

ORDINANCE NO. 2022-62

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE’S CODE OF ORDINANCES, ORDINANCE NO. 2021-17, AS AMENDED, CHAPTER 74 (OFFENSES AND MISCELLANEOUS PROVISIONS) BY ADDING ARTICLE XIII (POSSESSION OF CATALYTIC CONVERTER); PROVIDING A PENALTY CLAUSE, REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS the City Council of the City of Wylie, Texas (“City Council”) finds that it would be advantageous and beneficial to the citizens of the City of Wylie, Texas (“Wylie”) to amend Chapter 74 of the Wylie Code of Ordinances, as set forth herein; and

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

WHEREAS, Wylie had a total of 24 catalytic converters thefts in 2021 and as of September 19, 2022, have had 7 reported stolen; 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 the catalytic converters during the theft.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment of Wylie’s Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 74. The Code of Ordinances shall be, and is hereby, amended by adding a new Article XIII to Chapter 74 of said Code, such new Article to be read and numbered as follows:

“Chapter 74 - Offenses and Miscellaneous Provisions

...

Article XIII - Possession of Catalytic Converters

74-200 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.

74-201 Possession of catalytic converter

(a) 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 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 was lawfully passed from the owner of the vehicle from which the converter was removed to the person in possession of the converter.”

SECTION 3: Savings/Repealing. It is the legislative intent of the City Council that any conflicting provision of this Article with other sections of this Code be read together and reconciled to preserve the meaning, intent, and effect of each provision if possible. But should conflicts be irreconcilable, then it is the City Council's intent that the provisions of this Article shall control to the extent necessary to resolve the conflict. Nothing herein is intended to repeal any provision of the Code unless such repeal is clearly stated herein.

SECTION 4: Penalty Provision. 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 violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Wylie from filing suit to enjoin the violation. Wylie retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 5: Severability. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, and phrase thereof regardless of whether any one or more sections, subsections, sentences, clauses, or phrases may be declared unconstitutional and/or invalid.

SECTION 6: Effective Date. This Ordinance shall be effective upon its passage and publication as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 27th day of September, 2022.

Matthew Porter, Mayor

**ATTESTED AND
CORRECTLY RECORDED:**

Stephanie Storm, City Secretary

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