



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

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HEARINGS OFFICER'S ORDER

APPEAL OF MANUS O'DONNELL

CASE NO. 1090220

DESCRIPTION OF VEHICLE: Honda Accord (OR 829EES)

DATE OF HEARING: October 8, 2009

APPEARANCES:

Mr. Manus O'Donnell, appellant

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer makes this decision based upon Mr. O'Donnell's testimony and the exhibits admitted into the evidentiary record (Exhibits 1 through and including 10).

The officer's report (Exhibit 7) indicated that the appellant's vehicle was parked in a prohibited time area. There were three signs posted indicating no parking. The officer provided photographs (Exhibits 8 and 9) showing the signs posted near the vehicle.

The appellant testified that he did not dispute that he was parked in violation of the signs. However, he stated that the signs did not indicate that a violating vehicle could be towed. He also argued that it was not appropriate for the area he parked to be a no parking area because it was a cul-de-sac with almost no traffic, and parking vehicles there created no traffic hazard.

The Hearings Officer finds that the city code authorizes an officer to tow a vehicle it is parked in violation of signage. The Hearings Officer finds that the code does not require that signs indicate that a violating vehicle may be towed. The Hearings Officer finds that the appellant's other arguments concern policy for why signs are posted in particular locations, and such issues are beyond the scope of this hearing to address.

Given these circumstances, the Hearings Officer finds that this was a valid tow. 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 9, 2009
IS:rs/cb



Ian Simpson, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 18866

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	O'Donnell, Manus	Received
2	Photo	O'Donnell, Manus	Received
3	Tow Invoice and Parking Violation	O'Donnell, Manus	Received
4	Tow Desk printout	Hearings Office	Received
5	Hearing Notice	Hearings Office	Received
6	Tow Hearings Process Info. sheet	Hearings Office	Received
7	Tow hearing report	Parking Enforcement	Received
8	Photos (2 pgs)	Parking Enforcement	Received
9	Parking Citation	Parking Enforcement	Received
10	Parking Violation w/photos on back	Parking Enforcement	Received