



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF MARY STEWART

CASE NO. 1120091

DESCRIPTION OF VEHICLE: Toyota Camry (OR 843DSP)

DATE OF HEARING: May 29, 2012

APPEARANCES:

Ms. Mary Stewart, Appellant

HEARINGS OFFICER: Ms. Kimberly M. Graves

Ms. Stewart appeared at the hearing and testified on her own behalf. No one appeared on behalf of the City. The Hearings Officer makes this decision based on substantial evidence upon the record as a whole, which includes the testimony of Ms. Stewart and the documents admitted into evidence (Exhibits 1 through and including 7).

Summary of Evidence:

Ms. Stewart submitted a Tow Hearing Request Form, Exhibit 1, regarding the tow of her vehicle on May 9, 2012, from SE Division. Ms. Stewart writes in Exhibit 1, "The sign on the west side of the tow zone was not secured to the post and was difficult to read. I would like to request that this tow ticket be voided." Ms. Stewart appeared at the hearing and testified that the sign in the middle of the block was upside down and difficult to read. Ms. Stewart testified that she mistakenly thought that the sign in front of her vehicle was for the area in front of where she was parked, and not for where her vehicle was parked.

The City submitted Exhibits 5 through, and including, 7 regarding the tow of Ms. Stewart's vehicle. Exhibit 5 is a Tow Hearing Report indicating that Ms. Stewart's vehicle was towed on May 9, 2012, at approximately 4:37 p.m. The narrative portion of the report indicates that the vehicle was cited and towed as part of the daily routine patrol of the area. The report indicates that the middle sign on the block was damaged and hanging upside down, but that it was still readable. The report further indicates that the sign at the east end of the zone and directly in front of Ms. Stewart's vehicle is not damaged. Exhibit 6 is a copy of the citation issued to Ms. Stewart when her vehicle was towed. Exhibit 7 contains three photos of the area where Ms. Stewart's vehicle was parked. The photos show a No Parking sign indicating that parking is prohibited between 4p-6p Monday through Friday. The upper right photo shows that Ms. Stewart's vehicle is parked adjacent to the No Parking sign with the sign next to the right front bumper of the vehicle.

Applicable Law:

The Hearings Officer must find a tow is valid if the person ordering the tow followed the relevant laws/rules. In this case, the relevant laws/rules can be found in the Portland City Code ("PCC") Title 16. 16.30.210A1 provides that a vehicle may be towed and held at the expense of the owner from any public right-of-way when the vehicle is parked in violation of a permanent parking restriction. PCC 16.30.220B permits any authorized officer to tow a vehicle without prior notice when the vehicle is illegally parked in a conspicuously posted restricted space, zone, or traffic lane.

Findings of Fact and Conclusions of Law:

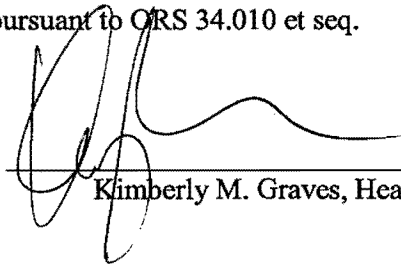
The Hearings Officer finds that on May 9, 2012, at approximately 4:30 p.m., Ms. Stewart's vehicle was parked on SE Division Street in an area which had a permanent parking restriction prohibiting parking between 4:00 p.m. and 6:00 p.m. The Hearings Officer finds that the zone was conspicuously posted and a sign was clearly visible in front of Ms. Stewart's vehicle. The Hearings Officer finds the tow of Ms. Stewart's vehicle to be valid.

Order:

Therefore, it is ordered that all towing and storage charges against the vehicle, and an administrative fee, if applicable, shall remain the responsibility of the appellant.

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

Dated: May 31, 2012
KMG:c1



Kimberly M. Graves, Hearings Officer

Enclosure

Bureau: Parking Enforcement
Tow Number: 7608

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Stewart, Mary	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Notice of Rights and Procedures	Hearings Office	Received
5	Tow Hearing Report	Parking Enforcement	Received
6	Parking Violation #HA10884531	Parking Enforcement	Received
7	Photos	Parking Enforcement	Received