

ORDINANCE NO. 3135

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADDING CHAPTER 9.50 TO THE MUNICIPAL CODE PERTAINING TO THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS

RECITALS

- A. The theft of catalytic converters has been an increasing problem regionally and nationally, and the City is not immune to this trend.
- B. Catalytic converters contain expensive precious metals including platinum, palladium, and rhodium, which currently cost over \$11,000 per ounce.
- C. The average cost of replacing a stolen catalytic converter and repairing the damage to the vehicle is generally over \$2,000 to the victim.
- D. 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.
- E. 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 the precious metals contained in 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.
- F. Finding the victim of these crimes is nearly impossible due to the 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.
- G. The inability to identify the victims of catalytic converter thefts has stymied the ability to successfully prosecute individuals for the thefts.
- H. Due to lack of legislation addressing these thefts, the majority of catalytic converter theft cases are unresolved.
- I. There is currently no city, state, or federal legislation applicable within the City of Whittier 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.

- J. This Ordinance is necessary to provide a means to protect the public, deter this criminal activity and promote a more productive use of City resources by staff responsible for investigating catalytic converter thefts.

THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Municipal Code Amendment. Chapter 9.50 'Unlawful Possession of Catalytic Converters' of the City of Whittier Municipal Code is hereby added to read as follows:

Chapter 9.50. UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS

9.50.010 Purpose. The purpose of this ordinance is to prohibit the unlawful possession of catalytic converters and provide appropriate enforcement measures to protect the public and deter this criminal activity.

9.50.020 Proof of Ownership Required. 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.

9.50.030 Exception. 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.

9.50.040 Definition. For purposes of this section, "valid proof of ownership" shall contain all the following information:

- A. The license plate number and vehicle identification number of the car from which the catalytic converter was removed.
- B. The name, address, and telephone number of the owner of the vehicle from which the catalytic converter was removed.
- C. The signature of the vehicle owner authorizing removal of the catalytic converter.
- D. The name, address, and telephone number of the current owner of the catalytic converter.

9.50.050 False Information. 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.



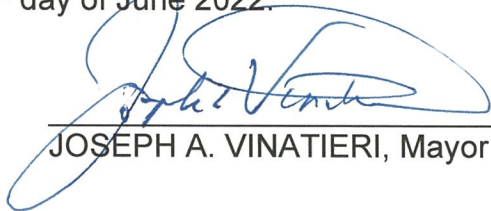
9.50.060 Separate Violations. Each violation of this section constitutes a separate violation and is subject to all remedies and enforcement measures authorized by this Code.

SECTION 2. Repeal. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 3. Severability If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Whittier hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 4. Certification. The City Clerk shall certify to the passage and adoption hereof. This Ordinance shall take effect 30 days after its adoption and shall be published pursuant to law.

APPROVED AND ADOPTED this 14<sup>th</sup> day of June 2022.



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JOSEPH A. VINATIERI, Mayor

ATTEST:



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RIGOBERTO GARCIA JR., City Clerk  
(seal)

Date: June 20, 2022

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 3135 was introduced on the 24<sup>th</sup> day of May 2022, and was adopted by the City Council of the City of Whittier at the regular meeting held on the 14<sup>th</sup> day of June 2022, by the following vote:

AYES: 5 Council Members: Vinatieri, J. Martinez, Dutra, Warner, O. Martinez  
NOES: 0  
ABSTAIN: 0  
ABSENT: 0

  
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RIGOBERTO GARCIA JR., City Clerk  
(seal)