

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 54, ARTICLE III OF THE CODE OF ORDINANCES FOR THE TOWN OF ADDISON BY ADDING NEW ARTICLE IV ENTITLED POSSESSION OF CATALYTIC CONVERTERS AND CREATING AN OFFENSE FOR UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER; PROVIDING AFFIRMATIVE DEFENSES TO PROSECUTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council finds that catalytic converter thefts are on the rise across the nation, including the State of Texas; and

**WHEREAS**, the National Insurance Crime Bureau has reported that the claims of catalytic converters thefts rose nationally from 3,389 in 2019 to 14,433 in 2021; and

**WHEREAS**, in 2021, the Addison Police Department received 107 reports of stolen catalytic converters from vehicles; and

**WHEREAS**, in 2022, the Addison Police Department received 275 reports of stolen catalytic converters from vehicles; and

**WHEREAS**, the existence of catalytic converters on essentially all motor vehicles makes these devices attractive targets for criminal activity due to a number of factors, including, but not limited to, (1) the ability of individuals to access and remove these devices from motor vehicles in matter of seconds using common tools such as metal saws; (2) the ability of individuals to profit from recycling these devices at scrap metal yards where high market prices incentivize such conduct; and (3) the inability of local law enforcement to effectively prosecute these crimes under existing state and federal legislation; and

**WHEREAS**, on September 1, 2021, Texas H.B. 4110 was enacted to address this issue; however, the bill only addresses those trying to sell or purchase catalytic converter; and

**WHEREAS**, the City Council of the Town of Addison, Texas, finds that it is in the best interest of the safety and welfare of the citizens of the Town of Addison to adopt local regulations to provide law enforcement the ability to criminally enforce unlawful possession of catalytic converters by amending Chapter 54 of the Code of Ordinances, as set forth herein.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:**

**SECTION 1.** That Chapter 54, Offenses and Miscellaneous Provisions, is hereby amended by adding a new Article IV, entitled “Possession of Catalytic Converters”, and adding Sections 54-76 to 54-85 to read as follows:

“Chapter 54 – OFFENSES AND MISCELLANEOUS PROVISIONS

...

## ARTICLE IV. – POSSESSION OF CATALYTIC CONVERTERS

### **Sec. 54-76. – Definitions**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section:

*Catalytic converter* means an exhaust emission control device that reduces toxic gases and pollutants from internal combustion engines that has been removed from a vehicle by cutting or some other means. The term catalytic converter includes any material removed from a catalytic converter.

*Metal recycling entity* has the meaning assigned by Section 1956.001(7) of the Texas Occupations Code, as the same may be amended.

### **Sec. 54-77. – Possession of catalytic converter**

It shall be unlawful for any person or entity, other than a metal recycling entity, to possess a catalytic converter, as defined in Section 54-76. Each catalytic converter in an individual or entity's possession shall constitute a separate offense.

### **Sec. 54-77. – Affirmative defense**

It is an affirmative defense to the prosecution for an offense under Section 54-77 if the person or entity:

- (a) provides (i) the year, make, model and vehicle identification number for the vehicle from which the catalytic converter was removed, (ii) a copy of the certificate of title or other documentation indicating that the person or entity has an ownership interest in such vehicle, and (iii) proof that the catalytic converter was removed from such vehicle; or
- (b) person presents proof that the possession of the catalytic converter lawfully passed from the owner of the vehicle from which the catalytic converter was removed to the person in possession of the catalytic converter.

### **Secs. 54-78 – 54-85 Reserved”**

**SECTION 2.** Any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to penalty as provided for in the Code of Ordinances, as heretofore amended, and upon conviction shall be punished by a fine set in accordance with Chapter 1, Section 1-7 of the Code of Ordinances for the Town of Addison.

**SECTION 3.** The provisions of this Ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this Ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining or other parts or portions of this Ordinance, and the City Council hereby declares that it would have passed

such remaining parts or portions of this Ordinance despite such unconstitutionality, illegality, or invalidity, which remaining portions shall remain in full force and effect.

**SECTION 4.** All ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 5.** This Ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter or ordinance.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas, on this the **28<sup>th</sup>** day of **FEBRUARY 2023.**

**TOWN OF ADDISON, TEXAS**

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Joe Chow, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Irma Parker, City Secretary

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Whitt Wyatt, City Attorney