

Honorable Chair and Honorable Members of the Board,

My name is **Daryl Terrell**, and I reside in the **City of Moreno Valley** in **Riverside County**. I have been actively engaged in my community for over **30 years**, advocating for public safety, neighborhood equity, and policies that protect working families from preventable harm.

While I regret that I **will not be able to attend in person to deliver these remarks**, I respectfully submit this written testimony to urge your Board to consider adopting a **Catalytic Converter Unlawful Possession Ordinance** in your county.

Why Yolo County Would Benefit

Catalytic converter theft is not a minor crime—it is a costly, disruptive offense that disproportionately impacts working-class residents, students, seniors, and small business owners. In a county like Yolo—with rural communities, commuter populations, and a strong agricultural and educational backbone—residents depend heavily on their vehicles to access work, healthcare, and school. When those vehicles are disabled by theft, it causes real financial and emotional distress.

Unfortunately, the current state law does not provide enough authority to intervene until the damage has already been done.

The Problem with State Law AB 641

Under **AB 641**, law enforcement can only act when a person is found with **nine or more stolen catalytic converters** and lacks a dismantler's permit. Even then, the available charge is **illegal automobile dismantling**—a business license violation, not a theft-related crime.

In practical terms, this means a person can be caught with **up to eight stolen converters** and face **no criminal consequence**. That leaves the first eight victims with no recourse, and sends the wrong message about enforcement priorities.

A Smarter, Targeted Solution

The proposed **“One and You’re Done” Catalytic Converter Unlawful Possession Ordinance** makes it unlawful to possess **even one detached catalytic converter** without valid proof of ownership. This ordinance empowers law enforcement to intervene earlier, prevent further crimes, and deter repeat offenders. It’s a practical tool—not an overreach—but one that brings accountability back into the system and centers victims, not loopholes.

My Experience and Advocacy

This issue has been at the core of my advocacy since **May 2022**, when I first addressed the **Riverside County Board of Supervisors**. That effort led to the adoption of the county’s ordinance on **September 12, 2023**.

Since then:

- I’ve successfully advocated for the ordinance in **19 cities** within Riverside County.
- Following the county’s lead, **six more cities** adopted similar ordinances.
- Along with three cities that acted independently, **all 28 cities in Riverside County are now aligned**.

Beyond my home county, I’ve continued this work across California. **Fresno County** adopted its ordinance in **June 2025**, and **Ventura, Kern, and Orange Counties** are currently moving forward with theirs. I’ve also brought this issue before Boards of Supervisors in **Los Angeles, Imperial, Santa Barbara, San Diego, San Luis Obispo, and Tulare Counties**.

This growing alignment is modeled on the successful approaches taken by **Riverside, San Bernardino, and Fresno Counties**, and is structured to complement AB 641—while closing the loophole that leaves too many victims behind.

A Path Forward for Yolo County

Just as **Proposition 36** restored balance to our justice system, this ordinance builds on that legacy. It's rooted in fairness, prevention, and the belief that **crime should be illegal again in California**—from the first offense, not just the ninth.

I appreciate your time and public service, and I hope you will take this step to protect the residents of Yolo County from further victimization. Though I cannot be there in person, I remain committed to supporting your county in any way I can.

Thank you for your leadership and your consideration.

Respectfully submitted,

Daryl Terrell

951-214-0050

Submitted on June 18, 2025

221. (a) The term “automobile dismantler” does not include any of the following:

(1) The owner or operator of any premises on which two or more unregistered and inoperable vehicles are held or stored, or a person who possesses nine or more catalytic converters, if the vehicles or catalytic converters are used for restoration or replacement parts or otherwise, in conjunction with any of the following:

(A) Any business of a licensed dealer, manufacturer, or transporter.

(B) The operation and maintenance of any fleet of motor vehicles used for the transportation of persons or property.

(C) Any agricultural, farming, mining, or ranching business that does not sell parts of the vehicles, except for either of the following purposes:

(i) For use in repairs performed by that business.

(ii) For use by a licensed dismantler or an entity described in paragraph (3).

(D) Any motor vehicle repair business registered with the Bureau of Automotive Repair, or those exempt from registration under the Business and Professions Code or applicable regulations, that does not sell parts of the vehicles, except for either of the following purposes:

(i) For use in repairs performed by that business.

(ii) For use by a licensed dismantler or an entity described in paragraph (3).

(2) A person engaged in the restoration of vehicles of the type described in Section 5004 or in the restoration of other vehicles having historic or classic significance.

(3) The owner of a steel mill, scrap metal processing facility, or similar establishment purchasing vehicles of a type subject to registration, not for the purpose of selling the vehicles, in whole or in part, but exclusively for the purpose of reducing the vehicles to their component materials, if either the facility obtains, on a form approved or provided by the department, a certification by the person from whom the vehicles are obtained that each of the vehicles has been cleared for dismantling pursuant to Section 5500 or 11520, or the facility complies with Section 9564.

(4) Any person who acquires used parts or components for resale from vehicles which have been previously cleared for dismantling pursuant to Section 5500 or 11520.

Nothing in this paragraph permits a dismantler to acquire or sell used parts or components during the time the dismantler license is under suspension.

(b) Any vehicle acquired for the purpose specified in paragraph (3) of subdivision (a) from other than a licensed dismantler, or from other than an independent hauler who obtained the vehicle, or parts thereof from a licensed dismantler, shall be accompanied by either a receipt issued by the department evidencing proof of clearance for dismantling under Section 5500, or a copy of the ordinance or order issued by a local authority for the abatement of the vehicle pursuant to Section 22660. The steel mill, scrap metal processing facility, or similar establishment acquiring the vehicle shall attach the form

evidencing clearance or abatement to the certification required pursuant to this section.

All forms specified in paragraph (3) of subdivision (a) and in this subdivision shall be available for inspection by a peace officer during business hours.

SEC. 3. Section 11500 of the Vehicle Code is amended to read:

11500. (a) (1) It shall be unlawful for any person to act as an automobile dismantler without first having an established place of business that meets the requirements set forth in Section 11514 and without first having procured a license or temporary permit issued by the department, or when such license or temporary permit has been canceled, suspended, revoked, invalidated, expired, or the terms and conditions of an agreement effected pursuant to Section 11509.1 have not been fulfilled. A violation of this subdivision is a misdemeanor, and is subject to the penalties described in paragraph (2).

(2) Notwithstanding Section 42002, a person convicted of a first violation of subdivision (a) for any reason other than described in paragraph (3) shall be punished by a fine of not less than two hundred fifty dollars (\$250). A person convicted of a second separate violation of subdivision (a) for this reason shall be punished by a fine of not less than five hundred dollars (\$500). A person convicted of a third or subsequent violation of subdivision (a) for this reason shall be punished by a fine of not less than one thousand dollars (\$1,000).

(3) A person who violates subdivision (a) due to possessing nine or more catalytic converters that have been cut from a vehicle pursuant to Section 220 is, for a first violation, guilty of an infraction punishable by a fine of not more than one hundred dollars (\$100). A person convicted of a second separate violation of subdivision (a) for this reason is guilty of a misdemeanor punishable by a fine of not less than two hundred fifty dollars (\$250). A person convicted of a third separate violation of subdivision (a) for this reason is guilty of a misdemeanor punishable by a fine of not less than five hundred dollars (\$500). A person convicted of a fourth or subsequent violation of subdivision (a) for this reason shall be punished by a fine of not less than one thousand dollars (\$1,000).

(b) (1) A building or place used for the purpose of automobile dismantling in violation of subdivision (a) is a public nuisance subject to being enjoined, abated, and prevented, and for which damages may be recovered by any public body or officer.

(2) As used in this section, "public body" means any state agency, county, city, district, or any other political subdivision of the state.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime

within the meaning of Section 6 of Article XIII B of the California Constitution.

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1 prosecuting criminals for catalytic converter theft where a victim cannot be identified; and

2 **WHEREAS**, finding the victim of these crimes is extremely difficult due to the
3 manner in which the catalytic converter thefts occur and the lack of identifying markers
4 on catalytic converters (prior to 2024 vehicle models) to link a stolen catalytic converter
5 to the victim; and

6 **WHEREAS**, the inability to identify the victims of catalytic converter thefts can
7 inhibit the ability to successfully prosecute individuals for the thefts; and

8 **WHEREAS**, there is currently no state or federal legislation applicable within
9 Fresno County requiring individuals to provide proof to law enforcement showing how
10 they obtained detached catalytic converters, thus limiting law enforcement's ability to
11 protect the public by deterring catalytic converter thefts; and

12 **WHEREAS**, this ordinance is necessary to provide the Fresno County Sheriff's
13 Office and the Fresno County Code Enforcement Division with a means to protect the
14 public, deter this criminal activity and promote a more productive use of Fresno County
15 resources.

16 **Section 2.** The Ordinance Code of the County of Fresno is hereby amended by adding
17 Chapter 48 to Title 10 to read as follows:

18
19 Chapter 10.48 – UNLAWFUL POSSESSION OF A DETACHED CATALYTIC
20 CONVERTER

21
22 Section 10.48.010 – Title, Purpose, and Intent

23 Section 10.48.020 – Authority

24 Section 10.48.030 – Definitions

25 Section 10.48.040 – Unlawful Possession of a Catalytic Converter

26 Section 10.48.050 – Criminal Penalties

27 Section 10.48.060 – Administrative Penalties

28 Section 10.48.070 – Appeal of Administrative Citations

1 Section 10.48.080 – Non-Exclusive Remedies

2 Section 10.48.090 – Severability

3 Section 10.48.100 – Effective Date

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5 10.48.010 – Title, Purpose, and Intent

6 This Chapter shall be known as the Unlawful Possession of a Detached
7 Catalytic Converter Ordinance. The Board of Supervisors finds that catalytic converter
8 theft is an increasing problem within Fresno County and causes significant financial
9 damage to the victims. The purpose and intent of this ordinance is to curb the theft of
10 catalytic converters throughout the unincorporated areas of the County and to hold
11 accountable those engaged in this criminal behavior.

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13 10.48.020 – Authority

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

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18 10.48.030 – Definitions

19 As used in this ordinance, the following terms shall have the following
20 meanings:

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(a) **Board.** The County of Fresno Board of Supervisors.

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(b) **County.** The County of Fresno.

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(c) **Catalytic converter.** Any exhaust emission control device, or portion
24 thereof, that converts toxic gases and pollutants in exhaust gas from
25 an internal combustion engine into less toxic pollutants.

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(d) **Documentation or other proof.** Written document(s) clearly
27 identifying the vehicle from which the catalytic converter originated
28 based on the totality of the circumstances, which includes, but is not

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1 limited to, the following types of documents:

- 2 1. Bill of sale from the original owner with photographs.
- 3 2. Verifiable documentation from an auto-body shop proving the
- 4 owner relinquished the catalytic converter to the auto-body shop.
- 5 3. Verifiable electronic communication from the previous owner to
- 6 the possessor relinquishing ownership of the catalytic converter.
- 7 4. Photographs of the vehicle from which the catalytic converter
- 8 originated.
- 9 5. Vehicle registration associated with the catalytic converter
- 10 containing an etched associated license plate number or vehicle
- 11 identification number or driver's license number of the registered
- 12 vehicle owner.

13 (e) **Lawful Possession.** This term includes (1) being the lawful owner
14 of the catalytic converter or (2) being in possession of the catalytic
15 converter with the lawful owner's verifiable written consent. The
16 deputy Sheriff or enforcement officer is not required to prove the
17 catalytic converter was stolen to establish an Unlawful Possession.

18 (f) **Enforcement Officer.** The Sheriff, the Code Enforcement Official,
19 or District Attorney, and their designees.

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21 10.48.040 – Unlawful Possession of a Catalytic Converter

22 Barring any provision of state law permitting the same, it is unlawful for any
23 person to possess any catalytic converter which is not attached to a vehicle unless the
24 person has documentation or other proof, as defined in Chapter 10.48.030.

25 (a) This section does not apply to a detached catalytic converter that has
26 been verifiably tested, certified, and labeled or otherwise approved
27 for reuse, and is being bought or sold for purposes of reuse in
28 accordance with the federal Clean Air Act (42 U.S.C. Section 7401

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et seq.) and other regulations under the Clean Air Act, as they may be amended from time to time.

- (b) It is unlawful for any person to knowingly falsify, or cause to be falsified, any information in a record intended to show valid proof of ownership as defined in Chapter 10.48.030.
- (c) 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.
- (d) Compliance with Business & Professions Code Section 21610 and Vehicle Code Section 10852.5 is legally required.

10.48.050 – Criminal Penalties

- a) Misdemeanor Penalty. Any person who violates any provision of this ordinance is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one thousand dollars (\$1,000), 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 (\$1,000) and by imprisonment in the County jail for one year.
- b) State Penalties Apply. Nothing in this ordinance 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 unlawful sale, use, possession, delivery, and/or receipt of catalytic converters.
- c) Separate Offenses. Acts, omissions, or conditions in violation of this ordinance that continue, exist, or occur on more than one day,

1 constitute separate violations on each day. Violations continuing,
2 existing, or occurring on the service date, the effective date, and
3 each day between the service date and the effective date are
4 separate violations. A person is guilty of a separate offense for each
5 and every instance during which he or she commits, continues, or
6 permits a violation of this ordinance. A person is deemed guilty of a
7 separate offense for each and every violation of this ordinance, or
8 any portion thereof.

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10 10.48.060 – Administrative Penalties

11 a) Administrative Citations. Pursuant to Section 53059.4, of the
12 California Government Code, a County code enforcement officer or
13 Sheriff's deputy may issue an administrative citation to any person
14 for a violation of this Chapter occurring in the presence of the
15 enforcement officer, or deputy, or upon the enforcement officer or
16 deputy's reasonably reliable confirmation of a violation.

17 b) Administrative Fine Amounts. The fine amounts for any
18 administrative citation issued under this chapter shall be:

- 19 1. Up to one thousand dollars (\$1,000) for a first violation.
- 20 2. Two thousand dollars (\$2,000) for the second offense within
21 thirty-six (36) months.
- 22 3. Five thousand dollars (\$5,000) for each subsequent offense
23 within thirty-six (36) months.

24 c) Contents of the Administrative Citation. An administrative citation
25 issued for a violation of this Chapter shall contain the following
26 information:

- 27 1. The date, location, and approximate time the violation was
28 observed;

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2. A description of the violation;
3. Evidence identifying the person receiving the administrative citation as the person responsible for the violation;
4. The amount of the administrative civil penalty imposed for the violation;
5. Instructions for the payment of the administrative civil penalty, the time period by which it shall be paid, and the consequences of failure to pay the administrative civil penalty within this time;
6. Instructions on how to appeal the administrative citation. The failure of the administrative citation to set forth all required contents shall not affect the validity of the administrative citation or any proceedings to enforce said citation. The administrative civil penalty may be imposed via the administrative process set forth in this ordinance or may be imposed by the court if the violation requires court enforcement without an administrative process.

d) Service of Citations. An administrative citation issued pursuant to this Chapter shall be served on the responsible person as follows:

1. The enforcement officer or deputy Sheriff may personally serve the responsible person at any time. The enforcement officer or deputy Sheriff may obtain the signature of the responsible person on the administrative citation, which shall create a presumption of personal service. The lack of signature shall in no way affect the validity of the administrative citation.
2. Alternatively, or in addition to personally serving the administrative citation, the enforcement officer or deputy

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Sheriff may provide notice by mailing the administrative citation to the responsible person by first class mail, postage prepaid.

3. Alternatively, or in addition to personally serving or mailing the administrative citation, an enforcement officer or deputy Sheriff may utilize any other means fairly and reasonably calculated to provide notice of the violation.

e) Effective Date of Service. Service of the administrative citation shall be effective on the date it was personally served, mailed, or otherwise delivered by the enforcement officer or deputy Sheriff, regardless of when it is actually received by the responsible person.

f) Finality. Unless the responsible person properly requests a hearing to challenge an administrative citation issued pursuant to this Chapter within thirty (30) days of the date of issuance, the administrative citation shall constitute the final administrative order, and the imposition of the administrative penalty shall become a final order.

1. Separate Offenses. Acts, omissions, or conditions in violation of this ordinance that continue, exist, or occur on more than one day constitute separate violations on each day. Violations continuing, existing, or occurring on the service date, the effective date, and each day between the service date and the effective date are separate violations. A person is guilty of a separate offense for each and every instance during which he or she commits, continues, or permits a violation of this ordinance. A person is deemed guilty of a separate offense for each and every catalytic converter in the person's possession that is not attached

1 to a vehicle unless the person has a valid proof of
2 ownership of the catalytic converter.

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4 10.48.070 – Appeal of Administrative Citations

5 The procedures to appeal an administrative citation issued pursuant to this
6 Chapter are as follows:

- 7 a) Hearing Request. Any person issued an administrative citation for
8 violation of this Chapter may contest the citation by requesting a
9 hearing according to the procedures found in Section 1.13.170 of this
10 code. A person financially unable to pay the administrative fine as
11 provided in Section 1.13.170 may request an advance deposit
12 hardship waiver as set forth in Section 1.13.180.
- 13 b) Hearing Officer. For hearings to challenge an administrative citation
14 issued pursuant to this Chapter, the County Administrative Officer,
15 or the designee thereof, in consultation with the Director of the
16 enforcing department of the County, or the designee thereof, or the
17 Sheriff-Coroner, or the designee thereof, shall appoint a hearing
18 officer to preside over an administrative citation hearing that has
19 been properly requested under the provisions of this Chapter and
20 this code.
- 21 c) Hearing Procedures. The procedures for a hearing to contest an
22 administrative citation issued pursuant to this Chapter are the same
23 as those listed in Section 1.13.200 of this code.
- 24 d) Right to Judicial Review. Any person aggrieved by the decision of an
25 administrative hearing officer in any hearing on an administrative
26 citation under this Chapter, may obtain review of the administrative
27 decision by filing a petition for review with the Fresno County
28 Superior Court, in accordance with the timeline and other provisions

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set forth in Section 53069.4 in the California Government Code.

- e) The procedures of Sections 1.14.020-1.14.050 of this code are applicable to this Chapter.
- f) Recovery of Administrative Citations and Civil Penalties. The County may collect any past due administrative citation(s) or unpaid civil penalties, assessed, and issued pursuant to this Chapter, by use of any and all available legal means, including without limitation, as a personal obligation or a lien recorded against any real property owned by the person(s) found to have violated this Chapter. County Counsel may bring a civil action in the name of the County to recover any past due administrative citation(s) or unpaid civil penalties and may enforce any judgment to collect any unpaid sum in the same manner as civil judgments.

10.48.080 – 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.

10.48.090 - 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 Board declares that it would have passed this ordinance irrespective of the

1 invalidity of the provision held to be unconstitutional or invalid. Such unconstitutionality or
2 invalidity shall therefore not affect the remaining provisions of this ordinance, or the
3 validity of its application to other persons or circumstances.

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5 10.48.100 – Effective Date

6 This ordinance shall take effect (the “Effective Date”) and be in force and
7 effect thirty (30) days after the second reading hereof by the Board of Supervisors and its
8 passage.

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10 The foregoing was passed and adopted by the following vote of the Board of
11 Supervisors of the County of Fresno this _____ day of _____, 2025, to wit:

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13 AYES:
14 NAYS:
15 ABSENT:
16 ABSTAINS:

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Ernest “Buddy” Mendes
Chairman of the Board of Supervisors
of the County of Fresno

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20 Attest:
21 Bernice E. Seidel
22 Clerk of Board of Supervisors
23 County of Fresno, State of California

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24 By: _____
Deputy

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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
27

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
28

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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ORDINANCE NO. 4443

**An ordinance of San Bernardino County, State of California,
to add Chapter 16 to Division 7 of Title 2 of the San
Bernardino County Code, relating to unlawful possession of
a catalytic converter.**

The Board of Supervisors of the County of San Bernardino, State of California,
ordains as follows:

SECTION 1. The Board of Supervisors of San Bernardino County finds that:

(a) The theft of catalytic converters has been an increasing problem in San Bernardino County in recent years.

(b) Catalytic converters contain expensive precious metals including platinum, palladium, and rhodium, which, as of the drafting of the ordinance, costs from \$1,000 (platinum), \$2,000 (palladium) and over \$14,000 (rhodium) per ounce.

(c) In San Bernardino County, there were 556 reports of catalytic converter thefts in 2020 and as of December 2021, the number increased 120 percent to 1,223 reports by victims.

(d) The average cost of replacing a stolen catalytic converter and repairing the damage to the vehicle may cost the victim between \$1,000 to \$3,000, or more.

(e) 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.

(f) 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, and (3) the challenges

1 with prosecuting criminals for catalytic converter theft where a victim cannot be identified.

2 (g) Finding the victim of these crimes is extremely difficult due to the manner in
3 which the catalytic converter thefts occur and lack of identifying markers on catalytic
4 converters to link a stolen catalytic converter to the victim.

5 (h) The inability to identify the victims of catalytic converter thefts can inhibit the
6 ability to successfully prosecute individuals for the thefts.

7 (i) There is currently no state or federal legislation applicable within San
8 Bernardino County requiring individuals to provide proof to law enforcement showing how
9 they obtained detached catalytic converters, thus limiting law enforcement's ability to
10 protect the public by deterring catalytic converter thefts.

11 (j) This Ordinance is necessary to provide the San Bernardino County Sheriff's
12 Department a means to protect the public, deter this criminal activity and promote a more
13 productive use of San Bernardino County resources.

14
15 SECTION 2. Chapter 16 is added to Division 7 of Title 2 of the San Bernardino
16 County Code, to read:

17 **Chapter 16. UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER**

18 **27.1601 Purpose and Intent**

19 **27.1602 Unlawful Possession of a Catalytic Converter**

20 **27.1603 Valid Proof of Ownership**

21 **27.1604 Violations and Enforcement**

22
23 **27.1601 Purpose and Intent**

24 Catalytic converter theft is an increasing problem within San Bernardino County
25 and causes significant financial damage to the victims. Due to the lack of federal or state
26 legislation that requires showing proof of ownership of a catalytic converter to law
27 enforcement, criminal enforcement remedies are limited. The purpose and intent of this
28 Chapter is to provide San Bernardino County with reasonable means to address the

1 impact on the community and the victims posed by increasing catalytic converter thefts.

2
3 **27.1602 Unlawful Possession of a Catalytic Converter**

4 (a) It is unlawful for any person, other than a Core Recycler as defined in
5 California Business and Professions Code section 21610, to possess any catalytic
6 converter that is not attached to a vehicle unless the person has a valid proof of ownership
7 of the catalytic converter.

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

12 (c) It is unlawful for any person to knowingly falsify or cause to be falsified any
13 information in a record intended to show valid proof of ownership.

14
15 **27.1603 Valid Proof of Ownership**

16 For purposes of this Chapter, valid proof of ownership means:

17 (a) A document containing all of the following information:

18 (i) The license plate number and vehicle identification number of the car
19 from which the catalytic converter was removed.

20 (ii) The name, address, and telephone number of the owner of the
21 vehicle from which the catalytic converter was removed.

22 (iii) The signature of the vehicle owner authorizing removal of the
23 catalytic converter.

24 (iv) The name, address, and telephone number of the current owner of
25 the catalytic converter.

26 (b) In the event the catalytic converter is in the possession of the current owner
27 of the vehicle from which it was removed, valid proof of ownership means:

28 (i) Ownership documentation for the vehicle;

- (ii) A valid receipt for a replacement catalytic converter; and
- (iii) Proof of installation of the replacement catalytic converter.

27.1604 Violations and Enforcement

Each violation of this section constitutes a separate violation, including, but not limited to, possessing multiple catalytic converter(s) during a single contact by law enforcement, and is subject to all remedies and enforcement measures authorized by Chapter 2 of Division 1 of Title 1 of the San Bernardino County Code. Any person who violates any provision of this section shall be guilty of a misdemeanor punishable by a fine not to exceed \$1,000, imprisonment in the county jail for a term not exceeding six months, or both a fine and jail sentence.

SECTION 3. The Board of Supervisors declares that it would have adopted this ordinance and each section, sentence, clause, phrase, or portion of it irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions of it be declared invalid or unconstitutional. If for any reason any portion of this ordinance is declared invalid or unconstitutional, then all other provisions of it shall remain valid and enforceable.

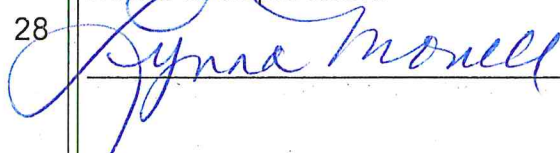
SECTION 4. This ordinance shall take effect thirty (30) days from the date of adoption.



CURT HAGMAN, Chairman
Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY
OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD

LYNNA MONELL, Clerk of the
Board of Supervisors



1 STATE OF CALIFORNIA)
2) ss.
3 SAN BERNARDINO COUNTY)

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County,
5 State of California, hereby certify that at a regular meeting of the Board of Supervisors of
6 said County and State, held on the 23rd day of August, 2022, at which meeting were
7 present Supervisors: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt
8 Hagman, Joe Baca, Jr., and the Clerk, the foregoing ordinance was passed and adopted
9 by the following vote, to wit:

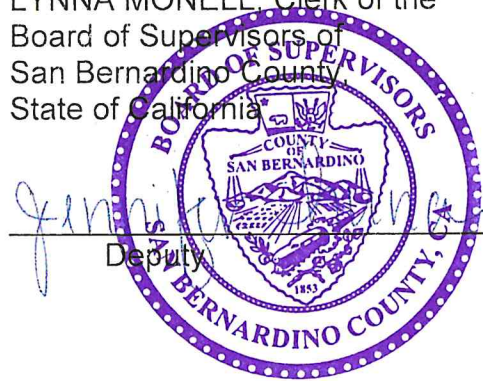
10 AYES: SUPERVISORS: Col. Paul Cook (Ret.), Janice Rutherford,
11 Dawn Rowe, Curt Hagman, Joe Baca, Jr.

12 NOES: SUPERVISORS: None

13 ABSENT: SUPERVISORS: None

14 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
15 of the Board of Supervisors this 23rd day of August, 2022.

16 LYNNA MONELL, Clerk of the
17 Board of Supervisors of
18 San Bernardino County,
19 State of California



20 Approved as to Form:

21 TOM BUNTON
22 County Counsel

23 By: Jolena E. Grider
24 Jolena E. Grider
25 Deputy County Counsel

26 Date: 8/24/22

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