

## ORDINANCE NO. 1212

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, ADDING CHAPTER 9.28 (UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER PROHIBITED) TO TITLE 9 (PUBLIC PEACE AND WELFARE) OF THE COACHELLA MUNICIPAL CODE, ESTABLISHING REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS IN THE CITY.

**WHEREAS**, the citizens of the City of Coachella (the “City”) have experienced rising catalytic converter thefts from automobiles over the past several years; and

**WHEREAS**, there is currently no City legislation yet applicable within the City of Coachella 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 Coachella requiring individuals discovered to be in possession of detached catalytic converters to provide proof to law enforcement as to how they obtained catalytic converters, thus limiting law enforcement’s ability to (1) protect the public by preventing catalytic converter thefts; and (2) seize suspected stolen catalytic converters when no victim is present; and

**WHEREAS**, 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; and

**WHEREAS**, the Legislature has not expressed its intent, whether explicitly or impliedly, to occupy the field of catalytic converter theft legislation; and

**WHEREAS**, 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; 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 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; and

**WHEREAS**, preventing 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; and

**WHEREAS**, the citizens of Coachella and the Riverside County Sheriff's Department are in need of legislation criminalizing mere possession of catalytic converters absent proof of ownership or lawful possession, for multiple reasons including, but not limited to: (1) achieving deterrence by establishing zero-tolerance for catalytic converter thefts; (2) establishing 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 converter theft cases that have gone or will go unsolved for the reasons discussed above; and (5) 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; and

**WHEREAS**, individuals who are in possession of stolen catalytic converters recycle them for substantial profit while victims of these thefts suffer tremendous consequences in the form of costly repairs, inconvenience, and feelings of a lack of safety in the community; and

**WHEREAS**, the City desires to regulate the possession of detached catalytic converters within its jurisdiction in order to better protect its citizens, their property, and their community; and

**WHEREAS**, regulating possession of detached catalytic converters neither contradicts nor duplicates the statutes adopted by the Legislature on the topic of catalytic converters; and

**WHEREAS**, this Ordinance is necessary to provide the City of Coachella and the Riverside County Sheriff's Department clear legal authority to better protect the public and deter this criminal activity

**WHEREAS**, this item was taken to the Building/Code Enforcement/Public Safety Sub-Committee on July 4, 2024 with the Sub-Committee supporting and recommending it move forward to City Council for consideration; and

**WHEREAS**, all other legal prerequisites to the adoption of this Ordinance have occurred.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Incorporation of Recitals. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

**SECTION 2.** Creation of Chapter 9.28 in Title 9 of the Coachella Municipal Code. Chapter 9.28 is hereby added to Title 9 (Public Peace and Welfare) of the Coachella Municipal Code to read in its entirety as follows:

**“Chapter 9.28 (Unlawful Possession of a Catalytic Converter Prohibited) of Title 9 (Public Peace and Welfare)**

**9.28.010 Purpose.**

The purpose of this chapter is to regulate the possession of detached catalytic converters absent proof of ownership or lawful possession, to assist in deterring future thefts, establish sanctions for possessing stolen catalytic converters, and minimize 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.

#### **9.28.020 Definitions.**

For the purposes of this chapter, the following meanings shall apply:

- (a) "Lawful possession" includes (1) being the lawful owner of the catalytic converter or (2) 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."
- (b) "Documentation or other proof" means written document(s) that clearly identify the vehicle from which the catalytic converter originated based on the totality of the circumstances, and includes, but is not limited to, the following types of documents:
  - (1) Bill of sale from the original owner with the signature of the vehicle owner authorizing removal of the catalytic converter, as well as the name, address, and telephone number of the vehicle owner.
  - (2) Documentation from an auto-body shop or similar business proving that the owner relinquished the catalytic converter to the auto-body shop or similar business.
  - (3) Verifiable electronic communication from the previous owner to the possessor relinquishing ownership of the catalytic converter.
  - (4) Photographs of the vehicle from which the catalytic converter originated clearly showing the license plate number and vehicle identification number (VIN) of the car from which the catalytic converter was removed.

#### **9.28.030 Unlawful possession of a catalytic converter prohibited.**

- (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 that they are in lawful possession of the catalytic converter.

It is unlawful for any person to falsify or cause to be falsified any information in any documentation or other proof intended to show valid proof of ownership or possession of a catalytic converter.

#### **9.28.040 Violations – Misdemeanor**

- (a) 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 Coachella Municipal Code. Each and every catalytic converter unlawfully possessed is a separate violation of this section.

- (b) It is unlawful and a misdemeanor subject to punishment in accordance with Chapter 1.08 of Title 1 of this Code, for any person to violate any provision of this section.

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. CEQA.** The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Moreover, the City Council finds that this Ordinance is also exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment).

**SECTION 4. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

**SECTION 5. Publication and Effective Date.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law, which shall take full force and effect thirty (30) days from its adoption.

**PASSED, APPROVED and ADOPTED** at a regular meeting of the City Council on the 24 day of July, 2024, by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

**CITY OF COACHELLA:**

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Steven Hernandez, Mayor  
City of Coachella

**ATTEST:**

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Angela M. Zepeda, City Clerk

**APPROVED AS TO FORM:  
BEST BEST & KRIEGER, LLP**

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Carlos Campos, City Attorney

**CERTIFICATION**

I, Angela M. Zepeda, City Clerk of the City of Coachella, DO HEREBY CERTIFY that the foregoing Ordinance No. 1212 was passed, approved, and adopted at the Regular Meeting of the Coachella City Council held on the 24 day of July, 2024, by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

**WITNESS MY HAND AND OFFICIAL SEAL** this 24<sup>th</sup> day of July, 2024.

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Angela M. Zepeda, City Clerk  
City of Coachella