

ATTACHMENT #2

ORDINANCE NO. 987

AN ORDINANCE OF THE COUNTY OF RIVERSIDE RELATING TO
THE UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS. The Board of Supervisors of Riverside County finds that the theft of catalytic converters has been an increasing problem in Riverside County in recent years. In the County, there were at least 200 reports of catalytic converter thefts in 2022 and, as of July 1, 2023, there were at least 316 reports by 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. 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 County a means to protect the public, deter this criminal activity and promote a more productive use of Riverside County resources.

Section 2. PURPOSE. Catalytic converter theft is an increasing problem within Riverside County and causes significant financial damage to the victims. The purpose and intent of this ordinance is to curb the theft of catalytic converters throughout the County and to provide the County with reasonable means to address the impact on the community and the victims posed by increasing catalytic converter thefts.

Section 3. AUTHORITY. In accordance with the California Constitution, Article XI, Section 7, a county may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.

1 Section 4. DEFINITIONS. As used in this ordinance, the following terms shall have the
2 following meanings:

3 A. Board. The County of Riverside Board of Supervisors.

4 B. County. The County of Riverside.

5 C. Catalytic converter. Any exhaust emission control device, or portion thereof,
6 that converts toxic gases and pollutants in exhaust gas from an internal combustion
7 engine into less-toxic pollutants.

8 D. Documentation or other proof. Written document(s) clearly identifying the vehicle
9 from which the catalytic converter originated based on the totality of the
10 circumstances, which includes, but is not limited to, the following types of
11 documents:

12 1. Bill of sale from the original owner with photographs.

13 2. Verifiable documentation from an auto-body shop proving the owner
14 relinquished the catalytic converter to the auto-body shop.

15 3. Verifiable electronic communication from the previous owner to the
16 possessor relinquishing ownership of the catalytic converter.

17 4. Photographs of the vehicle from which the catalytic converter originated.

18 5. Vehicle registration associated with the catalytic converter containing an
19 etched associated license plate number or vehicle identification number or
20 driver's license number of registered vehicle owner.

21 E. Lawful Possession. This term includes: (1) being the lawful owner of the catalytic
22 converter or (2) being in possession of the catalytic converter with the lawful owner's
23 verifiable written consent. It is not required to prove the catalytic converter was
24 stolen to establish the possession is an Unlawful Possession.

25 F. Enforcement Officer. The Sheriff, the Transportation and Land Management
26 Agency Director, Building Official, Code Enforcement Official, County Counsel, or
27 District Attorney, and their designees.

1 Section 5. UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER. Barring any
2 provision of state law permitting the same, it is unlawful for any person to possess any catalytic converter
3 which is not attached to a vehicle unless the person has a verifiable valid proof of ownership of the catalytic
4 converter.

5 A. This section does not apply to a detached catalytic converter that has been verifiably
6 tested, certified, and labeled or otherwise approved for reuse, and is being bought or
7 sold for purposes of reuse in accordance with the federal Clean Air Act (42 U.S.C.
8 § 7401 et seq.) and regulations under the Clean Air Act, as they may be amended
9 from time to time.

10 B. It is unlawful for any person to knowingly falsify or cause to be falsified any
11 information in a record intended to show valid proof of ownership.

12 C. Evidence of unlawful possession may be presumed by the number of detached
13 catalytic converters within one’s possession and/or by the condition of the
14 dismantled catalytic converter(s), including but not limited to, the manner a catalytic
15 converter has been detached or cut from a vehicle.

16 Section 6. VIOLATIONS AND ENFORCEMENT.

17 A. Misdemeanor Penalty. Any person who violates any provision of this ordinance is
18 guilty of a misdemeanor, and upon conviction shall be punished by a fine not
19 exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail for a
20 term not exceeding one year, or by both. Upon any second or subsequent conviction
21 of the offense, the person shall be punished by the penalties of a fine of one thousand
22 dollars (\$1,000) and by imprisonment in the County jail for one year.

23 B. State Penalties Apply. Nothing in this ordinance shall be intended to limit any of the
24 penalties provided for under California law, including but not limited to the Penal
25 Code, with regard to the sale, use, possession, delivery, and/or receipt of catalytic
26 converters.

1 C. Administrative Civil Penalty. In addition to any other penalties provided by law,
2 whenever an Enforcement Officer determines a violation of this ordinance has
3 occurred, the Enforcement Officer shall have the authority to issue an administrative
4 citation with an administrative civil penalty to any person responsible for the
5 violation. Any administrative civil penalty shall be one thousand dollars (\$1,000)
6 for the first offense, two thousand dollars (\$2,000) for the second offense within
7 thirty-six (36) months, and five thousand dollars (\$5,000) for each subsequent
8 offense within thirty-six (36) months. The administrative citation shall contain the
9 following information: (1) date, location and approximate time the violation was
10 observed; (2) the amount of the administrative civil penalty imposed for the
11 violation; (3) instructions for the payment of the administrative civil penalty, the time
12 period by which it shall be paid, and the consequences of failure to pay the
13 administrative civil penalty within this time; (4) instructions on how to appeal the
14 administrative citation; and (5) the signature of the Enforcement Officer. The failure
15 of the administrative citation to set forth all required contents shall not affect the
16 validity of the administrative citation or any proceedings to enforce said citation.
17 The administrative civil penalty may be imposed via the administrative process set
18 forth in this ordinance or may be imposed by the court if the violation requires court
19 enforcement without an administrative process.

20 D. Separate Offenses. Acts, omissions, or conditions in violation of this ordinance that
21 continue, exist, or occur on more than one day constitute separate violations on each
22 day. Violations continuing, existing, or occurring on the service date, the effective
23 date, and each day between the service date and the effective date are separate
24 violations. A person is guilty of a separate offense for each and every day or portion
25 thereof during which he or she commits, continues, or permits a violation of this
26 ordinance. A person is deemed guilty of a separate offense for each and every
27 violation of this ordinance, or any portion thereof. Likewise, a person shall be
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1 deemed guilty of a separate offense for each and every catalytic converter in the
2 person's possession that is not attached to a vehicle unless the person has a valid
3 proof of ownership of the catalytic converter.

4 Section 7. APPEAL OF ADMINISTRATIVE CIVIL PENALTIES.

5 A. Notice of Appeal. The recipient of an administrative citation may appeal its validity
6 by filing a written notice of appeal with the County department that issued the
7 administrative citation. The written notice of appeal must be filed within twenty (20)
8 calendar days of service of the administrative citation. The notice of appeal shall be
9 accompanied by either an advance deposit of the administrative civil penalty
10 imposed in the administrative citation or a request for advance deposit hardship
11 waiver as set forth below. Failure to properly file a written notice of appeal within
12 this time period shall constitute a waiver of the right to appeal the administrative
13 citation. The notice of appeal shall be submitted on a form provided by the County
14 department that issued the administrative citation and shall contain the following
15 information: (1) a brief statement setting forth the appellant's interest in the
16 proceedings; (2) a brief statement of the material facts which the appellant claims
17 support a contention that no violation exists and that no administrative civil penalty
18 should be imposed or that an administrative civil penalty of a different amount is
19 warranted; (3) an address at which the appellant agrees that notice of any additional
20 proceeding or an order relating to the imposition of the administrative civil penalty
21 may be received by mail; and (4) the notice of appeal must be signed by the appellant
22 under penalty of perjury.

23 B. Advance Deposit Hardship Waiver. Any person filing a notice of appeal to contest
24 an administrative citation and who is financially unable to make the advance deposit
25 of the administrative civil penalty as required may submit a request for advance
26 deposit hardship waiver with the notice of appeal. The request for advance deposit
27 hardship waiver shall be filed with the County department that issued the
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1 administrative citation on a form provided by the same County department. The
2 request shall be documented by a sworn affidavit, together with any supporting
3 documents or materials, demonstrating to the satisfaction of the Enforcement Officer
4 the person's actual financial inability to deposit the full amount of the administrative
5 civil penalty in advance of the hearing. The requirement of depositing the full
6 amount of the administrative civil penalty shall be stayed for ten (10) calendar days
7 pending a determination by the Enforcement Officer of the approval or denial of the
8 request for advance deposit hardship waiver. The Enforcement Officer shall issue a
9 written determination stating the approval or listing the reasons for the denial of the
10 request for advance deposit hardship waiver. The written determination shall be
11 mailed to the appellant at the address provided in the request. If the Enforcement
12 Officer denies a request for advance deposit hardship waiver, the appellant shall
13 remit the deposit to the County within fifteen (15) calendar days of the date of
14 mailing notice of the denial. The written determination of the Enforcement Officer
15 on this matter shall be final.

16 C. Hearing on Appeal of Administrative Citation. Upon receipt of a timely filed notice
17 of appeal of an administrative citation with an administrative civil penalty, an appeal
18 hearing to consider the issuance of the administrative civil penalty shall be held
19 before the County Hearing Officer, appointed by the Board of Supervisors pursuant
20 to Ordinance No. 643 and Government Code section 27720. At the time fixed in the
21 notice of hearing, the County Hearing Officer shall receive evidence from the
22 Enforcement Officer and the appellant regarding the violation of prohibitions
23 contained in Section 5 of this ordinance, as well as any facts the appellant claims
24 support a contention that no violation exists and that no administrative civil penalty
25 should be imposed or that an administrative civil penalty of a different amount is
26 warranted. In conducting the hearing, the County Hearing Officer shall not be
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1 limited by the technical rules of evidence. Failure of the appellant to appear shall
2 not affect the validity of the proceedings or order issued thereon.

3 D. County Hearing Officer's Decision. The County Hearing Officer shall issue a
4 written decision following the appeal hearing, which shall be issued to the appellant
5 at the appellant's address set forth in the notice of appeal. If the administrative
6 citation is determined to have been valid at the time of its issuance, the County
7 Hearing Officer shall affirm the administrative civil penalty amount pursuant to
8 subsection C. of Section 6 of this ordinance, and order said penalty to be paid within
9 fifteen (15) calendar days of issuance of the County Hearing Officer's decision. The
10 County Hearing Officer's decision shall contain instructions for obtaining judicial
11 review of the decision as set forth below.

12 E. Judicial Review of County Hearing Officer's Decision on Administrative Civil
13 Penalty. Within twenty (20) calendar days of the date of issuance of the final
14 decision of the County Hearing Officer, the appellant may contest the County
15 Hearing Officer's decision by filing an appeal in the Riverside County Superior
16 Court pursuant to Government Code section 53069.4. The fee for filing the appeal
17 is specified in Government Code section 70615 (\$25.00 as of the effective date of
18 this ordinance) and shall be paid to the Clerk of the Court. The failure to file the
19 written appeal and to pay the filing fee within this period shall constitute a waiver of
20 the right to an appeal, and the County Hearing Officer's decision shall be deemed
21 final and confirmed. A copy of the notice of appeal of the County Hearing Officer's
22 Decision filed in the Riverside County Superior Court shall be served in person or
23 by first class mail upon the County Department that issued the administrative citation
24 by the appellant. The conduct of the appeal hearing is a subordinate judicial duty
25 and may be performed by traffic trial commissioners and other subordinate judicial
26 officials at the direction of the Presiding Judge of the Riverside County Superior
27 Court. The appeal shall be heard de novo, and the contents of the file of the County
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1 Department that issued the administrative citation shall be received into evidence. A
2 copy of the administrative citation and the Hearing Officer's Decision shall be
3 admitted into evidence as prima facie evidence of the facts stated therein. The Court
4 shall request that the County Department's file be forwarded to the Court, to be
5 received within fifteen (15) calendar days of the request. The Court shall retain the
6 fee for filing the appeal regardless of the outcome of the appeal. If the Court finds
7 in favor of the appellant, the amount of the fee shall be reimbursed to the appellant
8 by the County in accordance with the judgment of the Court. If the penalty has not
9 been deposited and the decision of the Court is against the appellant, the County
10 Department that issued the administrative civil penalty may proceed to collect the
11 penalty using all means available under the law.

12 Section 8. NON-EXCLUSIVE REMEDIES AND PENALTIES. All remedies and penalties for
13 violations of the prohibitions in this ordinance shall be cumulative and not exclusive. Enforcement by use
14 of any administrative, criminal or civil action, citation or administrative proceeding or abatement remedy
15 does not preclude the use of additional citations or other remedies as authorized by other ordinance or law.
16 Enforcement remedies may be employed concurrently or consecutively. Conviction and punishment of or
17 enforcement against any person hereunder shall not relieve such person from the responsibility of
18 correcting, removing or abating a violation, nor prevent the enforced correction, removal or abatement
19 thereof.

20 Section 9. SEVERABILITY. The provisions of this ordinance are separate and severable. If
21 any provision of this ordinance is for any reason held by a court to be unconstitutional or invalid, the Board
22 declares that it would have passed this ordinance irrespective of the invalidity of the provision held to be
23 unconstitutional or invalid. Such unconstitutionality or invalidity shall therefore not affect the remaining
24 provisions of this ordinance, or the validity of its application to other persons or circumstances.

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1 Section 10. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days from the
2 date of adoption.

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4 **Adopted:** 987 Item 3.5 of 09/12/2023(Eff: 10/12/2023)

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