



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF PAIGE HAIRSTON

CASE NO. 1080211

DESCRIPTION OF VEHICLE: Chevrolet Suburban (OR 526ASV)

DECISION WITHOUT AN APPEARANCE

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer, on substantial evidence and based upon the record as a whole, and receiving Exhibits 1 through 8 into the record without objection, finds as follows:

The towing officer reported that the appellant's vehicle was towed on a service request by the Portland Streetcar. The vehicle was parked over the edge line that indicated the streetcar pathway. The streetcar could not get by until the vehicle's side mirror was pushed in, and then the streetcar had to slowly inch past the vehicle (Exhibit 6). The officer provided a photograph which shows the appellant's vehicle parked over the edge line demarcating the streetcar's pathway (Exhibit 7).

The appellant stated in her request for a hearing that her vehicle was not illegally parked, and that she parked it just as the vehicles in front and behind her vehicle had been parked (Exhibit 1). However, the Hearings Officer finds that the officer's report and photograph are highly compelling evidence.

Given these circumstances, this was a valid tow. Please note the relevant city code sections below concerning this matter.

16.20.120 Prohibited Parking or Stopping of a Vehicle.

(Amended by Ordinance Nos. 165594, 166575, 170923, 173369, 176394, 176955 and 179141 effective March 23, 2005.) Except when specifically directed by authority of this Title or when necessary to avoid conflict with other traffic, it is unlawful to park or stop a vehicle:

F. On or over an official fog or edge line.

16.30.210 When a Vehicle May be Towed.

(Amended by Ordinance No. 172788, effective November 13, 1998.) A vehicle may be towed and held at the expense of the owner or person entitled to possession thereof from:

A. Any public right-of-way, public park or other public place, when:

2. The vehicle is parked unlawfully or in a manner that may be hazardous to traffic;

16.30.220 Towing Without Prior Notice.

(Amended by Ordinance Nos. 165980, 170912, 176352, and 176442, effective May 1, 2002.) Any authorized officer may, without prior notice, order a vehicle towed, when:

A. The vehicle is impeding or likely to impede the normal flow of vehicular or pedestrian traffic;

D. The vehicle poses an immediate danger to the public safety;

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: August 5, 2008

IS: rs/cb


Ian Simpson, Hearings Officer

Bureau: Parking Enforcement

Tow Number: 20296

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Hairston, Paige	
2	Tow receipt	Hairston, Paige	
3	Tow Desk printout	Hearings Office	
4	Hearing Notice	Hearings Office	
5	Tow Hearings Process Info. sheet	Hearings Office	
6	Tow hearing report	Parking Enforcement	
7	Parking violation w/photos	Parking Enforcement	
8	Letter requesting decision without appearance	Hairston, Paige	