



## CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

### Hearings Office

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## HEARINGS OFFICER'S ORDER

APPEAL OF Beth Clark

CASE NO. 1120083

DESCRIPTION OF VEHICLE: Volkswagen Beetle (OR 809FNT)

DATE OF HEARING: May 15, 2012

### APPEARANCES:

Ms. Beth Clark, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

### FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The appeal hearing for Ms. Clark was scheduled to begin at 1:45 p.m. on May 15, 2012. Ms. Clark appeared at her hearing after her hearing was concluded. The Hearings Officer went back on the record to explain the decision made during her hearing. The Hearings Officer makes this decision based upon the documents admitted into the evidentiary record (Exhibits 1 through and including 7).

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 16.30.220. In summary, PCC 16.30.220 states that any authorized officer may, without prior notice, order a vehicle towed, when the vehicle is illegally parked in a conspicuously posted restricted space, zone, or traffic lane where parking is limited to designates 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.

Ms. Clark's written statement (Exhibit 1) indicates that she is a resident of NW Portland and familiar with posted parking signage in the area. Ms. Clark stated that she:

"...found a spot open behind Fred Meyer on NW 20<sup>th</sup> Ave between Burnside and Everett. Having literally just purchased a brand new car, and being very much aware of the loading zone restrictions (see attached photos showing signs) I made sure I was parked behind sign #1 and yet, my car was still towed."

Ms. Clark submitted a document (Exhibit 1a) with four color photographs. The photographs clearly show the parking signage in the general location where Ms. Clark parked her vehicle prior to it being ordered towed by the City. Ms. Clark noted, in the lower right hand photo (Exhibit 1a), the approximate location where she parked her vehicle.

The City of Portland Parking Enforcement Officer who ordered Ms. Clark's vehicle towed submitted various documents (Exhibits 5 through 7). Exhibit 7 contains three pages of color photographs. The photos in Exhibit 7 show a VW Beetle (Oregon license 809FNT).

Ms. Clark asserts that on April 23, 2012, she parked north of a sign restricting parking for loading/unloading of trucks. Ms. Clark stated that the truck loading zone sign that she identifies as sign #1 in Exhibit 1a was in front of her vehicle; the arrow denoting the loading zone pointing to the south and away from her vehicle. Ms. Clark asserts that an additional truck loading zone sign, with arrows pointing both north and south (sign #2 on Exhibit 1a), was multiple car lengths to the south of the location where she was parked.

The Hearings Officer finds that the two enlarged photos that were submitted by the Parking Enforcement Officer (Exhibit 7) show Ms. Clark's vehicle parked immediately north of the truck loading zone sign with arrows pointing both north and south. The Hearings Officer informed Ms. Clark that he was familiar with the general area of NW 20<sup>th</sup> between West Burnside and NW Everett. The Hearings Officer informed Ms. Clark that his general familiarity with the area assisted him in interpreting the photos submitted by Ms. Clark and the Parking Enforcement Officer. The Hearings Officer finds that Ms. Clark's vehicle was parked just north of the sign designated #2 in Ms. Clark's photos (Exhibit 1a); within a restricted truck loading zone. The Hearings Officer finds that Ms. Clark's vehicle was not parked in the location described in the photo in the lower right corner of Exhibit 1a. The Hearings Officer finds the truck loading zone parking signs are conspicuously posted and clearly convey the location is a restricted zone.

The Hearings Officer finds that the Parking Enforcement Officer who ordered Ms. Clark's vehicle towed on April 24, 2012, followed all relevant laws/rules. The Hearings Officer finds the signage in the area where Ms. Clark parked her vehicle is clearly and conspicuously posted. The Hearings Officer finds that the tow of Ms. Clark's vehicle on April 24, 2012, is valid.

**ORDER:**

1. The City of Portland ordered tow of Ms. Clark's vehicle (VW Beetle – Oregon 809FNT) on April 24, 2012, is valid.
2. All towing and storage charges against the vehicle shall remain the responsibility of the vehicle's owner.

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

Dated: May 16, 2012

GJF: c2



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 Gregory J. Frank, Hearings Officer

Enclosure

Bureau: Parking Enforcement  
 Tow Number: 6807

<b>Exhibit #</b>	<b>Description</b>	<b>Submitted by</b>	<b>Disposition</b>
1	Tow Hearing Request Form	Clark, Beth	Received
1a	Photos	Clark, Beth	Received
2	Tow Desk printout	Hearings Office	Received
3	Notice of Hearing	Hearings Office	Received
4	Statement of Rights and Procedures	Hearings Office	Received
5	Tow Hearing Report	Parking Enforcement	Received
6	Parking Violation	Parking Enforcement	Received
7	Photos	Parking Enforcement	Received