

1 BEFORE THE BOARD OF SUPERVISORS
2 OF THE COUNTY OF FRESNO
3 STATE OF CALIFORNIA
4 ORDINANCE NUMBER _____

5 AN ORDINANCE OF FRESNO COUNTY, STATE OF CALIFORNIA,
6 TO ADD CHAPTER 10.48 TO TITLE 10 OF THE FRESNO COUNTY
7 ORDINANCE CODE, PROHIBITING THE UNLAWFUL
8 POSSESSION OF DETACHED CATALYTIC CONVERTERS

9
10 The Board of Supervisors of the County of Fresno ordains as follows:

11 **Section 1. FINDINGS.** The Board of Supervisors of the County of Fresno hereby finds
12 and declares as follows:

13 **WHEREAS**, the theft of catalytic converters has been a persistent problem in
14 Fresno County in recent years; and

15 **WHEREAS**, catalytic converters contain expensive precious metals including
16 platinum, palladium, and rhodium, which costs from \$1,000 (platinum), \$2,000 (palladium)
17 and over \$14,000 (rhodium) per ounce; and

18 **WHEREAS**, the average cost of replacing a stolen catalytic converter and repairing
19 the damage to the vehicle may cost the victim between \$1,000 to \$3,000, or more; and

20 **WHEREAS**, individuals in possession of stolen catalytic converters often recycle
21 them for substantial profit while victims of these thefts suffer the consequences of paying
22 thousands of dollars for repairs, the inconvenience of repairing their vehicles, and feeling
23 unsafe in the community; and

24 **WHEREAS**, catalytic converter thefts are a persistent problem because individuals
25 are incentivized to commit catalytic converter thefts for multiple reasons including, but not
26 limited to: (1) the ease and undetectable nature of committing the thefts in a matter of
27 minutes using common tools such as a reciprocating saw, (2) the ability to recycle
28 catalytic converters at scrap metal yards for high dollar returns, and (3) the challenge of

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

4
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.

12
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.

17
18 10.48.030 – Definitions

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

- 21 (a) **Board.** The County of Fresno Board of Supervisors.
- 22 (b) **County.** The County of Fresno.
- 23 (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.
- 26 (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

limited to, the following types of documents:

1. Bill of sale from the original owner with photographs.
2. Verifiable documentation from an auto-body shop proving 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 or driver's license number of the registered vehicle owner.

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

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

10.48.040 – Unlawful Possession of a Catalytic Converter

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

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

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.

9
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;

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

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

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

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

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

18 1. Separate Offenses. Acts, omissions, or conditions in
19 violation of this ordinance that continue, exist, or occur on
20 more than one day constitute separate violations on each
21 day. Violations continuing, existing, or occurring on the
22 service date, the effective date, and each day between the
23 service date and the effective date are separate violations.
24 A person is guilty of a separate offense for each and every
25 instance during which he or she commits, continues, or
26 permits a violation of this ordinance. A person is deemed
27 guilty of a separate offense for each and every catalytic
28 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.

3
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

1 set forth in Section 53069.4 in the California Government Code.

2 e) The procedures of Sections 1.14.020-1.14.050 of this code are
3 applicable to this Chapter.

4 f) Recovery of Administrative Citations and Civil Penalties. The County
5 may collect any past due administrative citation(s) or unpaid civil
6 penalties, assessed, and issued pursuant to this Chapter, by use of
7 any and all available legal means, including without limitation, as a
8 personal obligation or a lien recorded against any real property
9 owned by the person(s) found to have violated this Chapter. County
10 Counsel may bring a civil action in the name of the County to recover
11 any past due administrative citation(s) or unpaid civil penalties and
12 may enforce any judgment to collect any unpaid sum in the same
13 manner as civil judgments.

14
15 10.48.080 – Non-Exclusive Remedies and Penalties

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

24
25 10.48.090 - Severability

26 The provisions of this ordinance are separate and severable. If any
27 provision of this ordinance is for any reason held by a court to be unconstitutional or
28 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.

4
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.

9
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:

12
13 AYES:
14 NAYS:
15 ABSENT:
16 ABSTAINS:

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

18
19
20 Attest:
21 Bernice E. Seidel
22 Clerk of Board of Supervisors
County of Fresno, State of California

23
24 By: _____
Deputy