



CITY OF  
**PORTLAND, OREGON**  
HEARINGS OFFICE

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**HEARINGS OFFICER'S ORDER**

APPEAL OF BYRON T. DELUCA

CASE NO. 1080227

DESCRIPTION OF VEHICLE: Volkswagen Jetta (OR YMB581)

DATE OF HEARING: August 12, 2008

APPEARANCES:

Mr. Byron Thomas DeLuca, Appellant

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer, on substantial evidence and based upon the record as a whole, and receiving Exhibits 1 through 12 into the record without objection, finds as follows:

An ownership question was raised in this case. Mr. DeLuca provided a document indicating that he is a co-owner of the subject vehicle (Exhibit 10).

The towing officer's report (Exhibit 8) stated that the appellant's vehicle was towed for being parked in a temporary parking restricted zone. The officer provided a photograph showing the appellant's vehicle parked close to one of the signs.

The appellant stated that he believed he parked legally. He provided a photograph (Exhibit 11) and indicated where he had parked his vehicle, in front of a Pay to Park sign and behind one of the temporary parking restriction signs. The Hearings Officer visited the site and found that it appeared that there was only one parking space between the Pay to Park sign and where the temporary parking restriction sign was posted. Therefore, it appears more probable than not that the appellant's vehicle was parked in the restricted parking space. A temporary parking restriction sign overrides a Pay to Park sign since the most restrictive sign applies.

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

**16.30.210 When a Vehicle May be Towed.**

(Amended by Ordinance Nos. 172788 and 179141, effective March 23, 2005.) 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 or property, when:

1. The vehicle is parked in violation of a temporary or permanent parking restriction;

D. Temporary parking restrictions may be enforced by tow 24 hours after placement in any non meter area.

E. Temporary parking restrictions may be enforced by tow if the space reservation device and/or signs are in place by 12:30 p.m. the prior day in any meter district.

**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:

B. The vehicle is illegally parked in a conspicuously posted restricted space, zone, or traffic lane where parking is limited to designated classes of vehicles or is prohibited in excess of a designated time period, or during certain hours, or on designated days, or at any time and place the vehicle is interfering or reasonably likely to interfere with the intended use of such a space, zone, or traffic lane;

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 22, 2008  
IS: rs

  
Ian Simpson, Hearings Officer

Bureau: Parking Enforcement  
Tow Number: 20759

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	DeLuca, Byron T.	Received
2	Photo	DeLuca, Byron T.	Received
3	Tow Receipt	DeLuca, Byron T.	Received
4	Tow Desk printout	Hearings Office	Received
5	Hearing Notice	Hearings Office	Received
6	Tow Hearings Process Info. sheet	Hearings Office	Received
7	Ownership letter	Hearings Office	Received
8	Tow Hearing Report	Parking Enforcement	Received
9	Parking Violation and photos	Parking Enforcement	Received
10	Copy of registration	DeLuca, Byron T.	Received
11	Color photo copy 8 1/2 x 11	DeLuca, Byron T.	Received
12	Original tow receipt	DeLuca, Byron T.	Received