



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

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HEARINGS OFFICER'S ORDER

APPEAL OF BARBARA ZAPPAS

CASE NO. 1090231

DESCRIPTION OF VEHICLE: Saab (OR 216BAA)

DATE OF HEARING: October 29, 2009

APPEARANCES:

Ms. Barbara Zappas, appellant

Deputy Deborah Barkley, for the City of Portland

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer makes this decision based upon Ms. Zappas's, Mr. Michael Frommlet's and Deputy Barkley's testimony and the exhibits admitted into the evidentiary record (Exhibits 1 through and including 7).

Deputy Barkley testified that a tow request was received about the appellant's vehicle. It was parked blocking part of a driveway. The deputy provided photographs (Exhibits 7) showing the appellant's vehicle blocking part of a driveway.

The appellant testified that the person whose driveway the vehicle was towed from had asked the appellant to park her vehicle close to the driveway so that more room would be available to park other vehicles along the curb. She stated that she did not challenge what the deputy did. Mr. Frommlet testified that he parked the vehicle before it was towed. The appellant stated that there was no yellow curb or sign to indicate no parking.

The Hearings Officer finds that the city code authorizes an officer to tow a vehicle if it is blocking a driveway, and no prior notice is required if the vehicle is likely to impede the normal flow of traffic. In this case, the Hearings Officer finds that the city code states that it is a violation to park in front of any portion of a driveway, and the Hearings Officer finds that blocking a portion of the driveway, as shown in the deputy's photographs, was likely to impede traffic from accessing the public street. The Hearings Officer also finds that the city code does not required that prohibitions against blocking a driveway be indicated with a yellow curb or signage.

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 30, 2009
IS:rs/cb


Ian Simpson, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 766615

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Zappas, Barbara	Received
2	Tow Invoice	Zappas, Barbara	Received
3	Tow Desk printout	Hearings Office	Received
4	Hearing Notice	Hearings Office	Received
5	Tow Hearings Process Info. sheet	Hearings Office	Received
6	Tow hearing report	Parking Enforcement	Received
7	Parking Citation w/photos	Parking Enforcement	Received