

GARIBALDI ORDINANCES

ORDINANCE NO. 232

AN ORDINANCE PROVIDING FOR THE SEIZURE AND FORFEITURE OF CERTAIN VEHICLES.

The City of Garibaldi does ordain as follows:

Section 1. Seizure and Forfeiture. The following vehicles are declared to be nuisances and are subject to seizure and forfeiture:

- A. A motor vehicle operated by a person who is criminally driving while suspended or revoked or in violation of a permit, in violation of ORS 811.182;
- B. A motor vehicle operated by a person under the influence of intoxicants in violation of ORS 813.010, where the person has:
 1. Participated in a driving while under the influence of intoxicants diversion program as provided for by the Oregon Revised Statutes, or its statutory counterparts in any jurisdiction within the previous ten (10) years, or
 2. Been convicted of or has forfeited bail or security for any of the following violations within the previous ten (10) years:
 - a. Driving under the influence of intoxicants under ORS 813.010 or its statutory counterpart in any jurisdiction, or
 - b. Any degree of murder, manslaughter, criminally negligent homicide or assault resulting from the operation of a motor vehicle, or statutory counterparts in any jurisdiction, or
 - c. Any crime punishable as a felony with proof of a material element involving the operation of a motor vehicle, or statutory counterparts in any jurisdiction, or
 - d. Failure to perform the duties of a driver under ORS 811.705 or its statutory counterparts in any jurisdiction, or
 - e. Reckless driving under ORS 811.140 or its statutory counterparts in any jurisdiction, or
 - f. Fleeing or attempting to elude a police officer under ORS 811.540 or its statutory counterparts in any jurisdiction, or

g. Any degree of recklessly endangering another person, menacing or criminal mischief resulting from the operation of a motor vehicle or its statutory counterparts in any jurisdiction, or

h. Failure to perform the duties of a driver under ORS 811.700 while driving a commercial motor vehicle or its statutory counterpart in any jurisdiction, or

i. Has habitual offender status under ORS 809.640 or its statutory counterpart in any jurisdiction.

SECTION 2. FORFEITURE PROCEEDINGS. All forfeiture proceedings pursuant to this Chapter shall be conducted in accordance with Sections 1 to 14 and 22, Chapter 791, Oregon Laws, 1989, as amended by Chapters 218, 237, 276, 291, 791, 800 and 924, Oregon Laws, 1991, or as such laws may be hereafter amended.

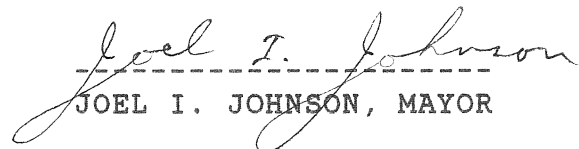
SECTION 3. CONFORMANCE WITH STATE LAW. This ordinance shall in no way be a substitute for, nor eliminate the necessity of conforming with any and all laws and rules of the State of Oregon, or its agencies.

SECTION 4. INCONSISTENT PROVISIONS. This ordinance shall supersede, control and repeal any inconsistent provisions of any City ordinance as amended or any other regulations made by the City of Garibaldi.

SECTION 5. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect on the 30th day following adoption by the City Council of the City of Garibaldi.

PASSED by the City Council and APPROVED by the Mayor this December 8, 1997.



JOEL I. JOHNSON, MAYOR

ATTEST:



ROBERTA E. BETTIS
INTERIM CITY RECORDER