



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

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HEARINGS OFFICER'S ORDER

APPEAL OF PARKER HILL

CASE NO. 1100037

DESCRIPTION OF VEHICLE: Baja Chetak motor scooter (OR M652803)

DECISION WITHOUT PERSONAL APPEARANCE

HEARINGS OFFICER: Mr. Gregory J. Frank

Mr. Hill submitted two letters to the Tow Hearings Office (Exhibits 1 and 5). The City of Portland Office of Transportation submitted 3 documents (Exhibits 7, 8 and 9). Mr. Hill, in Exhibit 5, requested that the Hearings Officer make a decision based upon the documents in the record and without his personal appearance at a hearing. The Hearings Officer makes this decision based upon the documents admitted into the evidentiary record (Exhibits 1 through and including 9).

Mr. Hill, in Exhibit 1 (request for a tow hearing), states that he parked his scooter on NW Flanders Street between 19th and 20th. Mr. Hill stated that when he parked his scooter there was not a "No Parking" sign at the location. Mr. Hill stated that he personally did not receive any notice that a "No Parking" sign was going to be installed at the location he parked his scooter. Mr. Hill stated that he did not receive any notice that his scooter was going to be towed. Mr. Hill stated, in Exhibit 1, that "I understand no vehicle is to be parked in one spot for more than 72 hours. I should have moved it, or at least checked on it, but I recently changed jobs and I had not needed to commute for the week that it was parked." Mr. Hill, in Exhibit 5 (letter requesting a decision without appearance) states that he felt "that changing parking space to a NO PARKING zone without notifying any vehicles' owners before towing is unfair, but I cannot prove it is legally wrong."

The Parking Enforcement Officer who ordered Mr. Hill's scooter towed on February 9, 2010, submitted a written statement (Exhibit 7). The Parking Enforcement Officer, in Exhibit 7, states that "City ordinance states a vehicle has to move every 24 hrs. As the pictures show the vehicle was in the No Parking Zone with a yellow curb." Exhibit 8 is a copy of the Parking Violation issued prior to Mr. Hill's scooter being towed. Exhibit 8 states the parking violation to be "No Parking Anytime" (Portland City Code Title 16.20.210). Exhibit 9 contains two pictures. The picture on the left side of Exhibit 9 shows a scooter with a No Parking Sign in the background and the curb next to the scooter painted yellow. The picture on the right side of Exhibit 9 shows Mr. Hill's scooter adjacent to a yellow painted curb.

The Hearings Officer must find a tow valid if the Hearings Officer finds that the person ordering the tow followed the relevant laws/rules. In this case, the relevant laws/rules are found in the Portland City Code ("PCC") Title 16. The specific sections of PCC Title 16 that are relevant to this case are found in PCC 16.20.210, 16.30.210 and 16.30.220 B. PCC 16.20.210 states that "no vehicle may park in any no-parking zone at any time." PCC 16.30.210 A.1 states that a vehicle may be towed and held at the expense of the owner if the vehicle is in the

public right-of-way and is parked in violation of a temporary or permanent parking restriction. PCC 16.30.220 B. states that a vehicle may be towed, without prior notice to the owner of the vehicle, if the vehicle is illegally parked in a conspicuously posted restricted space.

The Hearing Officer finds that the letters written by Mr. Hill (Exhibits 1 and 5) are credible and truthful. The Hearings Officer finds that the statement made by the Parking Enforcement Officer (Exhibit 7) is credible and truthful. The Hearings Officer finds that the pictures (Exhibit 9) are persuasive. The Hearings Officer finds that it is more probable than not that Mr. Hill's scooter was parked in a No Parking Zone prior to the Parking Enforcement Officer ordering the scooter towed. The Hearings Officer finds the No Parking Zone sign is clearly visible and conspicuous. The Hearings Officer finds, although it is not legally required by PCC, the yellow painted curb clearly indicates the location where the scooter was parked is a restricted zone.

The Hearings Officer finds that the Parking Enforcement Officer who ordered Mr. Hill's scooter towed on February 9, 2010 followed the relevant laws/rules. The Hearings Officer finds that no neighborhood mailing or notice is legally required prior to the placement of a No Parking Zone sign. The Hearings Officer finds that Mr. Hill's scooter was parked in a No Parking Zone and thereby was subject to being towed, without prior notice to the owner. The Hearings Officer finds that the tow of Mr. Hill's scooter on February 9, 2010 is valid.

The Hearings Officer notes that PCC 16.20.170 requires that a person not park a vehicle on the public right-of-way in excess of 24 hours. PCC 16.20.170 B states "failure to operate and move a vehicle or other personal property on public right-of-way or other public property in excess of 24 hours without permission of the City Engineer, the City Traffic Engineer, or the Bureau of Development Services."

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: February 25, 2010
GJF:rs/cb



Gregory J. Frank, Hearings Officer

Enclosure

Bureau: Parking Enforcement
Tow Number: 2576

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Hill, Parker	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	2/22/10 request for decision without appearance	Hill, Parker	Received
6	Tow Receipt	Hill, Parker	Received
7	Tow hearing report	Parking Enforcement	Received
8	Parking violation	Parking Enforcement	Received
9	Photos	Parking Enforcement	Received