ORDINANCE NO. 3230-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, ADDING CHAPTER 15 TO TITLE 3 OF THE REDONDO BEACH MUNICIPAL CODE TO ESTABLISHING REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS

WHEREAS, the Redondo Beach Police Department has seen a marked increase in catalytic converter thefts from automobiles over the past several years; and

WHEREAS, there is currently no City, State, or Federal legislation applicable within the City of Redondo Beach 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 Redondo Beach to define and punish the recycling or sale of unlawfully obtained catalytic converters, thus incentivizing criminal enterprise of catalytic converter thefts; and

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

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; and

WHEREAS, there are currently no City, State, or Federal legislation applicable within the City of Redondo Beach 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 preventing catalytic converter thefts and preventing law enforcement from seizing suspected stolen catalytic converters when no victim is present; and

WHEREAS, catalytic converter thefts are on the rise because individuals are incentivized to commit catalytic converter thefts for numerous 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 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, finding a victim of these crimes is nearly impossible due to the undetectable nature of the catalytic converter thefts and catalytic converters being untraceable to link back to a victim (no identifying markers on the catalytic converters); and

WHEREAS, there have been multiple instances in which Redondo Beach Police Officers have contacted individuals in possession of suspected stolen catalytic converters (e.g. discovering freshly cut catalytic converters on a consensual vehicle search) and the officers are

unable to make an arrest for theft or possession of stolen property, because they could not identify a victim or lawful owner of the catalytic converters; and

WHEREAS, due to lack of legislation defining and prosecuting these thefts, 99% of all catalytic converter theft cases in the City of Redondo Beach have gone unsolved, which is fundamentally unacceptable for the citizens of the City of Redondo Beach; and

WHEREAS, the citizens of Redondo Beach and the Redondo Beach Police Department are in need of legislation for multiple reasons including, but not limited to: (1) deterrence by establishing zero-tolerance for catalytic converter thefts, (2) 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 converters whose cases will go unsolved, (5) reducing Part I crime statistics which have been substantially negatively impacted by catalytic converter thefts, and (6) minimizing the fiscal and personnel impact on the City of Redondo Beach invested in deterring and investigating catalytic converter thefts; and

WHEREAS, it is well established that individuals who are in possession of stolen catalytic converters then recycle them for substantial profit while both the community and the victims of these thefts suffer tremendous consequences in the form of costly repairs, inconvenience, and leading the community to feel and overall lack of safety.

WHEREAS, the City of Redondo Beach has held numerous events etching catalytic converters for citizens of Redondo in an effort to prevent such thefts which has been successful; however, the City wants to add this ordinance as another tool to fight the plague of 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 of paying thousands of dollars in repairs, the inconvenience of repairing their vehicles, and feeling unsafe in the community; and

WHEREAS, this Ordinance is necessary to provide the City of Redondo Beach Police Department clearly established legal authority to protect the public and deter this criminal activity.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and incorporated herein.

SECTION 2. Title 3, Chapter 15 of the Redondo Beach Municipal Code is hereby added to read in its entirety as follows:

“UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER

3-15.01

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 they are in lawful possession of the catalytic converter.

3-15.02

For purposes of this section, "lawful possession" includes being the lawful owner of the catalytic converter or 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."

3-15.03

For purposes of this section, "documentation or other proof' means written document(s) that clearly identify the vehicle from which the catalytic converter originated and includes but is not limited to the following document types: bill of sale from the original owner with photographs, documentation from an auto-body shop proving the owner relinquished the catalytic converter to the auto-body shop, verifiable electronic communication from the previous owner to the possessor relinquishing ownership of the catalytic converter, photographs of the vehicle from which the catalytic converter originated, vehicle registration associated with the catalytic converter containing an etched associated license plate number or vehicle identification number. The validity of "documentation or other proof' is based on the totality of the circumstances.

3-15.04

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 Redondo Beach Municipal Code. Each and every catalytic converter unlawfully possessed is a separate violation of this section.

3-15.05

Each and every 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 $500 or imprisonment in the county jail for a period of not more than 12 months, or both.

3-15.06

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. This Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines because there is no possibility that this Ordinance or its implementation would have a significant negative effect on the environment. (14 Cal. Code Regs.§ 15061(b)(3).) City staff shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

SECTION 4. Any provisions of the Redondo Beach Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, or phrase 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 the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 6. This ordinance shall be published by one insertion in the official newspaper of said city, and same shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

PASSED, APPROVED AND ADOPTED this 7th day of June, 2022.

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William C. Brand, Mayor

APPROVED AS TO FORM:

_____
Michael W. Webb, City Attorney

ATTEST:

_____
Eleanor Manzano, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF REDONDO BEACH)

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that Ordinance No. 3230-22 was introduced at a regular meeting of the City Council held on the 17th day of May, 2022, and approved and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 7th day of June, 2022, and there after signed and approved by the Mayor and attested by the City Clerk, and that said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Eleanor Manzano, CMC
City Clerk