



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

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**HEARINGS OFFICER'S ORDER**

**APPEAL OF KANDLE COFFMAN**

CASE NO. 1090230

DESCRIPTION OF VEHICLE: Honda Accord (OR 657BEH)

DATE OF HEARING: October 22, 2009

**APPEARANCES:**

None

HEARINGS OFFICER: Mr. Ian Simpson

Ms. Coffman did not appear at the hearing. The hearing notice mailed on October 16, 2009 to the address Ms. Coffman provided was not returned as undeliverable by the U.S. Postal Service. The Hearings Officer makes this decision based upon the exhibits admitted into the evidentiary record (Exhibits 1 through and including 6).

The officer's report (Exhibit 5) stated that the appellant's vehicle was towed per request from a property owner. The vehicle was parked nine feet into the property owner's driveway, rendering it unusable. The officer provided photographs (Exhibit 6) showing the vehicle blocking part of the driveway.

The appellant stated in her letter requesting a hearing (Exhibit 1) that she believed the tow was invalid because the vehicle was barely blocking the driveway, there were no signs stating that she could not park in the area, and it was too dark when she parked to see the driveway.

The Hearings Officer finds that the city code authorizes an officer to tow a vehicle if it is blocking any portion of a driveway. Moreover, the code authorizes an officer to tow a vehicle without prior notice if the vehicle is impeding or likely to impede the normal flow of traffic. In this case, the Hearings Officer finds that the appellant's vehicle was blocking a substantial part of a driveway and was likely to impede a vehicle from using it. The Hearings Officer finds that the code does not require that signs be posted to indicate that a vehicle may not be parked blocking a driveway, and that the code does not make any exception in this circumstance for when a vehicle is parked when it is dark. Given these circumstances, the Hearings Officer finds that this was a valid tow. Please note the relevant city code sections below.

**16.20.130 Prohibited in Specified Places.**

(Amended by Ord. No. 165594, July 8, 1992.) Except when specifically directed by authority of this Title or when necessary to avoid conflict with other traffic, it is unlawful to park or stop a vehicle in any of the following places:

V. In front of any portion of a driveway ingress/egress to the public right-of-way.

**16.30.220 Towing Without Prior Notice.**

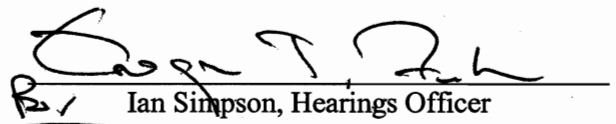
(Amended by Ordinance Nos. 165980, 170912, 176352, and 176442, effective May 1, 2002.) Any authorized officer may, without prior notice, order a vehicle towed, when:

A. The vehicle is impeding or likely to impede the normal flow of vehicular or pedestrian traffic;

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 28, 2009  
IS:cb/rs

  
Ian Simpson, Hearings Officer

Bureau: Parking Enforcement  
Tow Number: 20049

Enclosure

| Exhibit # | Description               | Submitted by        | Disposition |
|-----------|---------------------------|---------------------|-------------|
| 1         | Letter                    | Coffman, Kandle     | Received    |
| 2         | Tow desk printout         | Hearings Office     | Received    |
| 3         | Hearing notice            | Hearings Office     | Received    |
| 4         | Tow hearing info. sheet   | Hearings Office     | Received    |
| 5         | Tow hearing report        | Parking Enforcement | Received    |
| 6         | Parking Citation w/photos | Parking Enforcement | Received    |