



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

1900 SW 4th Avenue, Room 3100

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: www.portlandoregon.gov/auditor/hearings



HEARINGS OFFICER'S ORDER

APPEAL OF ANTHONY WADE MEYRICK

CASE NO. 1120101

DESCRIPTION OF VEHICLE: Toyota Camry (OR 114CJF)

DATE OF HEARING: June 21, 2012

APPEARANCES:

None

HEARINGS OFFICER: Ms. Kimberly M. Graves

Mr. Meyrick did not appear at the hearing or testify on his 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 documents admitted into evidence (Exhibits 1 through and including 8).

Summary of Evidence:

Mr. Meyrick submitted a Tow Hearings Request Form, Exhibit 3, and a handwritten letter, Exhibit 1, regarding the tow of his vehicle on May 31, 2012. Mr. Meyrick writes in his letter that his vehicle was towed from in front of his home at 10:45 p.m. Mr. Meyrick writes that his son was using his vehicle to move items home and parked "in front of APT in short term zone to unload for safety." Mr. Meyrick further indicates "He claims he was NOT blocking driveway." Mr. Meyrick indicates in his letter that he is very upset about the fee that he had to pay to get the vehicle back just 45 minutes after it was towed. Mr. Meyrick also writes that his vehicle sustained damage during the tow. Mr. Meyrick did not appear at the hearing or offer any additional evidence.

The City submitted Exhibits 8 through, and including, 10 for the Hearings Officer's consideration. Exhibit 8 is a Tow Hearing Report indicating that the vehicle was towed on May 31, 2012 from SE Milwaukie Avenue for the violation of "block driveway." The narrative portion of the report indicates that a service request was received from a resident to move a vehicle which was blocking a driveway. The report indicates that the vehicle was parked approximately 5 feet into the driveway and was blocking several vehicles in. Exhibit 9 is a copy of the citation issued at the time of the tow. Exhibit 10 contains four photos taken at the time of the tow. The photos are very dark and difficult to decipher. In the upper two photos the passenger side of a vehicle, as well as the edge of a driveway, can be seen. In the upper two photos it is clear that the vehicle is parked into the driveway such that

the edge of the driveway is next to the passenger side front door. It appears that at least 5 feet, if not more, of the vehicle is parked blocking the driveway.

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. The specific sections of PCC Title 16 that are relevant to this case are found in PCC 16.20.130 V., PCC 16.30.220B and PCC 16.90.105. PCC 16.20.130 V states that it is unlawful to park or stop a vehicle in front of any portion of a driveway ingress/egress to the public right-of-way. PCC 16.90.105 defines a “driveway” for the purposes of Title 16. In summary, PCC 16.90.105 defines a “driveway” as an access extending from a public right-of-way onto private or public lands for the purpose of gaining vehicular access to such areas and reasonably designated at the property line so as to be an obvious open for access. For the purposes of enforcement a driveway extends from one curb return to the other and if winged, includes the wings. PCC 16.30.220 A permits a vehicle to be towed without prior notice and stored, at the owner’s expense, when the vehicle is impeding or likely to impede the normal flow of vehicular or pedestrian traffic.

Findings of Fact and Conclusions of Law:

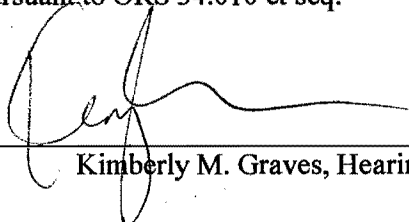
The Hearings Officer finds that on May 31, 2012, Mr. Meyrick’s vehicle, while driven by his son, was parked in front of a driveway. The Hearings Officer finds that where Mr. Meyrick’s vehicle was parked it impeded the normal flow of vehicular traffic into and out of the driveway. The Hearings Officer finds the tow of Mr. Meyrick’s vehicle is valid.

Order:

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: June 22, 2012
KMG:c1



Kimberly M. Graves, Hearings Officer

Enclosure

Bureau: Parking Enforcement
Tow Number: 8768

<u>Exhibit #</u>	<u>Description</u>	<u>Submitted by</u>	<u>Disposition</u>
1	Letter	Meyrick, Anthony Wade	Received
2	Tow Desk printout	Hearings Office	Received
3	Tow Hearing Request Form	Meyrick, Anthony Wade	Received
4	ORS Info. sheet	Meyrick, Anthony Wade	Received
5	6/7/12 denial letter	Meyrick, Anthony Wade	Received
6	Hearing Notice	Hearings Office	Received
7	Notice of Rights and Procedures	Hearings Office	Received
8	Tow Hearing Report	Parking Enforcement	Received
9	Parking Violation #HA10943595	Parking Enforcement	Received
10	Photos	Parking Enforcement	Received