



CITY OF
PORTLAND, OREGON
OFFICE OF THE CITY AUDITOR
Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF TIMOTHY R. NEWMAN

CASE NO. 1090213

DESCRIPTION OF VEHICLE: Ford Explorer (OR WEZ546)

DATE OF HEARING: October 1, 2009

APPEARANCES:

Mr. Timothy Newman, Appellant

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer makes this decision based upon Mr. Newman's testimony and the exhibits admitted into the evidentiary record (Exhibits 1 through and including 8).

The officer's report (Exhibit 6) indicated that the appellant's vehicle was parked on a dead end street that had multiple clearly posted no parking anytime signs on both sides of the road. The appellant's vehicle was parked next to one of the signs, and there was another such sign about 30 yards behind the vehicle.

The appellant testified and provided photographs (Exhibit 8). The appellant stated that the photographs indicated where he parked his vehicle before it was towed. The appellant stated that there were numerous signs posted along the street, with many of them broken or removed.

The Hearings Officer found, from examining the photographs, that there was a sign right in front of the appellant's vehicle. However, this sign was turned away from the vehicle in the photograph, and so the Hearings Officer could not tell if it applied to where the appellant parked. The Hearings Officer asked the appellant if he had noticed a no parking sign posted some 30 yards behind his vehicle, as indicated by the officer. The appellant responded that he did not see such a sign.

The Hearings Officer found that the appellant's photographs showed a few of what appeared to be no parking signs, as described by the officer. Given the officer's description of additional no parking signs, including one behind the appellant's vehicle, and the appellant testifying that there were numerous signs posted, the Hearings Officer finds that more probably than not the zone was adequately posted. Given these circumstances, the Hearings Officer finds that the tow was valid. Please note the relevant city code sections below.

16.30.210 When a Vehicle May be Towed.

(Amended by Ordinance Nos. 172788 and 179141, effective March 23, 2005.) A vehicle may be towed and held at the expense of the owner or person entitled to possession thereof from:

A. Any public right-of-way, public park or other public place or property, when:

1. The vehicle is parked in violation of a temporary or permanent parking restriction;

B. Permanent parking restrictions may be enforced by tow 24 hours after placement in any meter or non meter areas.

16.30.220 Towing Without Prior Notice.

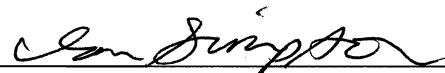
(Amended by Ordinance Nos. 165980, 170912, 176352, and 176442, effective May 1, 2002.) Any authorized officer may, without prior notice, order a vehicle towed, when:

B. The vehicle is illegally parked in a conspicuously posted restricted space, zone, or traffic lane where parking is limited to designated classes of vehicles or is prohibited in excess of a designated time period, or during certain hours, or on designated days, or at any time and place the vehicle is interfering or reasonably likely to interfere with the intended use of such a space, zone, or traffic lane;

Therefore, it is ordered that all towing and storage charges against the vehicle shall remain the responsibility of the vehicle's owner.

This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: October 5, 2009
IS:rs


Ian Simpson, Hearings Officer

Bureau: Police
Tow Number: 17920

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request form	Newman, Timothy R.	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Towed Vehicle Record	Police Records	Received
6	Investigation Report	Police Records	Received
7	Updated address information	Newman, Timothy R.	Received
8	Photos (2 pgs) nearly illegible	Newman, Timothy R.	Received