

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, ADDING CHAPTERS 8.92 AND 8.94 TO TITLE 8 OF THE GARDEN GROVE MUNICIPAL CODE ESTABLISHING REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS IN THE CITY, AND REPAIRS AND SALES OF BICYCLES AND BICYCLE PARTS ON PUBLIC PROPERTY

City Attorney Summary

This ordinance adds Chapter 8.92 and 8.94 to Title 8 of the Garden Grove Municipal Code to prohibit the unlawful possession of catalytic converters in the city, and repairs and sales of bicycles and bicycle parts on public property. The regulations prohibit the possession of any catalytic converter that is not attached to a vehicle unless the possessor has valid documentation or other proof to establish that they are in lawful possession of the catalytic converter. The regulations further prohibit the assembly, disassembly, sale, offer to sale, distribute, offer to distribute, store, or possess three or more bicycles, bicycle frame with the gear cables or brakes cable cut, two or more bicycles with missing parts or five or more bicycle parts on any street, sidewalk, alley, or public property within the City

WHEREAS, the City of Garden Grove and its citizens have experienced a dramatic increase in the theft of catalytic converters over the past several years; and

WHEREAS, the number of catalytic converter thefts in the City of Garden rose from approximately 163 in the year 2020, to 607 in the year 2021, marking an increase of approximately 375% over that period; and

WHEREAS, in the first 4 months of 2022, the City has already experienced approximately 216 catalytic converter thefts; and

WHEREAS, the nature of catalytic converter thefts makes it difficult for law enforcement to prosecute offenders due to the fact that it is extremely difficult to identify victims of the thefts; and

WHEREAS, there are currently no federal, state, or local laws or regulations which criminalize the unlawful possession within the City of catalytic converters which are not attached to vehicles; and.

WHEREAS, there are currently no federal, state, or local laws or regulations which prohibit the unlawful recycling or sale of unlawfully obtained catalytic converters within the City, thus leading to the increase of such activity within the City; and

WHEREAS, there are currently no federal, state, or local laws or regulations which require individuals in possession of catalytic converters which are not attached to vehicles to provide proof to law enforcement of lawful possession, which limits law enforcement's ability to protect the public by deterring catalytic converter thefts, as

well as limits law enforcement's ability to seize catalytic converters which are suspected to be stolen unless an identifiable victim has been located; and

WHEREAS, catalytic converter thefts are on the rise because individuals are incentivized to commit such thefts for many reasons including, but not limited to, (1) the ease such thefts can be committed in a very short period of time with common tools, (2) the ability to recycle catalytic converters as scrap metal for high dollar amounts ranging from \$200 to \$1,200 per catalytic converter, and (3) loopholes in legislation which protect criminals from prosecution unless a specific victim can be identified; and

WHEREAS, finding victims of these crimes is nearly impossible because it is extremely difficult to catch criminals in the act of unlawfully removing a catalytic converter, coupled with the fact that catalytic converters do not have any identifying marks which would allow law enforcement to trace stolen catalytic converters to a specific vehicle or victim; and

WHEREAS, due to the lack of legislation in this area, most catalytic converter thefts go unsolved, which is fundamentally unacceptable for the citizens of Tustin; and

WHEREAS, the citizens of Garden Grove and the Garden Grove Police Department are in need of legislation for multiple reasons including, but not limited to: (1) the need for deterrence by establishing zero-tolerance for catalytic converter thefts, (2) creating penalties for possessing stolen catalytic converters, (3) preventing criminals from profiting from the sale and recycling of stolen catalytic converters, (4) providing indirect justice to victims of catalytic converter theft, and (5) minimizing the fiscal and personnel impact on the City of Garden Grove caused by catalytic converter thefts and related investigations; and

WHEREAS, individuals who are in possession of stolen catalytic converters recycle them for substantial sums while the victims of such thefts are required to pay thousands of dollars to repair their vehicles, are inconvenienced by the time such repairs take, and feel less safe in their community; and

WHEREAS, there has been a recent nationwide increase of bicycle theft due to both a general increase in property related crimes as well as a shortage of bicycles and bicycle parts with many of these crimes going unreported to police; and

WHEREAS, many of these bicycles are stolen and then dismantled in public areas in the City of Garden Grove and sold within days of being stolen. There is a narrow window for stolen bicycles to be recovered while they are being taken apart in public spaces before being sold; and

WHEREAS, such open-air "bike chop shops" can be seen throughout the City, but confronting the illegal activities this practice supports is difficult without better tools to reduce the illegal activity; and

WHEREAS, creating a specific law for the removal of bicycles and/or bicycle parts from the public right-of-way and public property will add an enforcement tool to remove clutter from the public right-of-way and public property, prevent illegal commercial activity, and, if any bicycles or bicycle parts are lost or stolen, restore such items to their lawful owners and deter future bicycle theft; and

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

Now, therefore, the City Council of the City of Garden Grove does hereby ordain as follows:

SECTION 1. Chapter 8.92 is hereby added to Title 8 of the Garden Grove Municipal Code to read as follows:

**CHAPTER 8.92
UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS**

8.92.010 – 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 establish that 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 that a catalytic converter was stolen to establish that 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 written or 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 and which show the vehicle's license plate or vehicle identification number (VIN), or vehicle registration for the vehicle from which the catalytic converter originated, coupled with a corresponding license plate or VIN number etched onto the catalytic converter. The validity

of "documentation or other proof" shall be 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 remedies and enforcement as set forth in the Garden Grove Municipal Code. Each and every catalytic converter which is unlawfully possessed constitutes a separate violation of this section.
- E. Violations of this section constitute misdemeanors and upon conviction are punishable by a fine not to exceed \$1,000, imprisonment in the county jail for a period of up to six (6) months, or by both such fine and imprisonment. Notwithstanding the foregoing, violations of this section may, at the discretion of the City Attorney, be prosecuted as infractions.
- F. The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings that are authorized by this Code or any other law for violations of this section.

SECTION 2. Chapter 8.94 is hereby added to Title 8 of the Garden Grove Municipal Code to read as follows:

**CHAPTER 8.94
PROHIBITION ON REPAIRS AND SALES OF BICYCLES
AND BICYCLE PARTS ON PUBLIC PROPERTY**

8.94.010 Purpose and Intent.

The purpose of this Chapter is to provide an enforcement tool to prevent illegal commercial activity, remove clutter from the public right-of-way and public property, and, if any bicycles or bicycle parts are lost or stolen, restore such items to their lawful owners and deter future bicycle theft.

8.94.020 Repairs and sales on public property prohibited.

Except where otherwise stated in this Chapter, no person shall assemble, disassemble, sell, offer to sell, distribute, offer to distribute, store, or possess the following items on any street, sidewalk, alley, or public property within the City:

- A. Three (3) or more bicycles;
- B. A bicycle frame with the gear cables or brakes cable cut;
- C. Two (2) or more bicycles with missing parts (the term "parts" shall mean handlebars, wheels, forks, pedals, cranks, seats, frames or chains); or

D. Five (5) or more bicycle parts.

8.94.030 Exceptions.

The prohibition contained in Section 8.94.020 of this Chapter shall not apply in any of the following situations:

- A. An individual is operating under a valid City of Garden Grove License or Permit authorizing such activities.
- B. The owner of a bicycle or bicycle part is present during the repair of his or her single bicycle or bicycle part. Supporting evidence for a claim of lawful ownership may include, but is not limited to, video or photographic evidence, a bill of sale, the correct serial number, bicycle registration, and the like.

SECTION 3. Severability. If any section, sub-section, clause or phrase in this Ordinance or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Ordinance or the application of such provisions to other persons or circumstances shall not be affected.

SECTION 4. Effective Date. This City Clerk shall certify passage of this Ordinance and this Ordinance shall be published as required by law and shall take effect as provided by law.