

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE ADDING PART 6 TO CHAPTER 10.20 OF TITLE 10 OF THE SAN JOSE MUNICIPAL CODE TO PROHIBIT THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS IN SAN JOSE

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, the Council of the City of San José ("City") finds that it is within the City's police powers to implement and enforce the provisions of this ordinance; and

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

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-008 (General Procedure and Policy Making resulting in no changes to the physical environment); and

WHEREAS, the City Council is the decision-making body for this Ordinance; and

WHEREAS, this City Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

A new Part is added to Chapter 10.20 of Title 10 of the San José Municipal Code, to be numbered, entitled and to read as follows:

Part 6
Catalytic Converters

10.20.170 Definitions

The definitions set forth in this Section shall govern the application and interpretation of Part 6:

- A. “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.

- B. “Core recycler” shall have the definition given in California Business and Professions Code Section 21610.

- C. “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:
 - 1. Bill of sale from the original owner with photographs.

 - 2. Documentation from an auto-body shop proving that the owner relinquished the catalytic converter to the auto-body shop.

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.
 5. Vehicle registration associated with the catalytic converter containing an etched associated license plate number or vehicle identification number.
- D. “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.”

10.20.180 Prohibition of Unlawful Possession of Catalytic Converters

- A. It shall be unlawful for any person, other than a core recycler, 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.
- B. 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 José Municipal Code. Each and every catalytic converter unlawfully possessed is a separate violation of this Section.

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PASSED FOR PUBLICATION of title this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk