



CITY OF BEAVERTON

CITY ORDINANCES

ORDINANCE #3840-ADDING BEAVERTON CODE SECTION 5.06.010, FORFEITURE,

TO PERMIT FORFEITURE OF PROPERTY BASED UPON CRIMINAL CONDUCT RELATING

TO THEFT, BURGLARY, ARSON, CRIMINAL MISCHIEF OR ROBBERY.

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CODE

ORDINANCE NO. 3840

AN ORDINANCE ADDING BEAVERTON CODE SECTION 5.06.010, FORFEITURE, TO PERMIT THE FORFEITURE OF PROPERTY BASED UPON CRIMINAL CONDUCT RELATING TO THEFT, BURGLARY, ARSON, CRIMINAL MISCHIEF OR ROBBERY.

WHEREAS, The Forfeiture Act of the State of Oregon (1989 Oregon Laws, chapter 791, as amended), provides the sole and exclusive law of the state pertaining to the forfeiture of real and personal property based upon prohibited conduct; and

WHEREAS, the Act is applicable throughout the state and in all cities and counties; and

WHEREAS, the Act does not impair the right of any city or county to enact an ordinance providing for the forfeiture of property based upon conduct that is other than prohibited conduct as defined in the Act, so long as:

- (a) The property was used to commit the conduct described in the ordinance, or is a proceed of the conduct, and
- (b) The forfeiture is subject to the procedures and limitations set forth in the Act; and

WHEREAS, the City Council of the City of Beaverton finds that prohibited conduct should include any criminal conduct relating to theft, burglary, arson, criminal mischief or robbery that is part of a pattern of prohibited conduct; and

WHEREAS, the City Council of the City of Beaverton finds that property used to commit prohibited conduct or that is a proceed of prohibited conduct should be forfeited subject to the procedures and limitations set forth in the Forfeiture Act of the State of Oregon.

NOW, THEREFORE, THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

"5.06.010 Forfeiture.

A. Any real or personal property used to commit prohibited conduct or that is a proceed of prohibited conduct may be forfeited pursuant to the procedures and limitations provided in the State Forfeiture Act.

B. As used in this section:

- 1. The term 'prohibited conduct' shall include violation of, solicitation to violate, attempt to violate or conspiracy to violate any provision of ORS 164.005 to 164.235, ORS 164.305 to 164.365, and ORS 164.395 to 164.415 relating to theft, burglary, arson, criminal mischief and robbery when the

conduct constitutes either a felony or a misdemeanor, as those terms are defined in ORS 161.525 and 161.545, and is part of a pattern of prohibited conduct.

2. The term 'pattern of prohibited conduct' shall mean engaging in at least two incidents of prohibited conduct that have the same or similar intents, results, accomplices, victims or methods of commissions or otherwise are interrelated by distinguishing characteristics, and are not isolated incidents, provided at least one of such incidents occurred after the effective date of this ordinance and that the last of such incidents occurred within two years after a prior incident of prohibited conduct."

First reading this 22 day of FEBRUARY, 1993.

Passed by the Council this 1 day of MARCH, 1993.

Approved by the Mayor this 2 day of MARCH, 1993.

ATTEST:

Ann Johnson
ANN JOHNSON, City Recorder

APPROVED:

Rob Drake
ROB DRAKE, Mayor