

ORDINANCE FOR UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS IN CHEROKEE COUNTY

WHEREAS, the citizens of Cherokee County have been plagued with numerous thefts of catalytic converters taken from automobiles.

WHEREAS, the North Carolina State Legislature has undertaken, but not yet passed, legislation to define and punish catalytic converter theft.

WHEREAS, the Cherokee County Sheriff's Department and other law enforcement agencies within Cherokee County, are in need of immediate local legislation to deter and prosecute catalytic converter theft until such time, if ever, the North Carolina State Legislature and the Governor of the State of North Carolina pass into law such legislation to address catalytic converter theft.

THEREFORE, pursuant to the authority granted unto the Cherokee County under North Carolina General Statute 153A-121 et seq, it shall be:

A Class 3 misdemeanor punishable by up to 20 days in jail for anyone to possess or transport within the confines of Cherokee County a catalytic converter or any component of a catalytic converter that is not attached to the exhaust system of a motor vehicle subject to the following presumption:

Presumption. – A person in possession of a catalytic converter that has been removed from a motor vehicle is presumed to have obtained the catalytic converter under circumstances constituting a violation of this ordinance unless the person is any of the following:

(1) An employee or agent of a company that is in the business of installing, replacing, maintaining, or removing catalytic converters, and the employee or agent is in possession of the catalytic converter as part of the person's official duties.

(2) A contractor that is in the business of installing, replacing, maintaining, or removing catalytic converters, and the contractor is in possession of the catalytic converter as part of the person's official duties.

(3) An individual that is in the business of installing, replacing, maintaining, or removing catalytic converters, and the individual is in possession of the catalytic converter as part of the person's official duties.

(4) An individual who removed the catalytic converter from a motor vehicle for purposes of repairing the motor vehicle and is intending to reattach the catalytic converter to the motor vehicle or (ii) is intending to lawfully dispose of the catalytic converter. Such person shall be allowed to possess such catalytic converter only at his or her residence or lawful place of business.

Possession of a catalytic converter or component of a catalytic converter shall be a separate and distinct offense from transportation of a catalytic converter or of a component of a catalytic converter under this ordinance.

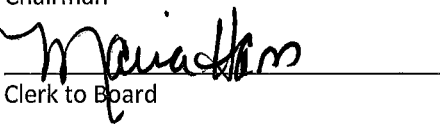
No provision of this ordinance shall supersede or supplant any state statute which may apply to the possession, theft or transportation of a catalytic converter or any component thereof.

This ordinance shall become effective upon adoption by the Cherokee County Board of Commissioners and shall expire in 1 year from the date of adoption.

ADOPTED THIS 15 DAY OF MARCH, 2021.



Chairman



Clerk to Board