

ORDINANCE NO. 2022-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF TOMBALL “OFFENSES”, BY ADDING A NEW ARTICLE III, “CATALYTIC CONVERTERS”; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500.00 FOR EACH VIOLATION OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the City of Tomball, Texas (the “City”) is a home-rule municipality pursuant to section 5 article 11 of the Texas Constitution and as such, is vested with the power of local self-government; and

WHEREAS, Section 54.004 of the Texas Local Government Code authorizes home-rule municipalities to enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants;

WHEREAS, the National Insurance Crime Bureau has reported that the claims of catalytic converter thefts rose nationwide from 3,389 in 2019 to 14,433 in 2020, and more than 52,000 in 2021; and

WHEREAS, in the first eight months of 2022, the City of Tomball Police Department recorded 50 catalytic converter thefts, compared to 58 catalytic converter thefts throughout the entirety of 2021; and 10 catalytic converter thefts in 2020.

WHEREAS, catalytic converter thefts are sometimes associated with violent crimes including assaults and robberies and murder; and

WHEREAS, it is the desire of the City Council (the “Council”) to outlaw the possession of catalytic converters without appropriate documentation; and **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

SECTION 1. THAT the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. THAT the Code of Ordinances, City of Tomball, Texas is hereby amended by adding a new Article “Catalytic Converters” to Chapter 30 “Offenses”, with such Article to be numbered III, which Article reads as follows:

“ARTICLE III – CATALYTIC CONVERTERS

Sec. 30-75. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates a different meaning:

Catalytic converter means an exhaust emission control device of any vehicle, or any part or material thereof that reduces toxic gases and pollutants from internal combustion.

Sec. 30-76. - Sale or transfer of a catalytic converter.

It shall be unlawful for any person or entity to purchase or receive a catalytic converter from any person or entity, unless, in addition to any other requirements set forth in this article, the person or entity selling or transferring the catalytic converter presents verifiable documentation to the purchasing or receiving person or entity that includes:

- (1) The name, address, and phone number of the person or entity purchasing or receiving the catalytic converter; and
- (2) The name, address, and phone number of the person or entity selling or transferring the catalytic converter; and
- (3) The year, make, model, and vehicle identification number of the vehicle from which the catalytic converter was removed;
- (4) A copy of the certificate of title or other documentation indicating that the person or entity selling or transferring the catalytic converter has an ownership interest in the vehicle from which the catalytic converter was removed; and
- (5) Any other applicable information required by Chapter 1956 of the Texas Occupations Code.

Sec. 30-77. - Filing of verifiable documentation, photographs, and other information regarding the sale or transfer of a catalytic converter.

Upon the completion of the sale or transfer of a catalytic converter, the person or entity that purchased or received the catalytic converter shall:

- (1) Take a photograph of:
 - a. All sides, or if round, both halves of the catalytic converter;
 - b. the serial number of the catalytic converter; and
 - c. any applied number (such as an etched serial number, VIN, etc.) on the catalytic converter; and,
- (2) Provide to the Tomball Police Department, in a format and manner as prescribed by the Department, the verifiable documentation regarding and the

photographs of the catalytic converter required by this article, and any and all other applicable information regarding the catalytic converter required by law.

Sec. 30-78. – Possession of cut catalytic converter.

It shall be unlawful for any individual or entity to possess a catalytic converter that was cut from its original vehicle, rather than unbolted, unless the individual or entity provides the investigating officer the applicable information described in Section 30-76 (1 -5) and Section 30-77 (1) or the officer verifies that the individual or entity has filed the appropriate information with the Tomball Police Department as described in Section 30-77 (2).

Sec. 30-79. - Penalty.

Any person who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Article shall be guilty of an offense. Each offense, upon conviction, is punishable by a fine not to exceed \$500.00.”

SECTION 3. THAT, in the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent or ordinances jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and, the Council declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 4. THAT, the Council hereby directs the City Secretary to publish the caption of the Ordinance as required under and according to State law.

SECTION 5. THAT, this Ordinance shall be in full force and effect upon the date of its passage by the Council and publication of the caption as required by State law.

FIRST READING:

READ, PASSED, APPROVED, AND ORDAINED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 19TH DAY OF SEPTEMBER 2022.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DUNAGIN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN PARR	<u>AYE</u>

SECOND READING:

READ, PASSED, APPROVED AND ORDAINED AS SET OUT BELOW AT A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 3RD DAY OF OCTOBER 2022.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

LORI KLEIN QUINN, MAYOR
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball