

## ORDINANCE NO. 1195

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
CYPRESS, CALIFORNIA, ADDING SECTION 17-75 OF THE  
CYPRESS MUNICIPAL CODE ESTABLISHING REGULATIONS  
PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC  
CONVERTERS IN THE CITY

WHEREAS, the citizens of Cypress have been plagued with hundreds of catalytic converter thefts from automobiles over the past several years; and

WHEREAS, catalytic converter thefts increased 175% from 2020 to 2021, bringing the total to over 238 since the beginning of 2020; and

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

WHEREAS, there are currently no City, State, or Federal legislation applicable within the City of Cypress 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, 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, due to lack of legislation defining and prosecuting these thefts, 97% of all catalytic converter theft cases in the City of Cypress have gone unsolved; and

WHEREAS, the citizens of Cypress and the Cypress 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 converter thefts whose cases will go unsolved, and (5) reducing Part I crime statistics which catalytic converter thefts have negatively impacted.

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

NOW, THEREFORE, the City Council of the City of Cypress DOES HEREBY ORDAIN as follows:

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

SECTION 2. Section 17-75 of the Cypress Municipal Code is hereby added to read in its entirety as follows:

"Sec. 17-75. Unlawful Possession of a Catalytic Converter.

A. 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.

B. 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."

C. 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.

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

E. Each and every violation of this section may, in the discretion of the District Attorney or 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 by both such fine and imprisonment.

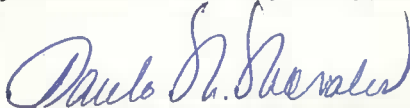
F. The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law."

SECTION 3. 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. If any section, subsection, subdivision, 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 the Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each 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 5. The City Clerk shall certify to the passage of this Ordinance and this Ordinance shall be published as required by law and shall take effect as provided by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Cypress at a regular meeting held on the 23<sup>rd</sup> day of May, 2022.

  
MAYOR OF THE CITY OF CYPRESS

ATTEST:

  
CITY CLERK OF THE CITY OF CYPRESS

STATE OF CALIFORNIA }  
COUNTY OF ORANGE } SS

I, ALISHA FARNELL, City Clerk of the City of Cypress, DO HEREBY CERTIFY that the foregoing Ordinance was duly adopted at a regular meeting of said City Council held on the 23<sup>rd</sup> day of May, 2022, by the following roll call vote:

AYES:	5	COUNCIL MEMBERS:	Marquez, Minikus, Peat, Hertz-Mallari and Morales
NOES:	0	COUNCIL MEMBERS:	None
ABSENT:	0	COUNCIL MEMBERS:	None

  
CITY CLERK OF THE CITY OF CYPRESS