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Legislation Details (With Text)

File #: SO2015-1402

Type: Ordinance **Status:** Passed

File created: 3/18/2015 **In control:** City Council

Final action: 5/6/2015

Title: Amendment of Municipal Code Titles 4 and 11 regarding unauthorized sale of catalytic converters

Sponsors: Emanuel, Rahm, Quinn, Marty, Mitts, Emma, Mell, Deborah, Suarez, Regner Ray, O'Shea, Matthew J., Zalewski, Michael R., O'Connor, Mary, Cappleman, James, Lane, Lona, Brookins, Jr., Howard

Indexes: Ch. 4 Environmental Protection & Control, Ch. 6 Regulated Business License, Ch. 228 Motor Vehicle Repair Shops, Ch. 240 Pawnbrokers, Ch. 264 Secondhand Dealers

Attachments: 1. O2015-1402.pdf, 2. SO2015-1402.pdf, 3. SO2015-1402.pdf

Date	Ver.	Action By	Action	Result
5/6/2015	1	City Council	Passed as Substitute	Pass
4/30/2015	1	Committee on Public Safety	Substituted in Committee	Pass
3/18/2015	1	City Council	Referred	

SUBSTITUTE ORDINANCE

WHEREAS, Since 1975, all motor vehicles produced in the United States are required to have a catalytic converter as part of the exhaust system. The catalytic converter is an emissions control device containing precious metals, such as platinum, palladium or rhodium, that act as catalysts. When hot exhaust enters the converter, a chemical reaction occurs that turns toxic carbon monoxide gas and hydrocarbons into less harmful emissions; and

WHEREAS, With the price of precious metal skyrocketing, thieves have acquired an interest in stealing catalytic converters, which they then pawn or sell to junk peddlers, secondhand dealers, motor vehicle repair shops, and recycling facilities for a fraction of the converter's cost. Stolen catalytic converters typically reap the thief a profit of \$100.00 to \$150.00, while, depending on the make and model of the vehicle, it costs the vehicle owner between \$1,000.00 and \$2,000.00 to replace; and

WHEREAS, Vehicles that sit higher from the ground, such as trucks, pick-up trucks and SUVs, are particularly vulnerable to catalytic converter theft because thieves can access the converter simply by sliding underneath the vehicle without having to jack it up. With just a few cuts of a battery-powered saw, a catalytic converter can be removed from a vehicle in less than a minute; and

WHEREAS, Catalytic converter theft typically happens to vehicles that are parked for prolonged periods in large parking lots, such as shopping centers, mass transit commuter lots or company parking lots. However, vehicles parked on City streets are not immune from such theft, as the February 2015 spate of catalytic converter thefts in the Armour Square neighborhood on Chicago's South Side most recently demonstrated; and

WHEREAS, Because catalytic converters are not marked with the vehicle's VIN number, they are not readily traceable to the vehicle's owner, making them easy fodder for theft and illegal resale; and

WHEREAS, The City Council of the City of Chicago seeks to deter catalytic converter theft by making it more difficult for thieves to sell stolen catalytic converters in Chicago; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 4-6-150 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

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4-6-150 Junk peddlers.

- (a) Definitions. As used in this section:

(Omitted text is unaffected by this ordinance)

"Junk peddler" means any person who travels, with or without a vehicle, from place to place within the city for the purpose of collecting, transporting or disposing of junk or who makes a business of purchasing junk from anyone who desires to sell it and carries it away upon purchasing it. The term "junk peddler" does not include any person issued a permit to operate a recycling facility under Article ~~XVII~~ XX of Chapter 11 -4 of this Code or any agent of such person, ~~or any person issued a permit to operate a junk facility under Article XVI of Chapter 11-4 of this Code or any agent of such person.~~

(Omitted text is unaffected by this ordinance)

- (f) Prohibited acts. It shall be unlawful for any licensee engaged in the business of junk peddler to:

(Omitted text is unaffected by this ordinance)

(8) purchase, collect, transport or dispose of any catalytic converter that is not attached to a motor vehicle, or any portion of a dismantled catalytic converter that is reasonably identifiable as such.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 4-240-150 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-240-150 Prohibited pledges or purchases.

- a) No such licensee under this chapter shall take or receive in pawn or pledge, for money loaned,

or shall buy any property from a minor, or shall so take, receive or buy any such property, the ownership of which is in, or which is claimed by, any minor, or which may be in the possession or under the control of any minor.

b) No such licensee under this chapter shall take any article in pawn or buy from any person appearing to be intoxicated or under the influence of any drug, nor from any person known to be a thief or to have been convicted of theft or burglary, and when any person is found to be the owner of stolen property which has been pawned or bought, such property shall be returned to the owner thereof without the payment of the amount advanced by the pawnbroker

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thereon or any costs or charges of any kind which the pawnbroker may have placed upon the same.

c) No such licensee under this chapter shall take or receive in pawn or pledge, for money loaned, or shall buy or otherwise transfer or receive, any firearm, ammunition, stun gun or taser from any person.

d) No licensee under this chapter shall purchase, take or receive from any person in pawn or pledge, for money loaned, any catalytic converter that is not attached to a motor vehicle, or any portion of a dismantled catalytic converter that is reasonably identifiable as such. In addition to any other penalty provided by law, any person who violates this subsection (d) shall be fined not less than \$1,000.00 nor more than \$2,000.00 for each offense.

SECTION 3. Section 4-264-090 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-264-090 Prohibited purchases.

a) No secondhand dealer shall purchase any article of secondhand property whatsoever from any minor without the written consent of a parent or legal guardian. The Such consent must be signed in the presence of the licensee, who must include the consent in the daily record required under Section 4-264-050.

b) No secondhand dealer shall purchase any article of secondhand property from any person who appears intoxicated or under the influence of any drug.

c) No secondhand dealer shall purchase any article of secondhand property from any person known to be a thief or to have been convicted of theft or burglary, and when any person is found to be the owner of stolen property which has been bought, such property shall be returned to the owner thereof without the payment of the amount paid by the secondhand dealer for the stolen property.

d) No secondhand dealer shall purchase, take or receive from any person any catalytic converter that is not attached to a motor vehicle, or any portion of a dismantled catalytic converter that is reasonably identifiable as such. In addition to any other penalty provided by law, any person who violates this subsection (d) shall be fined not less than \$1,000.00 nor more than \$2,000.00 for each offense.

SECTION 4. Section 4-228-210 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

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4-228-210 Proper disposal of unrepairable or unclaimed vehicle and parts other than tires and catalytic converters.

Motor vehicle repair shops shall lawfully dispose of all unrepairable or unclaimed motor vehicles and motor vehicle parts within their custody. ~~provided~~ Provided, however, that the disposal of tires shall be governed by ~~the requirements set forth in~~ Section 4-228-200. Provided further, that the disposal of catalytic converters shall be governed by Section 4-228-217. Proof of proper disposal, in the form of a receipt, shall be maintained by each motor vehicle repair shop on the business premises of the repair shop for ~~a minimum of~~ at least one year ~~and, and, upon~~ Upon request by any authorized city official, the receipt required under this section shall be made available for inspection by such authorized city official during the licensee's regular business hours.

SECTION 5. Section 4-228-215 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-228-215 Unlawful acts and omissions.

It shall be unlawful for any motor vehicle repair shop to perform any of the following acts or omissions related to the conduct of the business of the motor vehicle shop, whether done by the owner of the facility, the operator of the business or by any mechanic, employee, partner, officer or member of the motor vehicle repair shop:

(Omitted text is unaffected by this ordinance)

(k) installing or selling any muffler cutout, by-pass, straight pipe or similar device upon a motor vehicle licensed for use on public roads, or installing or selling on any motorcycle licensed for use on public roads any exhaust system or exhaust system component that is not labeled in accordance with Section 205.169 of Title 40 of the Code of Federal Regulations, indicating that the exhaust system or exhaust system component meets federal noise emission requirements for that model of motorcycle. For purposes of this subsection (k), the term "straight pipe" includes a muffler without baffles or any other noise inhibiting device; means an exhaust pipe lacking a muffler;

(1) purchasing from any person any catalytic converter that is not attached to a motor vehicle, or any portion of a dismantled catalytic converter that is reasonably identifiable as such, unless the person from whom such catalytic converter or portion thereof is purchased is: (1) another properly licensed motor vehicle repair shop under Chapter 4-228 of this Code, or (2) a properly permitted Class IVA or Class IVB recycling facility under Chapter 11-4 of this Code, or (3) the original manufacturer of the catalytic converter or portion thereof.

In addition to any

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other penalty provided by law, any person who violates this subsection (1) shall be fined not less than \$1,000.00 nor more than \$2,000.00 for each offense.

(Omitted text is unaffected by this ordinance)

SECTION 6. Chapter 4-228 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-228-217, underscored as follows:

4-228-217 Proper disposal of catalytic converters - Maintenance of records - Required.

a) Catalytic converters or parts of dismantled catalytic converters shall only be sold, disposed of or otherwise transferred: (1) to another properly licensed motor vehicle repair shop under Chapter 4-228 of this Code, or (2) to a properly permitted Class IVA or Class IVB recycling facility under Chapter 11-4 of this Code, or (3) by returning the converter or part thereof to its original manufacturer. Each catalytic converter or part thereof that is sold, disposed of or otherwise transferred pursuant to this section shall be accompanied by a copy of the invoice required under subsection (b) of this section pertaining to such converter or part.

b) A dated invoice shall be prepared for each catalytic converter that is removed from a vehicle. Such invoice shall include the full name, address, telephone number and driver's license number of the owner of the vehicle from which the catalytic converter was removed, and the make, model, year and vin number of such vehicle. The invoice required under this subsection shall be kept by the licensee for two years and, upon request by any authorized city official, shall be made available for inspection during the shop's regular business hours by such authorized city official.

SECTION 7. Section 11-4-2657 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

11-4-2657 Prohibited activities.

No recycling facility permittee shall:

(Omitted text is unaffected by this ordinance)

(g) sort through garbage for the purpose of recovering recyclable material without first obtaining a waste handling facility permit issued under Section 11-4-1520; ef

(h) accept, receive, purchase or acquire any material that is delivered to the facility in any (1) city-owned or government-owned garbage container or cart; or (2) city-owned or government-owned recycling container or cart; or (3) retail store shopping cart of the type commonly provided by big-box stores and supermarkets for use by customers to transport merchandise to the checkout counter during shopping; or

(i) purchase, or otherwise acquire for consideration of any type, any catalytic converter that is not attached to a motor vehicle unless the detached catalytic converter is accompanied by the motor vehicle from which it was removed, or any portion of a dismantled catalytic converter that is reasonably identifiable as such, unless the person selling, disposing of or otherwise transferring such catalytic converter or portion thereof to the permittee: (1) is a properly licensed motor vehicle repair shop under Chapter 4-228 of this Code and provides the permittee with a copy of the invoice required under Section 4-228-217(b), or (2) is another properly permitted Class IV A or Class IVB recycling facility under Chapter 11-4 of this Code, and in addition (3) is a regular customer of the permittee with an established customer account within the meaning of Section 11-4-2625(a) containing proof of the required licensure and meeting the criteria for an established customer account as set forth in the department's rules and regulations governing such accounts. Provided, however, that if a motor vehicle repair shop is located outside of the corporate limits of the city and is not required to be licensed under Chapter 4-288 of this Code, such motor vehicle repair shop shall: (i) provide the permittee with all of the information set forth in Section 4-228-217(b) pertaining to the catalytic converter or portion thereof that is being sold, disposed of or transferred to the permittee, and (ii) have an established customer account with the permittee meeting the criteria for an established customer account as set forth in the department's rules and regulations governing such accounts.

In addition to any other penalty provided by law, any person who violates this subsection (i) shall be fined not less than \$1,000.00 nor more than \$2,000.00 for the first violation; not less than \$2,000.00 nor more than \$3,500.00 for the second violation for the same offense within one year of the first offense; and not less than \$3,500.00 nor more than \$5,000.00 for the third and each subsequent violation for the same offense within

one year of the previous offense.

SECTION 8. Section 11-4-2660 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

11-4-2660 Rules and regulations authorized.

The commissioner shall promulgate rules and regulations necessary to implement the provisions of this Article XX. Such rules and regulations may include, but are not limited to, requirements for electronic reporting of valuable or uniquely identifiable recyclable materials.

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The commissioner is authorized to evaluate and approve for use under this chapter new technologies for composting.

SECTION 9. This ordinance shall take full force and effect ten days after its passage and publication.

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James A. Balcer

ALDERMAN, 11TH WARD 3659 S. HALSTED ST. 60609 Telephone: (773) 254-6677 FAX: (773) 254-8776 James.Balcer@cityofchicago.org <mailto:James.Balcer@cityofchicago.org>

City Council

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Council Chamber

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May 6, 2015

To the President and Members of the City Council:

Your Committee on Public Safety begs leave to report and recommend that Your Honorable Body pass the proposed substitute ordinance amending the Municipal Code Titles 4 and 11 regarding unauthorized sale of catalytic converters.

This recommendation was concurred unanimously by a viva voce vote of the members of the Committee with no dissenting vote.

(Mayoral, Quinn (13) & Others) (02015-1402)

Respectfully submitted,

**V James A. Balcer Chairman
Committee on Public Safety**