

ORDINANCE NO. 20403

AN ORDINANCE introduced by City Manager Stephen Wade, concerning the unlawful possession of catalytic converters, creating § 9.30.050 of the Topeka Municipal Code.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 9.30.050, which said section reads as follows:

Catalytic converters.

(a) Purpose. Catalytic converter thefts are on the rise due to the ease and undetectable nature of committing the thefts in a matter of seconds using common tools such as a reciprocating saw and because of loopholes in legislation protecting criminals from prosecution unless a victim can be identified. Finding a victim of these crimes is nearly impossible due to the undetectable nature of the catalytic converter thefts since they are not traceable. The majority of all catalytic converter theft cases in the city of Topeka have gone unsolved, which is fundamentally unacceptable for the citizens.

(b) Unlawful Possession.

(1) It shall be unlawful for any person to possess, accept, process, store, hold, keep, receive, reuse, or collect a catalytic converter that has been detached from a motor vehicle unless they can demonstrate a legitimate reason for such possession by producing either:

(i) A letter of permission from the Topeka Police Department to temporarily possess a catalytic converter that includes a law enforcement case number or property identification number; or

(ii) A bill of sale, purchase receipt, or vehicle title that includes

27 the vehicle identification number of the source vehicle, accurate contact
28 information for the owner of the source vehicle, and a signed release from
29 the owner of the vehicle; or

30 (iii) Proof that the catalytic converter belongs to a vehicle that is
31 owned by the person in possession of the detached catalytic converter.

32 (iv) A work order that identifies the owner of the vehicle and the
33 work being performed on the vehicle, so long as detachment of the
34 catalytic converter is essential to the work performed.

35 (2) City officials or law enforcement personnel disposing of lost, found,
36 or stolen catalytic converters are exempt from the requirements of this section.

37 (3) Precious metal dealers who are regulated pursuant to K.S.A.50-
38 6109, et. seq. are exempt from the requirements of this section.

39 (4) Failure to comply with the foregoing provisions shall result in the
40 immediate confiscation of a catalytic converter by law enforcement until such
41 time as legal ownership may be determined or any criminal charges are
42 adjudicated. A guilty finding, diversion or deferred judgment requires the catalytic
43 converter be forfeited to the City of Topeka to be sold, destroyed or released to
44 the rightful owner if the property was stolen.

45 (5) "Catalytic converter" means a device installed in the exhaust
46 system of a motor vehicle that uses a catalyst to convert pollutant gases into less
47 harmful gases.

48 (c) Penalty. Any person convicted this chapter shall be guilty of a
49 misdemeanor, and shall be sentenced as follows: upon a first conviction, a person shall

50 be sentenced to not more than six month's imprisonment and fined not less than two
51 hundred fifty dollars nor more than \$1,000. Upon a second or subsequent conviction a
52 person shall be sentenced to not less than thirty days imprisonment nor more than one
53 year's imprisonment, and fined not less than \$500 nor more than \$2,500. The person
54 convicted shall not be eligible for release on probation, suspension or reduction of
55 sentence or parole until the person has served the minimum mandatory sentence as
56 provided herein. Upon a mandatory sentence, after 48 consecutive hours jail, the jail
57 sentence may be converted to work release or house arrest.

58 Section 3. This ordinance shall take effect and be in force from and after its
59 passage, approval and publication in the official City newspaper.

60 Section 4. This ordinance shall supersede all ordinances, resolutions or rules,
61 or portions thereof, which are in conflict with the provisions of this ordinance.

62 Section 5. Should any section, clause or phrase of this ordinance be declared
63 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
64 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

65 PASSED AND APPROVED by the City Council on January 10, 2023.

66 CITY OF TOPEKA, KANSAS
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72 Michael A. Padilla, Mayor

73 ATTEST:

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75 Brenda Younger, City Clerk
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