk, while victims are forced to commit to costly repairs. By criminalizing the mere possession of an unattached catalytic converter absent proof of ownership or lawful possession, this ordinance would combat this criminal practice by: (1) achieving deterrence by establishing zero-tolerance for catalytic converter thefts; (2) establishing sanctions for possessing stolen catalytic converters; (3) prohibiting the falsification of information in documents and records used to verify ownership or lawful possession of a catalytic converter; (4) preventing criminals from profiting from the sale and recycling of stolen catalytic converters; (5) providing indirect justice to the victims of catalytic converter theft cases that have gone or will go unsolved for the reasons discussed above; and (6) minimizing the fiscal and personnel impact on the City of Coachella and the Riverside County Sheriff's Department by reducing the time invested in deterring and investigating catalytic converter thefts.

ALTERNATIVES:

1. Decline Staff recommendation and not approve this item.
2. Continue this item and provide staff with direction.

FISCAL IMPACT:

There is no fiscal impact to the General Fund

ATTACHMENT(S):

1. Ordinance No. 1212 - An Ordinance Adding Chapter 9.28 to Title 9 of the Coachella Municipal Code Establishing Regulations Prohibiting the Unlawful Possession of Catalytic Converters in the City.