

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF MULTNOMAH

ORDINANCE NO. 565

An ordinance relating to civil forfeiture procedure authorizing the District Attorney to file the complaint, initiate applications for temporary restraining orders, and litigating civil forfeitures; amending MCC 7.85.035, and declaring an emergency.

Multnomah County ordains as follows:

Section 1. MCC 7.85.035 is amended to read:

7.85.035 Institution of legal proceedings.

(A) In the event of a seizure under this chapter, [~~and upon recommendation of~~] the District Attorney, [~~the County Counsel,~~] acting in the name of the County, may institute a forfeiture proceeding to obtain a judgment of forfeiture against the seized property.

(B) The proceedings shall be instituted promptly and in accordance with the Oregon Rules of Civil Procedure and the Oregon Rules of Evidence relating to civil actions. Within three judicial days after the seizure, [~~County Counsel~~] the District Attorney shall file the complaint and initiate an application for a temporary restraining order restraining the return of the seized property to the defendant or property owner. The defendant or the owner of the property may demand a trial by jury in any civil action brought pursuant to this section.

(C) [~~County Counsel~~] The District Attorney shall be entitled to deduct from the proceeds any attorney fees, costs and expenses incurred in the litigation.

Section 2. Emergency Clause.


This Ordinance being necessary to protect the health, safety and welfare of the people of Multnomah County, an emergency is declared to exist. This Ordinance shall take effect immediately upon its adoption by the Board of County Commissioners and authentication by the Chair of Multnomah County.

ADOPTED this 12th day of November, 1987, being the date of its
2nd reading before the Board of County Commissioners of
Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

(SEAL)
November 13, 1987

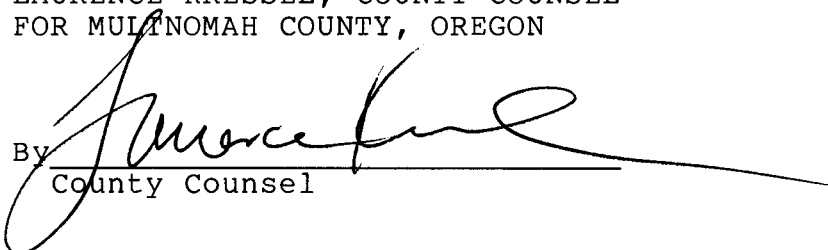
BY


Gladys McCoy
County Chair

APPROVED AS TO FORM:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By


County Counsel