

ORDINANCE NO. 819

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS, REPEALING CHAPTER 44, MISCELLANEOUS OFFENSES, ARTICLE VII, CATALYTIC CONVERTERS, OF THE CITY OF HEDWIG VILLAGE CODE OF ORDINANCES

WHEREAS, due to rising catalytic converter thefts in the City of Hedwig Village, Texas (the "City") and Harris County, the City Council of the City ("City Council") added Article VII, Catalytic Converters, to Chapter 44 of the Code of Ordinances of the City ("City Code") on May 12, 2022 to make it unlawful to possess certain used catalytic converters; and

WHEREAS, the 88th Texas Legislature (2023) adopted SB 224, effective May 29, 2023, establishing specific criminal offenses for the theft of catalytic converters as a state felony and requiring certain record keeping for the buying, selling or repair of catalytic converters; and

WHEREAS, the City Council finds it necessary to appeal Chapter 44, Miscellaneous Offenses, Article VII, Catalytic Converters, of the City Code to remove conflicts between state law and the City Code;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS THAT:

Section 1. Chapter 44, Miscellaneous Offenses, Article VII, Catalytic Converters, of the City of Hedwig Village Code of Ordinances is hereby repealed and deleted in its entirety. All other portions of Chapter 44 of the City of Hedwig Village Code of Ordinances not specifically amended hereby shall remain in full force and effect.

Section 2. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 3. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 4. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

Section 5. This Ordinance shall be effective immediately upon its passage and adoption and the City Secretary is hereby authorized to publish notice of its adoption as required by law.

PASSED, APPROVED and ADOPTED this, the 9th day of November 2023.

ATTEST:

Lisa Modisette, City Secretary
City of Hedwig Village, Texas

Tom Jinks, Mayor
City of Hedwig Village, Texas

Appendix A

ARTICLE VII. CATALYTIC CONVERTERS

Section 44-75. Definitions. Catalytic converter means an exhaust emission control device that reduces toxic gases and pollutants from internal combustion; this includes any material removed from a catalytic converter.

Section 44-76. Possession of Used Catalytic Converter Unlawful.

- (a) It shall be unlawful for any individual or entity to possess a used catalytic converter that was cut from its original vehicle, rather than unbolted, unless the individual or entity provides a verifiable receipt from the automobile repair facility that supplied the catalytic converter including:
 - 1. The name of the business;
 - 2. The address of the business;
 - 3. The phone number of the business that repaired the vehicle that the catalytic converter came from; and
 - 4. The year, make, model and vehicle identification number of the vehicle repaired that the catalytic converter came from.
- (b) Each catalytic converter in an individual or entity's possession shall constitute a separate offense.

Section 44-77. Penalties and Enforcement.

- (a) Each violation of this article is punishable as a Class C misdemeanor subject to a fine of up to \$500.00
- (b) Causing, permitting, aiding, abetting or concealing a violation of this article shall also constitute a violation of this article.