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**BEFORE THE BOARD OF COMMISSIONERS
FOR LINCOLN COUNTY, OREGON**

ORDINANCE # 335

Relating to forfeiture; and creating new provisions.

WHEREAS motor vehicles operated by drivers who are under the influence of intoxicants are a danger to the community and constitute a nuisance; therefore, pursuant to ORS 203.035, 203.065(3) and 1989 Oregon Laws, chapter 791, as amended, § 1(4),

The Lincoln County Board of Commissioners ordains as follows:

SECTION 1.

Sections 2 and 3 of this Ordinance are added to and made a part of Lincoln County Code Chapter 2, as indicated.

SECTION 2.

2.3000 Forfeiture of Motor Vehicle Being Driven by Person Who is Under the Influence of Intoxicants

(1) A motor vehicle is a nuisance and is subject to civil *in rem* forfeiture if the motor vehicle is being driven by a person who is under the influence of intoxicants in violation of ORS 813.010 and the person:

(a) Has previously been convicted of, or forfeited bail or security for, driving while under the influence of intoxicants, or its statutory counterpart in any jurisdiction, within ten years before the date of the commission of the present offense;

(b) Has a charge of driving while under the influence of intoxicants, or its statutory counterpart in any jurisdiction, pending on the date of commission of the present offense;

Lincoln County Legal Counsel
Lincoln County Courthouse
225 W. Olive Street
Newport, Oregon 97365
Phone: 266-4108

1 (c) Has previously participated in a driving while under the influence of
2 intoxicants diversion program, or any similar alcohol or drug rehabilitation program in
3 this state or in any other jurisdiction, within ten years before the date of commission of
4 the present offense;

5 (d) Is participating in a driving while under the influence of intoxicants diversion
6 program, or any similar alcohol or drug rehabilitation program in this state or in any other
7 jurisdiction, on the date of commission of the present offense;

8 (e) Has previously been convicted of, or forfeited bail or security for, murder,
9 manslaughter, criminally negligent homicide or assault that resulted from the operation
10 of a motor vehicle in this state, or in any other jurisdiction, within ten years before the
11 date of the commission of the present offense; or

12 (f) Has a charge of murder, manslaughter, criminally negligent homicide or assault
13 that resulted from the operation of a motor vehicle in this state, or in any other
14 jurisdiction, pending on the date of commission of the present offense.

15 **SECTION 3.**

16 **2.3005 Procedures and Limitations Applicable to Forfeiture Proceedings**
17 **Brought Under LCC 2.3000**

18 Notwithstanding LCC chapter 10, forfeiture proceedings under LCC 2.3000 shall
19 be subject to the procedures and limitations set forth in 1989 Oregon Laws, chapter 791,
20 as amended.

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SECTION 4.

This Ordinance becomes effective on August 5, 1994.

DATED this 4th day of May, 1994.

LINCOLN COUNTY BOARD OF COMMISSIONERS



DON LINDLY, Chair



JEAN COWAN, Commissioner



NANCY E. LEONARD, Commissioner

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ATTESTED TO:



SUSAN KAYS, Recorder

APPROVED AS TO FORM:



WAYNE BELMONT, County Counsel