

ORDINANCE NO. 4251

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF HUNTINGTON BEACH, ADDING A NEW CHAPTER
10.53 TO TITLE 10 OF THE HUNTINGTON BEACH
MUNICIPAL CODE, PROHIBITING THE UNLAWFUL
POSSESSION OF CATALYTIC CONVERTERS IN THE
CITY, AND MAKING A FINDING OF EXEMPTION UNDER
CEQA

WHEREAS, the City of Huntington Beach is a charter city and municipal corporation duly created and existing under a charter pursuant to which the City has the right and power to make and enforce all laws and regulations in respect to municipal affairs.

WHEREAS, the theft of catalytic converters has been an increasing problem within the City in recent years.

WHEREAS, catalytic converters contain expensive precious metals including platinum, palladium, and rhodium, which costs more than \$11,000 per ounce.

WHEREAS, the average cost of replacing a stolen catalytic converter and repairing the damage to the vehicle is typically more than \$2,000 to the victim.

WHEREAS, there is no City, State, or Federal legislation applicable within the City to define and punish catalytic converter thefts absent an identifiable victim.

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 the thefts in a matter of seconds using common tools such as a reciprocating saw; (2) the ability to recycle 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.

WHEREAS, finding the victims of these crimes is nearly impossible due to the manner in which catalytic converter thefts occur and the lack of identifying markers on catalytic converters linking stolen catalytic converters to the respective victims.

WHEREAS, due to lack of legislation defining and prosecuting these thefts, an overwhelming majority of all catalytic converter theft cases in the City have gone unsolved.

WHEREAS, there are no City, State, or Federal legislation applicable within the City requiring individuals to provide proof to law enforcement as to how they obtained catalytic converters, thus limiting law enforcement's ability to protect the public by deterring catalytic converter thefts.

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

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. A new Chapter 10.53 is added to Title 10 (Vehicles and Traffic) of the Huntington Beach Municipal Code, to read as follows:

Chapter 10.53 Unlawful Possession of a Catalytic Converter

A. Except as otherwise provided in this section, 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 possessor has valid proof of ownership of the catalytic converter.

B. For purposes of this section, "valid proof of ownership" shall include all of the following information:

1. The license plate number and vehicle identification number of the car from which the catalytic converter was removed.
2. The name, address, and telephone number of the owner of the vehicle from which the catalytic converter was removed.
3. The signature of the vehicle owner authorizing removal of the catalytic converter.
4. The name, address, and telephone number of the owner of the catalytic converter.

C. 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.

D. Each violation of this section shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized in the Huntington Beach Municipal Code. Each and every catalytic converter unlawfully possessed, and each falsification of information is a separate violation of this section.

E. Each violation of this section may, in the discretion of the City Attorney, be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed \$1,000 or imprisonment in the county jail for a period not more than 6 months, or by both such fine and imprisonment.

F. 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. This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the environmental regulations of the City. The City Council hereby finds and

determines that the Ordinance is not subject to CEQA under the general rule in CEQA Guidelines Section 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. City staff shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

SECTION 4. Effective Date. This Ordinance shall become effective 30 days after its passage.

SECTION 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, 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 remainder of this ordinance and shall not affect other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable. The City Council hereby declares it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. Publication. The City Clerk shall certify to the adoption of this Ordinance and shall post or publish this Ordinance in the manner required by law.

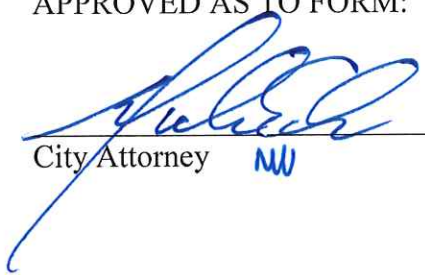
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2022.

Mayor

ATTEST:

APPROVED AS TO FORM:

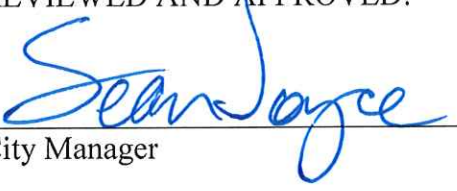
City Clerk



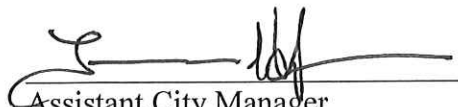
City Attorney NW

REVIEWED AND APPROVED:

INITIATED AND APPROVED:



City Manager



Assistant City Manager