

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 Pamela J. Hug

CASE NO. 1120106

DESCRIPTION OF VEHICLE: Honda Civic (OR 730AMS)

DATE OF HEARING: June 21, 2012

APPEARANCES:

Ms. Pamela Hug, Appellant

HEARINGS OFFICER: Ms. Kimberly M. Graves

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

Summary of Evidence:

Ms. Hug submitted a Tow Hearing Request Form and letter, Exhibits 1 and 1a, regarding the tow of her vehicle on May 29, 2012. Ms. Hug indicates in her letter that she parked her car on May 28, 2012, on the south side of NW Davis between NW 21st and NW 22nd. Ms. Hug writes that she parked behind very large SUV which was next to a tree. Ms. Hug writes that she found the next day that her car was gone. Ms. Hug writes that she then saw a loading zone sign "attached to the tree." Ms. Hug writes that her car sits close to the ground and the SUV obscured the sign indicating that the area was a loading zone. Ms. Hug included a photo with her submission, though there are no loading zone signs visible within the photo. Ms. Hug appeared at the hearing and testified that it was a very busy day for parking when she parked her vehicle, and there were cars filling all of the spots on the street. Ms. Hug testified that she did not see any loading zone signs when she parked her vehicle, and only saw the signs after finding that her vehicle had been towed.

The City submitted Exhibits 5 through, and including, 7 regarding the tow of Ms. Hug's vehicle. Exhibit 5 is a Tow Hearing Report indicating that Ms. Hug's vehicle was towed on May 29, 2012, from the south side of NW Davis St at approximately 7:00 a.m. for the violation of being in a loading zone. The report indicates that the loading zone is behind "Walgreens" and that the loading doors are in the middle of the zone. The report indicates that there are signs at each end of the zone. Exhibit 6 is a copy of the citation issued to Ms. Hug when her vehicle was towed. Exhibit 7 contains 3 photos related to the tow of Ms. Hug's vehicle. The photos show a loading zone

sign on a short post approximately 1-1.5 vehicle lengths behind Ms. Hug’s vehicle, and a loading zone sign on a pole in front of Ms. Hug’s 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. PCC 16.20.220B provides that only the following vehicles, while being actively loaded or unloaded, may park in a truck loading zone for no more than 30 minutes: 1. A truck ; 2. A vehicle defined by its DMV registration as a truck, van, or pick-up that exhibits the commercial nature of the vehicle; 3. A passenger or other vehicle with an official commercial loading permit; 4. Any vehicle with Farm Vehicle registration plates; 5. Taxicabs. PCC 16.30.210A1 permits a vehicle to be towed if it is parked in violation of a temporary or permanent parking restriction. 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:

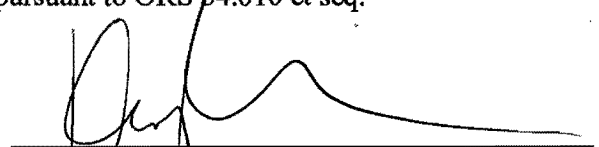
The Hearings Officer finds that on May 28, 2012, Ms. Hug parked her vehicle on a public right-of-way in an area which was designated as a loading zone. The Hearings Officer finds that Ms. Hug’s vehicle is not permitted under the PCC to park in a loading zone. The Hearings Officer finds that Ms. Hug’s vehicle impeded the normal flow of vehicular traffic into and out of the loading zone. The Hearings Officer finds the tow of Ms. Hug’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:c2



Kimberly M. Graves, Hearings Officer

Enclosure

Bureau: Parking Enforcement
Tow Number: 8622

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Hug, Pamela J.	Received
1a	Written Statement	Hug, Pamela J.	Received
1b	Photo	Hug, Pamela J.	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