

# CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

## Hearings Office

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## HEARINGS OFFICER'S ORDER

APPEAL OF SUMMER GUNTER

CASE NO. 1120087

DESCRIPTION OF VEHICLE: Subaru Legacy (OR 023BBE)

DATE OF HEARING: May 24, 2012

APPEARANCES:

None

HEARINGS OFFICER: Ms. Kimberly M. Graves

Ms. Summer Gunter did not appear at the hearing or offer any testimony 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 documents admitted into evidence (Exhibits 1 through and including 7).

### Summary of Evidence:

Ms. Gunter submitted a Tow Hearing Request Form, Exhibit 1, regarding the tow of her vehicle on May 4, 2012, from NW Quimby. Ms. Gunter writes, in Exhibit 1:

"I was parked in front of the temporary no parking signs, it was a (sic) unmarked area with no visible signs down the block or next to my car. I have lived here for 4 years never towed."

The City submitted Exhibits 5 through, and including, 7 for the Hearings Officer's consideration. Exhibit 5 is a Tow Hearing Report indicating that Ms. Gunter's vehicle was towed on May 4, 2012, from the south side of NW Quimby between 24<sup>th</sup> and 25<sup>th</sup> at approximately 7:30 a.m. The report indicates that barricades were placed and verified on May 1, 2012, at 10:58 a.m. The report indicates that the Parking Enforcement Officer responded to a complaint regarding the vehicle. Exhibit 6 is a copy of the citation issued to Ms. Gunter for violating a temporary no parking restriction. Exhibit 7 contains four photos related to the tow of Ms. Gunter's vehicle. The photos show Ms. Gunter's vehicle parked adjacent to a temporary no parking sign near the front bumper of the vehicle, and show a temporary no parking sign approximately 2 vehicle lengths to the rear of the vehicle. The photo of the sign in front of Ms. Gunter's vehicle shows an arrow pointing in the direction of Ms. Gunter's vehicle. The wording on the sign is also visible. The sign indicates that parking is restricted from 6 a.m.-5 p.m. on May 3 and 4.

**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 16.30.210 A.1, PCC 16.30.210 D, and PCC 16.30.220 B. PCC 16.30.210 A.1 authorizes a Parking Enforcement Officer to order a vehicle towed and stored, at the owner's expense, if the vehicle is parked in any public right-of-way and the vehicle is parked in violation of any temporary or permanent parking restriction. PCC 16.30.210 D states that temporary parking restrictions may be enforced by tow 24 hours after placement in any non meter area. PCC 16.30.220 B permits a Parking Enforcement Officer to order a vehicle towed, without prior notice, if the vehicle is illegally parked in a posted restricted space/zone.

**Findings of Fact and Conclusions of Law:**

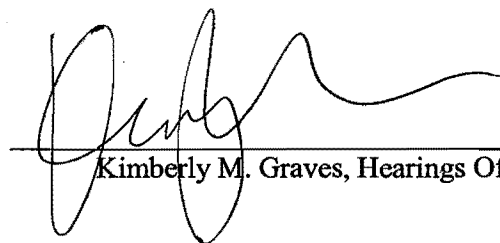
The Hearings Officer finds that on May 4, 2012, Ms. Gunter's vehicle was parked on NW Quimby Street. The Hearings Officer finds that on May 1, 2012, at approximately 10:58 a.m., temporary no parking signs were placed on the block face where Ms. Gunter parked her vehicle. The Hearings Officer finds that such signs were enforceable by tow 24 hours after verification. The Hearings Officer finds that such signs were conspicuously posted, and present at the time of the tow of Ms. Gunter's vehicle. The Hearings Officer finds that Ms. Gunter's vehicle was parked on NW Quimby Street at a time in which the location was conspicuously posted with no parking signs and the signs were enforceable by tow. The Hearings Officer finds the tow of Ms. Gunter'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: May 25, 2012  
KMG:c1/c2



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Kimberly M. Graves, Hearings Officer

Enclosure

Bureau: Parking Enforcement  
Tow Number: 7324

<b>Exhibit #</b>	<b>Description</b>	<b>Submitted by</b>	<b>Disposition</b>
1	Tow Hearing Request Form	Gunter, Summer	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