

City Council Chambers
29844 Haun Road
Menifee, CA 92586



Bill Zimmerman, Mayor
Bob Karwin, District 1
Ricky Estrada, District 2
Lesa Sobek, District 3
Dean Deines, District 4

AGENDA

Menifee City Council Regular Meeting Agenda

Wednesday, August 7, 2024
5:00 PM Closed Session
6:00 PM Regular Meeting

Armando G. Villa, City Manager
Jeffrey T. Melching, City Attorney
Sarah Manwaring, City Clerk

-
- 10.6 Second Reading and Adoption of an Ordinance Establishing Regulations Governing the Possession of Catalytic Converters

RECOMMENDED ACTION

1. Adopt an ordinance establishing regulations governing the possession of catalytic converters and adding Chapter 11.55, Unlawful Possession of Catalytic Converters, to Title 11 of the Menifee Municipal Code.



CITY OF MENIFEE

SUBJECT: Second Reading and Adoption of an Ordinance Establishing Regulations Governing the Possession of Catalytic Converters

MEETING DATE: August 7, 2024

TO: Mayor and City Council

PREPARED BY: Chris Karrer, Police Chief

REVIEWED BY: Chris Karrer, Police Chief

APPROVED BY: Armando G. Villa, City Manager

RECOMMENDED ACTION

1. Adopt an ordinance establishing regulations governing the possession of catalytic converters and adding Chapter 11.55, Unlawful Possession of Catalytic Converters, to Title 11 of the Menifee Municipal Code.

DISCUSSION

At the July 17, 2024, City Council meeting, the City Council introduced the first reading of the ordinance to adopt an ordinance establishing regulations governing the possession of catalytic converters and adding Chapter 11.55, Unlawful Possession of Catalytic Converters, to Title 11 of the Menifee Municipal Code. This is the required second reading and adoption. The ordinance would become effective 30 days from the date of adoption.

STRATEGIC PLAN OBJECTIVE

Safe and Vibrant Community

FISCAL IMPACT

There is no fiscal impact associated with the recommended action.

ATTACHMENTS

1. Ordinance

ORDINANCE NO. 2024-

**AN ORDINANCE OF THE CITY OF MENIFEE, CALIFORNIA, ESTABLISHING
REGULATIONS GOVERNING THE POSSESSION OF CATALYTIC CONVERTERS, AND
ADDING CHAPTER 11.55 TO TITLE 11 OF THE MENIFEE MUNICIPAL CODE**

WHEREAS, the City of Menifee seeks to protect the public health, safety, and welfare of all residents, visitors, employees, and business owners; and

WHEREAS, the City of Menifee, like many cities across the United States, has experienced an increase of catalytic converter thefts violating state and local law; and

WHEREAS, the Menifee Police Department has worked diligently to educate the public and deter criminal activity of this kind.

NOW, THEREFORE, the City Council of the City of Menifee, California does ordain as follows:

Section 1. Findings and Purpose.

(A) The City Council finds that theft of catalytic converters has been an increasing problem in Menifee in recent years. In the City, dozens of reports of catalytic converter thefts occur annually impacting many victims. 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. 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.

(B) Finding the victim of these crimes is extremely difficult 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. The inability to identify the victims of catalytic converter thefts can inhibit the ability to successfully prosecute individuals for the thefts. This ordinance is necessary to provide the City a means to protect the public, deter this criminal activity, and promote a more productive use of City of Menifee resources.

(C) In accordance with the California Constitution, Article XI, Section 7, a city may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.

(D) The purpose and intent of this Ordinance is to curb the theft of catalytic converters throughout the City and to provide the City with reasonable means to address the impact on the community and the victims posed by increasing catalytic converter thefts.

Section 2. Menifee Municipal Code Chapter 11.55 is hereby added to Title 11 (Peace, Morals, and Safety) as set forth in Exhibit A, attached hereto and incorporated herein in full.

Section 3. Non-exclusive Remedies and Penalties. All remedies and penalties for violations of the prohibitions in this Ordinance shall be cumulative and not exclusive. Enforcement by use of any administrative, criminal or civil action, citation or administrative proceeding or abatement remedy does not preclude the use of additional citations or other remedies as authorized by other ordinance or law. Enforcement remedies may be employed concurrently or consecutively. Conviction and punishment of or enforcement against any person hereunder shall not relieve such person from the responsibility of correcting, removing, or abating a violation, nor prevent the enforced correction, removal, or abatement thereof.

Section 4. Severability. The provisions of this Ordinance are separate and severable. If any provision of this Ordinance is for any reason held by a court to be unconstitutional or invalid, the City

Council declares that it would have passed this Ordinance irrespective of the invalidity of the provision held to be unconstitutional or invalid. Such unconstitutionality or invalidity shall therefore not affect the remaining provisions of this Ordinance, or the validity of its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall take effect 30 days from the date of its adoption.

Section 6. Notice of Adoption. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, cause this Ordinance to be published in a manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933 (c).

This Ordinance was introduced and read on the 17 day of July, 2024 and **APPROVED AND ADOPTED** this 7 of August, 2024.

Bill Zimmerman, Mayor

Attest:

Stephanie Roseen, Acting City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney

Exhibit A

TITLE 11: PEACE, MORALS AND SAFETY

Chapter 11.55 - Unlawful Possession of Catalytic Converters

Section:

11.55.010 - Definitions

11.55.020 - Unlawful possession of a catalytic converter

11.55.030 - Violations and enforcement

11.55.010 - DEFINITIONS.

As used in this chapter, the following terms shall have the following meanings:

“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, and shall also mean ‘catalytic converter’ as that term is used in California Vehicle Code Section 10852.5.

“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, which includes, but is not limited to, the following types of documents:

1. Signed bill of sale from the original owner authorizing removal of the catalytic converter, including the vehicle owner’s name, address, and telephone number.
2. Verifiable documentation from an auto-body shop proving the owner relinquished the catalytic converter to the auto-body shop or similar business.
3. Verifiable electronic communication from the previous owner to the possessor relinquishing ownership of the catalytic converter.
4. Photographs of the vehicle from which the catalytic converter originated clearly showing the vehicle’s license plate number and vehicle identification number.
5. Vehicle registration associated with the catalytic converter together with photographs showing an etched associated license plate number or vehicle identification number or driver’s license number of registered vehicle owner claimed to have conveyed the catalytic converter to the person now in possession.

“Lawful possession” means (1) being the lawful owner of the catalytic converter or (2) being in possession of the catalytic converter with the lawful owner’s verifiable written consent. It is not required to prove the catalytic converter was stolen to establish the possession is not a lawful possession.

“Enforcement officer” means a sworn officer of the police department, sworn federal task force officer, building official, code enforcement official, city attorney, or district attorney, and their designees.

11.55.020 - UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER.

- (A) Barring any provision of state law permitting the same, it is unlawful for any person to possess any catalytic converter which is not properly installed in a vehicle unless the person has a documentation or other proof verifying they are in lawful possession of the catalytic converter.
- (B) This section does not apply to a detached catalytic converter, otherwise lawfully possessed, that has been verifiably tested, certified, and labeled or otherwise approved for reuse, and is being bought or sold for purposes of reuse in accordance with (i) the federal Clean Air Act (42 U.S.C. § 7401 et seq.) and regulations under the Clean Air Act; or (ii) or applicable regulations of the California Air Resources Board, as they may be amended from time to time.
- (C) It is unlawful for any person to knowingly falsify or cause to be falsified any information in any documentation or other proof intended to show valid proof of ownership or possession of a catalytic converter.
- (D) Evidence of unlawful possession may be presumed by the number of detached catalytic converters within one's possession and/or by the condition of the dismantled catalytic converter(s), including, but not limited to, the manner a catalytic converter has been detached or cut from a vehicle.

11.55.30 - VIOLATIONS AND ENFORCEMENT.

- (A) Misdemeanor Penalty. Any person who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for a term not exceeding one year, or by both. Upon any second or subsequent conviction of the offense, the person shall be punished by the penalties of a fine of one thousand dollars and by imprisonment in the county jail for one year.
- (B) State Penalties Apply. Nothing in this chapter shall be intended to limit any of the penalties provided for under California law, including, but not limited to, the Penal Code, with regard to the sale, use, possession, delivery, and/or receipt of catalytic converters.
- (C) Administrative Civil Penalty. In addition to any other penalties provided by law, whenever an enforcement officer determines a violation of this chapter has occurred, the enforcement officer shall have the authority to issue an administrative citation with an administrative civil penalty to any person responsible for the violation, in accordance with and subject to the provisions of chapter 1.03 of this code."