

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2024-__

AN ORDINANCE ADDING CHAPTER 4-43 “PROHIBITION OF UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS” TO TITLE 4 “PUBLIC WELFARE” OF THE SAN LEANDRO MUNICIPAL CODE TO PROHIBIT UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS

WHEREAS, the external location of catalytic converters and the use of valuable precious metals including rhodium, palladium, and platinum in catalytic converters makes these devices a target for thieves; and

WHEREAS, California is listed as one of the top five states for catalytic converter thefts; and

WHEREAS, in San Leandro, there were 178 reported catalytic converters stolen in 2020; 482 in 2021; 595 in 2022; and 302 in 2023; and

WHEREAS, it is the intention of the Council in enacting this ordinance to curb the theft of catalytic converters throughout San Leandro; and

WHEREAS, the Council finds that it is within the City's police powers to implement and enforce the provisions of this ordinance.

NOW THEREFORE, the City of San Leandro City Council does **ORDAIN** as follows:

SECTION 1. RECITALS. The above recitals are true and correct and when applicable, incorporated herein by reference.

SECTION 2. ORDINANCE. That a new Chapter 4-43 entitled “Prohibition of Unlawful Possession of Catalytic Converters” is added to Title 4 “Public Welfare” of the City of San Leandro Municipal Code to read as follows:

Chapter 4-43 Prohibition of Unlawful Possession of Catalytic Converters

Article 1 Definitions

4-43-100 Catalytic Converter

“Catalytic converter” means any exhaust emission control device, or portion thereof, that converts toxic gases and pollutants in exhaust gas from an internal combustion engine into less-toxic pollutants.

4-43-110 Documentation or Other Proof

“Documentation or other proof” means written document(s) clearly identifying the vehicle from which the catalytic converter originated based on the totality of the circumstances, and includes, but is not limited to, the following types of documents:

Bill of sale from the original owner with photographs.

Documentation from an auto-body shop proving that 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.

4-43-120 Lawful Possession

“Lawful possession” includes: (1) being the lawful owner of the catalytic converter; or (2) 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.”

4-43-130 Person

“Person” shall mean any individual, partnership, corporation, association or other organization, however formed.

Article 2 Prohibition

4-43-200 Prohibition

It shall be 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 documentation or other proof to verify that they are in lawful possession of the catalytic converter.

4-43-210 Penalty

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

A violation of this section shall constitute a misdemeanor and upon conviction may be punished by a fine not to exceed \$1,000, or by imprisonment in the county jail not to exceed six months, or by both.

The City Attorney may also prosecute a civil action under applicable State law to enforce this section and in any action a civil penalty may be imposed as provided by law and where appropriate, restitution ordered to aggrieved victims.

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. ENVIRONMENTAL. The passage of this ordinance is not a project according to the definition in the California Environmental Quality Act and, therefore, is not subject to the provisions requiring environmental review.

SECTION 4. ORDINANCES REPEALED. With the exception of the provisions protected by the savings clause, all ordinances (or parts of ordinances) in conflict with or inconsistent with this ordinance are hereby repealed.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not

affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this Ordinance and each of every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. EFFECTIVE DATE AND DURATION. This ordinance shall take effect thirty (30) days after its final adoption.

SECTION 7. PUBLICATION. The City Clerk is directed to cause this ordinance to be published in a manner required by law.

Introduced by Councilmember _____ and passed and adopted this 2nd day of April 2024 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST: _____

Kelly B. Clancy, CMC

City Clerk