



CITY OF PORTLAND

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HEARINGS OFFICER'S ORDER

APPEAL OF ALONZO A. WATTS

CASE NO. 1120092

DESCRIPTION OF VEHICLE: Chevrolet C25 Truck (OR XZU710)

DATE OF HEARING: May 22, 2012

APPEARANCES:

Ms. Sandra Graham, on behalf of Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Ms. Sandra Graham ("Graham") appeared at the hearing as an authorized representative of Mr. Alonzo A. Watts ("Watts"). No person appeared at the hearing to testify on behalf of the City of Portland Bureau of Transportation. The Hearings Officer makes this decision based upon the testimony of Graham and the documents admitted into the evidentiary record (Exhibits 1 through and including 14).

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 16.20.120 Q, PCC 16.30.210 A.2 and PCC 16.30.220 A and D. PCC 16.20.120 Q states that it is unlawful to park or stop a vehicle in a manner that creates a traffic hazard impeding the safe movement of vehicular or pedestrian traffic. PCC 16.30.210 A.2 states that a vehicle may be towed and held at the expense of the owner or person entitled to possession thereof if the vehicle is in the public right-of-way and the vehicle is parked/stopped unlawfully in a manner that may be hazardous to traffic. PCC 16.30.220 A authorizes a police officer to order a vehicle towed, without prior notice, if the vehicle is impeding or likely to impede the normal flow of vehicular traffic. PCC 16.30.220 D permits a police officer to order a vehicle towed, without prior notice, if the vehicle poses an immediate danger to public safety.

Graham testified that she is representing Watts, the owner of a vehicle towed from North Ross Avenue (City of Portland) on or about May 10, 2012, because Watts is seriously ill. Graham stated that Watts informed her that, on the date of the tow, he was driving to Legacy Emanuel Hospital. Watts told Graham that he parked his vehicle and walked to the hospital. Graham stated that Watts informed her that he was not sure how exactly the vehicle

ended up being parked at the location from which it was towed. Graham stated that Watts told her that he asked a friend (not Graham), later that day, to check on his vehicle. The friend told Watts that she did not find the vehicle.

Graham stated that she visited Watts in the hospital and was informed about the vehicle being towed. Graham related to the Hearings Officer a story of frustration as she tried to find the vehicle and later trying to get the vehicle released. Graham indicated that she was prepared, on behalf of Watts, to get the vehicle released from the tow yard but was informed that a "hold" had been placed on the vehicle.

Graham viewed the photos in Exhibit 12 and stated she could not estimate the distance of the vehicle's front wheel to the curb. Graham questioned whether or not the location of the vehicle shown in the photos (Exhibit 12) actually created a safety hazard. Graham stated that the vehicle's parked location was not within a traffic lane. Graham indicated that there was confusion, on the City's part, as to who actually ordered the Watts vehicle towed; the Police Bureau or Parking Enforcement. Graham was uncertain as to who actually filled in the blanks and who wrote the comments on Exhibit 8.

The Parking Enforcement Officer, in Exhibit 8, states that Mr. Watts' vehicle was parked "the wrong way on the street and the front end of vehicle was out into the traffic lane."

The Hearings Officer finds that the most persuasive evidence in this case is Exhibit 12. The photos on Exhibit 12, particularly the two on the left side of the page, clearly indicate that the Watts' vehicle was parked in a somewhat skewed manner. The photos on Exhibit 12 clearly show the Watts vehicle was parked the "wrong way" on the street (facing oncoming traffic). The Hearings Officer finds that the back left tire of the Watts vehicle is very close to the curb and the front left tire is at least 2 feet from the curb. The Hearings Officer finds the skewed parking of the Watts vehicle could reasonably be considered to create a traffic hazard for vehicles using North Ross Avenue. The Hearings Officer finds that the Parking Enforcement Officer reasonably concluded the Watts vehicle, on May 10, 2012, was in violation of PCC 16.20.120 Q. The Hearings Officer finds that the Parking Enforcement Officer, on May 10, 2012, followed all relevant laws and rules in ordering the Watts vehicle towed. The Hearings Officer finds the tow of the Watts vehicle, on May 10, 2012, is valid.

ORDER:

1. The City of Portland ordered tow of the Watts vehicle (Chevrolet C25, Oregon license XZU710) on May 10, 2012, is valid.
2. All towing and storage charges against the vehicle, and an administrative fee, if applicable, shall remain the responsibility the appellant, Mr. Alonzo A. Watts.
3. This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: May 23, 2012
GJF:c1/c2



Gregory J. Frank, Hearings Officer

Enclosure

Bureau: Parking Enforcement
Tow Number: 7655

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Watts, Alonzo A.	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Notice of Rights and Procedures	Hearings Office	Received
5	Proof of Ownership Required Letter	Hearings Office	Received
6	Notice of Hearing	Hearings Office	Received
7	Proof of Ownership Required Letter	Hearings Office	Received
8	Tow Hearing Report	Parking Enforcement	Received
9	Parking Violation #HA09889060	Parking Enforcement	Received
10	Photos	Parking Enforcement	Received
11	Parking Violation #HA09889060 (duplicate)	Parking Enforcement	Received
12	Photos	Parking Enforcement	Received
13	OR Vehicle Title Certificate	Sandra Graham	Received
14	Tow Hearing Request Form (copy)	Sandra Graham	Received