



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 ROSALIE J. HAMILTON

CASE NO. 1120110

DESCRIPTION OF VEHICLE: Subaru Forester (CA 6HAY564)

DATE OF HEARING: June 21, 2012

APPEARANCES:

Ms. Rosalie Hamilton, Appellant

HEARINGS OFFICER: Ms. Kimberly M. Graves

Ms. Hamilton 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. Hamilton and the documents admitted into evidence (Exhibits 1 through and including 7).

Summary of Evidence:

Ms. Hamilton submitted a Tow Hearing Request Form, Exhibit 1, regarding the tow of her vehicle on June 6, 2012, from SE Division. Ms. Hamilton writes:

"I parked on Division around 3:30 p.m. There were many cars parked on the street. I didn't see any signs anywhere and was only going to be parked for an hour or so. When I came out my car was being towed. I looked for signs and found one completely covered by a tree. There was no way to see it from where I was parked."

Ms. Hamilton appeared at the hearing and stated that she parked at 3:50 and didn't see any "no parking" signs. Ms. Hamilton stated that the sign in front of her vehicle was obscured by a tree, and that the sign away from her vehicle was facing the other way (presumably in the direction of traffic). Ms. Hamilton stated that neither sign could be seen from the sidewalk. Ms. Hamilton stated that she is new to the area and was unaware of the parking restrictions on Division Street.

The City submitted Exhibits 5 through, and including, 7 regarding the tow of Ms. Hamilton's vehicle. Exhibit 5 is Tow Hearing Report indicating that Ms. Hamilton's vehicle was towed on June 6, 2012, at approximately 5:00 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 sign in the middle of the block “does have some green around it,” but the sign is not completely blocked. The report indicates that the sign at the west end of the block has nothing blocking it, and “this sign must be passed to park where the vehicle was parked.” Exhibit 6 is a copy of the citation issued to Ms. Hamilton when her vehicle was towed. Exhibit 7 contains 4 photos of the area where Ms. Hamilton’s vehicle was parked. The photos show two No Parking signs, west end and midblock, indicating that parking is prohibited between 4p-6p Monday through Friday. The upper right photo shows that Ms. Hamilton’s vehicle is parked approximately 1-2 car lengths to the west of the no parking sign.

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:

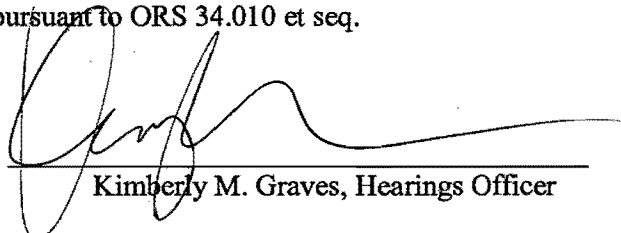
The Hearings Officer finds that on June 6, 2012, at approximately 5:00 p.m., Ms. Hamilton’s vehicle was parked on SE Division Street in an area which had a permanent parking restriction prohibiting parking between 4:00 p.m. and 6:00 p.m. The Hearings Officer finds that the zone was conspicuously posted with at least two signs on the block face. The Hearings Officer finds the tow of Ms. Hamilton’s vehicle to be 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/c2



Kimberly M. Graves, Hearings Officer

Enclosure

Bureau: Parking Enforcement
Tow Number: 9040

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Hamilton, Rosalie J.	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	Parking Enforcement	Received
7	Photos	Parking Enforcement	Received